

DEVELOPMENT AND IMPLEMENTATION ISSUES OF THE DOHA WORK PROGRAMME AND NEGOTIATIONS

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ABSTRACT

The launching of the Doha trade negotiations as a development round was an explicit acknowledgement of the concerns and interests of developing countries. In fact, the negotiations were launched at the behest of developed countries with renewed commitments to redress past imbalances which benefited them at the expense of developing countries.

The Status of negotiations since Doha has not supported the claims of the launch of a development round. Virtually no progress has been achieved on major development related issues that are of interest to developing countries, such as implementation and special and differential treatment issues. This negotiating scenario has badly deviated from the pro-development image, which the WTO tried to project after launching the so-called "development round" at Doha.

It is crucial that the practical and genuine concerns regarding the implementation of the already concluded Uruguay Agreements as well as the strengthening and effective operationalism of the S&D provisions are effectively addressed.

The rapid resolution of these issues would be a major step towards ensuring a movement towards development. The idea is to allow more flexibility in WTO rules and regulations so as to address effectively specific development related challenges by developing and least developed countries. Failure to do so will

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further underscore the inequities that run through the WTO system.

KEYWORDS: *implementation; Doha; development; S&D provisions; technical assistance; capacity building; equity*

I. INTRODUCTION

The various Declarations and Decisions adopted at Doha pledge to place development at the centre of the WTO work program. These documents are replete with references to development and developing country participation in the work program. They clearly acknowledge the importance of responding effectively to developing country priorities as well as their concerns on the need for rebalancing the multilateral trading system in support of greater fairness and equity in trade rules.

The main development related subjects of primary interest to developing countries are TRIPS and Public Health (use of compulsory licenses by countries with little or no manufacturing capacities), special and differential (S&D) treatment for developing countries (operationalization and strengthening of existing S&D provisions) and implementation issues (related to imbalances in the Uruguay Round agreements). It will be useful to get an overview of the main issues and the current status of the negotiations in these areas.

The Doha Declaration on the TRIPS Agreement and Public Health instructed members to find an expeditious solution to countries which had no sufficient or manufacturing capacity in the pharmaceutical sector. After protracted discussions, developed members agreed to adopt a compromise solution, which was to provide flexibility. Such flexibility was however subject to several conditionalities. Many developing countries have found it difficult to apply the flexibility provisions because of their inability to comply with some of the conditions. Discussions are ongoing to find more permanent and legal solutions to the issue but developing countries are not optimistic of a positive outcome. Some developed countries are strongly opposed to any weakening of the TRIPS Agreement, which would be detrimental to the interests of their domestic pharmaceutical industries.