



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

Original: English

*Revision*

**DRAFT**

**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 rules setting and governance. We acknowledge the contribution that the rules-based multilateral trading system has made to the strength and stability of the global economy. We reaffirm the value of our consistent practice of taking decisions through a transparent, inclusive, consensus-based, Member-driven process.
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, depressed agricultural and other commodity prices, 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 strengthen the multilateral trading system so that it provides a strong impetus to inclusive prosperity and welfare for all Members and responds to the specific development needs of developing country Members, in particular the least-developed country Members.
6. We acknowledge that international trade can 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 country Members. We seek to place their needs and interests at the centre of the work in the WTO.
7. 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.
8. We recognize the role the WTO can play in contributing towards achievement of the 2030 Sustainable Development Goals, in so far as they relate to the WTO mandate, and bearing in mind the authority of the WTO Ministerial Conference.

9. We recognize the importance of strengthened coherence in global economic policy-making. We underscore the Marrakesh coherence mandate, and encourage initiatives for cooperation with other international organizations in pursuit of our common objectives, while respecting the competence of each organization.

#### **WTO's twentieth anniversary – achievements and challenges**

10. 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.

11. 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.

12. We reiterate that the WTO shall remain the main forum to negotiate multilateral trade rules. We have made some progress in the negotiations. At our Fourth Session, we launched for the first time in the history of the GATT and the WTO, a Development Round; the Doha Work Programme. We recall the adoption of the Protocol Amending the TRIPS Agreement. We draw particular attention to 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 accepted the respective Protocols and look forward to additional acceptances. We welcome the Decisions and the Declaration listed in Parts I and II of the Bali Ministerial Declaration, and the subsequent General Council Decision of November 2014 on Public Stockholding for Food Security Purposes. We note, however, that much less progress has been made in Agriculture and other central components of the WTO's negotiating agenda, namely NAMA, Services, Rules and Development.

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 pursue and renew efforts to address current challenges and to further strengthen the system, including through effective implementation of the rulings and recommendations of the Dispute Settlement Body (DSB).

14. 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 (LDCs) 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.

15. 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 to secure 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.

16. 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.

17. We note the substantial progress in WTO's technical assistance and capacity building, which focus 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 are making 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 country Members, in particular LDCs, to implement their agreements, to adjust to the reform process, and to benefit from opportunities presented.

18. 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 extensive commitments and the contribution of the Article XII Members resulting from their accessions to the strengthening of the multilateral trading system. We will work jointly on the expeditious completion of current accessions. We remain committed to efforts to facilitate accessions and provide technical assistance to acceding countries, including in the post-accession phase.

19. As we recognize the centrality and primacy of the multilateral trading system, we note that WTO Members have also successfully worked and reached agreements in plurilateral formats.

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**

### **Regular work under the General Council**

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

- Work Programme on Small Economies – Draft Ministerial Decision – WT/MIN(15)/W/24
- TRIPS Non-violation and Situation Complaints – Draft Ministerial Decision - WT/MIN(15)/W/25
- Work Programme on Electronic Commerce – Draft Ministerial Decision – WT/MIN(15)/W/26

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 as well as the related Waiver Decision adopted by the General Council concerning least-developed country Members' obligations under Article 70.8 and 70.9 of the TRIPS Agreement.

### **Doha Development Agenda**

23. We welcome the progress in the DDA, which is embodied in the following Decisions and Declarations we have adopted at our Tenth Session:

#### **Agriculture**

- Special Safeguard Mechanism for Developing Country Members – Draft Ministerial Decision of 19 December 2015 – WT/MIN(15)/W/45
- Public Stockholding for Food Security Purposes – Draft Ministerial Decision of 19 December 2015 – WT/MIN(15)/W/46

- Export Competition – Draft Ministerial Decision of 19 December 2015 - WT/MIN(15)/W/47

#### **Cotton**

- Cotton – Draft Ministerial Decision of 19 December 2015– WT/MIN(15)/W/48

#### **LDC issues**

- Preferential Rules of Origin for Least-Developed Countries – Draft Ministerial Decision – WT/MIN(15)/W/38
- Implementation of Preferential Treatment in Favour of Services and Service Suppliers of Least Developed Countries and Increasing LDC Participation in Services Trade – Draft Ministerial Decision - WT/MIN(15)/W/39

### **PART III**

24. 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, with a view to strengthening them, making them commercially meaningful and, when appropriate, legally binding.

25. We reaffirm our commitment to fully implement the Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed and Net Food-Importing Developing Countries, including differential treatment in line with the Marrakesh Decision in the context of the agriculture negotiations, in recognition of the challenges that these Members continue to face.

26. We reaffirm our commitment to continue to address in every area of WTO work, in a substantive and meaningful manner, the needs of small, vulnerable economies (SVEs) and to favourably consider the adoption of such measures as would facilitate their fuller integration into the multilateral trading system. We will take into account the needs of SVEs in all areas of negotiations, without creating a sub-category of WTO Members.

27. We recognize the special situation of the Members acceded in accordance with Article XII of the *Agreement Establishing the World Trade Organization* who have undertaken extensive market access commitments at the time of accession. This situation shall be taken into account in the negotiations.

28. We reaffirm the need to ensure that Regional Trade Agreements (RTAs) remain complementary to, not a substitute for, the multilateral trading system. In this regard, we instruct the Committee on Regional Trade Agreements (CRTA) to discuss the systemic implications of RTAs for the multilateral trading system and their relationship with WTO rules. With a view to enhancing transparency in, and understanding of, RTAs and their effects, we agree to work towards the transformation of the current provisional Transparency Mechanism into a permanent mechanism in accordance with the General Council Decision of 14 December 2006, without prejudice to questions related to notification requirements.

29. We agree to reinvigorate the regular work of the Committees and direct the General Council to consider the need for adjustments in the structure of their subsidiary bodies in light of their relevance to the implementation and operation of the Covered Agreements.

30. We recognize that many Members reaffirm the Doha Development Agenda, and the Declarations and Decisions adopted at Doha and at the Ministerial Conferences held since then, and reaffirm their full commitment to conclude the DDA on that basis. Other Members do not reaffirm the Doha mandates, as they believe new approaches are necessary to achieve meaningful outcomes in multilateral negotiations. Members have different views on how to address the negotiations. We acknowledge the strong legal structure of this Organization.

31. Nevertheless, there remains a strong commitment of all Members to advance negotiations on the remaining Doha issues. This includes advancing work in all three pillars of agriculture, namely domestic support, market access and export competition, as well as non-agriculture market access, services, development, TRIPS and rules. Work on all the Ministerial Decisions adopted in Part II of this Declaration will remain an important element of our future agenda.

32. This work shall maintain development at its centre and we reaffirm that provisions for special and differential treatment shall remain integral. Members shall also continue to give priority to the concerns and interests of least developed countries. Many Members want to carry out the work on the basis of the Doha structure, while some want to explore new architectures.

33. Mindful of this situation and given our common resolve to have this meeting in Nairobi, our first Ministerial Conference in Africa, play a pivotal role in efforts to preserve and further strengthen the negotiating function of the WTO, we therefore agree that officials should work to find ways to advance negotiations and request the Director-General to report regularly to the General Council on these efforts.

34. While we concur that officials should prioritize work where results have not yet been achieved, some wish to identify and discuss other issues for negotiation; others do not. Any decision to launch negotiations multilaterally on such issues would need to be agreed by all Members.

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