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

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**LDC TRADE MINISTERS' MEETING  
NAIROBI, KENYA, 14 DECEMBER 2015**

**MINISTERIAL DECLARATION**

The following communication, dated 14 December 2015, is being circulated at the request of the Delegation of Bangladesh on behalf of the LDCs.

We, the Ministers of the Least Developed Countries,

*Meeting* in Nairobi on December 14, 2015 on the eve of the Tenth session of the WTO Ministerial Conference (MC10, December 15-18, 2015);

*Underlining* the importance of the multilateral trading system embodied in the WTO and the need for meaningful and effective integration of Least Developed Countries (LDCs) in the multilateral trading system;

*Reiterating* the need for the WTO to remain the premier negotiating forum to improve multilateral trade rules and respond to the dire need for this institution to deliver on substantive market access for trade and competitiveness of LDCs for their meaningful and effective integration;

*Recognizing* that a logical conclusion of the DDA with economically meaningful and balanced outcomes will provide impetus to global trade liberalization and facilitation, correct the development deficit in the rules resulting from the previous rounds of multilateral trade negotiations and improve the trading prospects of LDCs, and enhance the primary role of the WTO in global trade governance;

*Expressing* concern that the continuous lack of progress on most of the issues of the Doha Development Agenda undermines the aspiration of LDCs to gain the development benefits of fair and equitable trading system;

*Determined* to complete the DDA as has been reaffirmed by our Leaders in Sustainable Development Goal 17.10;

*Emphasizing* that development is central to the success of MC10, and crucial for the credibility and efficiency of the multilateral trading system;

*Recalling* the commitments made by Ministers at all of the previous sessions of the WTO Ministerial Conference and the July Framework, as well as by the international community at the Fourth UN Conference on Least-Developed Countries in Istanbul, to assist Least-Developed Countries secure beneficial and meaningful integration into the multilateral trading system and the global economy;

*Noting* LDCs' share in world merchandise trade at 1.24% with a deficit of US\$60.6 billion (2013), share in global exports (excluding fuels) at 0.72% (2013), participation in world services exports at 0.68% (2013) and share of manufacturing value added actually declining from 2% in 1992 to 1% in 2012;

*Expressing* grave concern at the delay in the implementation of LDC-specific Declarations and Decisions so far as a result of which LDCs remain vulnerable and continue to face structural difficulties in the global economy

*Urging* Members to consider all possible means to help LDCs improve their participation in world trade including concrete and binding trade rules in favour of LDCs;

*Recalling* WTO Work Programme for LDCs adopted by the Sub-Committee on LDCs in June 2013;

*Further* recalling the Declaration adopted by LDC Trade Ministers at Bali during the Ninth WTO Ministerial Conference in 2013;

*Strongly* emphasising the need for agreement on LDC proposals for decision at the Tenth Ministerial Conference;

Hereby we highlight the importance of the following position in the context of the forthcoming Tenth WTO Ministerial Conference and of implementation of the specific areas mentioned below:

1. We call upon the Members to fully and faithfully implement all the LDC-specific provisions contained in the existing WTO Agreements, Ministerial Decisions and Declarations.
2. We call upon the Members to reaffirm the Declarations and Decisions we adopted at Doha and at the Ministerial Conferences we have held since then and give effect to them.
3. We further call upon the Members to strongly commit to addressing the marginalization of LDCs in international trade and to improve their effective participation in the multilateral system. Towards this end, Members are urged to ensure that all issues of specific interest to Least Developed Countries are pursued on a priority basis with a view to achieving commercially meaningful and legally binding outcomes.

### **Decisions in Favor of LDCs**

#### **Duty-free-quote-free (DFQF) market access**

4. We urge Members to fully and faithfully implement the Decision on Measures in Favour of Least-Developed Countries contained in Decision 36 of Annex F of the Hong Kong Ministerial Declaration as well as the Bali Ministerial Decision on Duty-Free and Quota-Free Market Access for LDCs.

#### **Cotton**

5. We reaffirm the importance of cotton in the economies of many LDCs, and note with grave concern the lack of progress in implementing the results of the WTO Ministerial Conference held in Hong Kong in December 2005, with regard to cotton, with a view to eliminating all trade distorting policies affecting the sector. Therefore, we strongly urge Members to fast track the resolution of the cotton issue in Nairobi by adopting a decision on the basis of the submission contained in TN/AG/GEN/38; TN/AG/SCC/GEN/14.

