

H.E. Mr. Pierre S. Pettigrew,
Minister for International Trade of Canada
& Facilitator for the Singapore Issues
at the Cancun Ministerial Conference

Cancun, 12 September 2003

Dear Mr. Pettigrew,

On behalf of the delegations from Antigua & Barbuda, Bangladesh (on behalf of the LDCs), Barbados, Botswana, Belize, China, Cuba, Dominica, Egypt, Grenada, Guyana, Haiti, India, Indonesia, Jamaica, Kenya, Malaysia, Nigeria, Philippines, St. Kitts & Nevis, St. Lucia, St. Vincent & the Grenadines, Surinam, Tanzania, Trinidad & Tobago, Uganda, Venezuela, Zambia and Zimbabwe, we wish to convey to you their views on the four new issues of 'Relationship between Trade and Investment', 'Interaction between Trade and Competition Policy', 'Transparency in Government Procurement' and 'Trade Facilitation'.

The above delegations have concerns about the impact of multilateral rules on the four new issues on their domestic policies and consider that they have yet to fully comprehend the implications of having WTO rules on these issues. These concerns include among others the implications on domestic policies and availability of resources. The issues are highly technical and complex and require much more analysis.

These delegations also consider that many developing countries do not have the capacity to implement obligations arising out of commitments such multilateral rules will entail, and there were also doubts on the benefits of WTO frameworks on the new issues. A number of other countries, apart from the above, have also conveyed similar views at the open ended meeting of the facilitation group chaired by you. Hence, we note that there is no explicit consensus on the modalities for negotiations as per the Doha mandate.

The above delegations also have concerns about the process through which these issues have been brought to this Ministerial without any prior discussion on the modalities.

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The above delegations are of the firm view that there is no option to pursue other than the continuation of the clarification process. We therefore urge that the language enclosed in the Annex be incorporated into any revised text of the draft Cancun Ministerial Declaration (JOB (03)/150/Rev.1) in lieu of Paras 13 to 16.

With our best wishes,

Yours sincerely,



~~Date~~ Seri Rafidah Aziz
Minister of International Trade & Industry
Government of Malaysia



Arun Jaitley
Minister for Commerce & Industry
Government of India

Copy to:

H.E. Mr. Luis Ernesto Derbez,
Minister of Foreign Affairs of Mexico &
Chairman of the W.T.O Ministerial Conference at Cancun

Annex

Paragraph 13:

RELATIONSHIP BETWEEN TRADE AND INVESTMENT

We take note of the discussions that have taken place in the Working Group on the Relationship between Trade and Investment since the Fourth Ministerial Conference. Given the absence of explicit consensus, there is no basis for the commencement of negotiations in this area. Accordingly, we decide that further clarification of the issues be undertaken in the Working Group. Any negotiations in this area shall be undertaken only on the basis of explicit consensus at the Sixth Ministerial Conference on the modalities of such negotiations.

We recognize the needs of developing and least-developed countries for enhanced support for technical assistance and capacity building in this area, including policy analysis and development so that they may better evaluate the implications of closer multilateral cooperation for their development policies and objectives, and human and institutional development. To this end, we shall continue to work in cooperation with other relevant intergovernmental organisations, including UNCTAD, and through appropriate regional and bilateral channels, to provide strengthened and adequately resourced assistance to respond to these needs.

Paragraph 14:

INTERACTION BETWEEN TRADE AND COMPETITION POLICY

We take note of the discussions that have taken place in the Working Group on the Interaction between Trade and Competition Policy since the Fourth Ministerial Conference. Given the absence of explicit consensus, there is no basis for the commencement of negotiations in this area. Accordingly, we decide that further clarification of the issues be undertaken in the Working Group. Any negotiations in this area shall be undertaken only on the basis of explicit consensus at the Sixth Ministerial Conference on the modalities of such negotiations.

We recognize the needs of developing and least-developed countries for enhanced support for technical assistance and capacity building in this area, including policy analysis and development so that they may better evaluate the implications of closer multilateral cooperation for their development policies and

objectives, and human and institutional development. To this end, we shall continue to work in cooperation with other relevant intergovernmental organisations, including UNCTAD, and through appropriate regional and bilateral channels, to provide strengthened and adequately resourced assistance to respond to these needs.

Paragraph 15:

TRANSPARENCY IN GOVERNMENT PROCUREMENT

We take note of the discussions that have taken place in the Working Group on Transparency in Government Procurement since the Fourth Ministerial Conference. Given the absence of explicit consensus, there is no basis for the commencement of negotiations in this area. Accordingly, we decide that further clarification of the issues be undertaken in the Working Group. Any negotiations shall be limited to the transparency aspects and therefore, will not restrict the scope for countries to give preferences to domestic supplies and suppliers. Any negotiations in this area shall be undertaken only on the basis of explicit consensus at the Sixth Ministerial Conference on the modalities of such negotiations.

We commit ourselves to continuing adequate technical assistance and support for capacity building during the clarification process.

Paragraph 16:

TRADE FACILITATION

We take note of the discussions that have taken place on Trade Facilitation in the Council for Trade in Goods since the Fourth Ministerial Conference. Given the absence of explicit consensus, there is no basis for the commencement of negotiations in this area. Accordingly, we decide that further clarification of the issues be undertaken in the Council for Trade in Goods. Any negotiations in this area shall be undertaken only on the basis of explicit consensus at the Sixth Ministerial Conference on the modalities of such negotiations.

We commit ourselves to continuing adequate technical assistance and support for capacity building in this area.