#### **Preferential Rules of Origin**

6. We call upon Members to adopt the proposed decision on rules of origin for LDCs contained in WT/L/917/Add.1 which aims to operationalise the guidelines enumerated in the "Ministerial Conference Decision on Preferential Rules of Origin for LDCs" adopted at the Bali Ministerial Conference. We further call upon the preference-granting members to faithfully implement the decision by improving their rules of origin applicable to imports from LDCs by making them simple, transparent and development-friendly so that they do not act as barriers to LDC exports, but rather enable them to fully utilise the market access opportunities provided to them to fulfil the commitment made at the Hong Kong Ministerial Conference.

**Services Waiver**

7. Having undertaken important work to identify sectors and modes of supply of particular export interest to us in developing the LDC Collective Request (S/C/W/356, Corr. 1 and Corr.2), we welcome the efforts made by those Members having notified preferences for LDC services and service suppliers pursuant to the LDC Services Waiver decision. We especially welcome the approval by the Council for Trade in Services of those notifications that included preferential treatment beyond GATS Article XVI in accordance with paragraph 2 of the Waiver. Building upon these results and to provide more effective operationalization of the LDC Services Waiver, we call on Members to adopt a decision in Nairobi based on the LDC proposal found in TN/C/W/72.

**Special and Differential Treatment**

8. We require that Members affirm that special and differential treatment for Least-Developed Countries, shall be an integral part of all WTO agreements and future outcomes and shall be embodied as appropriate in schedules of concessions and commitments and in the rules and disciplines, so as to be operationally effective and to enable developing countries, in particular LDCs, to effectively address their development needs, as set out in paragraph 13 and 16 of the Doha Ministerial Declaration.
9. In furtherance of these objectives, we call upon WTO Members to adopt the decision contained in JOB/DEV/29/Rev.1 as a stepping stone towards fulfilling the mandate of paragraph 44 of the Doha Declaration.

**Flexibility in Undertaking Commitments by LDCs**

10. We further request the affirmation in Nairobi that the flexibilities that have already been identified and stabilized in the process of the negotiations in favour of LDCs should be maintained, and that enhanced flexibilities should be provided for LDCs in view of their special needs and circumstances as part of any future outcome. In particular, we call for a reaffirmation that LDCs shall be exempt from taking on new commitments in agriculture and industrial goods and services, including in domestic regulations negotiations.
11. We demand that any transparency rules set forth across the rules negotiation pillars of antidumping, countervailing duties, regional trade agreements and fisheries subsidies, and transparency in domestic regulation in the services sector for consideration by Members, shall include special provisions for LDCs, in particular that LDCs are not required to undertake new commitments.

**Agriculture**

12. We call for substantial reduction of all forms of market distorting domestic support, towards their eventual elimination, and consideration of innovative and practical approaches to avoid box-shifting practices that impact trade distorting domestic support reduction commitments.
13. We urge Members to agree to the elimination of all forms of export subsidies and disciplines on all export measures with equivalent effect, in accordance with the Hong Ministerial Declaration, reaffirmed by the Bali Ministerial Declaration on Export Competition, while maintaining the flexibilities for LDCs contained in WTO document TN/AG/W/4/Rev.4 as well as in the Decision in Favour of NFIDCs and LDCs.
14. We further urge developed country Members, and developing countries in a position to do so, to provide duty-free quota free market access on a lasting basis, for all agricultural products originating from all LDCs, in a manner that ensures stability, security and predictability.
15. We further call upon Members that maintain Tariff-Rate Quotas (TRQs) for agricultural products to accord LDC Members priority in filling under-utilised quotas, when implementing the Bali decision on TRQ administration (WT/L/914).

**Fisheries**

16. We recognize the importance of fisheries as a source of employment, livelihood, poverty reduction and food security of LDCs. Therefore, we call for disciplines on subsidies that contribute to IUU fishing and over-fished stock. We further reaffirm that any disciplines in fisheries subsidies shall not prevent LDCs from maintaining subsidies that do not contribute to over-fishing or the depletion of fish stock.

**Trade-Related Intellectual Property Rights (TRIPS) Agreement**

17. We applaud the adoption of the Decision of the Trade-Related Intellectual Property Rights (TRIPS) Council extending the transition period under Article 66.1 for LDC Members for certain obligations with respect to pharmaceutical products (IP/C/73), as well as the related waiver adopted by the General Council concerning LDC Members' obligations under Article 70.8 and Article 70.9 of the TRIPS Agreement with respect to pharmaceutical products (document WT/L/971).

**Standing Agenda Item Decisions for the Tenth Ministerial Conference**

18. We welcome the decision to extend the moratorium on the application of GATT 1994, Article XXIII subparagraphs 1(b) and 1(c) on non-violation and situation complaints to the TRIPS Agreement. However, we expect that by the Eleventh Ministerial Conference, Members will agree to a permanent moratorium in this regard. We also welcome the decision to extend the moratorium on electronic transmissions and the electronic commerce work programme.

**Accessions**

19. We acknowledge the recent accessions of three LDCs since the Bali Ministerial Conference. In this regard, we welcome the membership of the Republic of Yemen as well as the completion of the accession package of the Republic of Liberia and the Islamic Republic of Afghanistan and look forward to their formal adoption in Nairobi.
20. We note the contribution of accessions to the strengthening of the multilateral trading system and therefore call upon the WTO Membership to fully operationalize the 2002 and Addendum 1 of 2012 General Council Decisions on the LDC Accession Guidelines, with a view to facilitate and accelerate remaining LDC accessions.
21. In furtherance of this objective, we request convening of a special dialogue between acceding LDCs and WTO Members, under the guidance of the Sub-Committee on LDCs, during 2016, in order to discuss ways and means to effectively move LDCs accessions to their respective conclusion.
22. Taking into account the extensive market access and rules commitments made by recently acceded Least Developed Members during their respective accessions, we urge the global application of all relevant LDC waivers and Special and Differential Treatment to all recently acceded and acceding LDCs
23. We also commend the entry of the Republic of Seychelles and the Republic of Kazakhstan as Members of the WTO this year.

**Enhanced Integrated Framework**

24. 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 Goals.
25. We emphasise the need for financial contributions to the programme aimed to facilitate predictable trade related support to LDCs, based on the programme needs as set out in the EIF Phase Two Programme Framework.

26. While welcoming the extension of EIF into Phase Two, we urge donors – existing as well as potential - to contribute at the Pledging Conference to be held in Nairobi on 14 December 2015. We urge members to further intensify their efforts to secure necessary level of contributions for the timely replenishment for effective implementation without any disruption of EIF between 2016 and 2023.

#### **Aid for Trade**

27. We underline the importance of Aid for Trade initiatives in trade-related capacity building; overcoming supply-side constraints; infrastructure development; and facilitating integration of LDC economies in regional and global trade. Towards this end, we call upon members to accord priority to the LDC projects and ensure that Aid for Trade will be available for projects identified by the recipient governments, particularly in the areas of trade development, trade-related infrastructure, building productive capacity and trade-related adjustment, and lowering trade costs.

#### **Way Forward**

28. We urge all WTO members to redouble their efforts towards the full, successful and multilateral conclusion of the negotiations pursuant to paragraphs 45, 47 and 48 of the Doha Ministerial Declaration in fulfilment of the commitments undertaken at Doha. In those areas where a high level of convergence on texts has been reached, we urge Members to commit to maintain this convergence as the basis for further negotiations towards the conclusion of the DDA.
29. We also urge Ministers to instruct their officials to continue working towards the expeditious conclusion of the DDA with a renewed sense of urgency under the auspices of the Trade Negotiations Committee to advance its development objectives for the least developed country Members. We call for the convening of a special meeting of the General Council no later than 31<sup>st</sup> March 2016 and every three months thereafter to review the progress of work done towards this successful conclusion in a time-bound manner.
30. We emphasise that without successful conclusion of the DDA any new issue must not be introduced.
31. We emphasise the need to ensure that Regional Trade Agreements (RTAs) remain complementary to, not a substitute for, the multilateral trading system. Any RTA should not undermine preferences currently being enjoyed by LDCs. We call upon developed and developing country members negotiating regional agreements that do not include any LDCs to provide special provisions in favour of LDCs in order to accommodate their interest.
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