

Report No. 44

**WTO Doha Ministerial:  
Advancing Bangladesh's Interests**

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*The Centre for Policy Dialogue (CPD), established in 1993, is an innovative initiative to promote an ongoing process of dialogue between the principal partners in the decision-making and implementing process. The dialogues are designed to address important policy issues and to seek constructive solutions to these problems. The Centre has already organised a series of such major dialogues at local, regional and national levels. These dialogues have brought together ministers, opposition frontbenchers, MPs, business leaders, NGOs, donors, professionals and other functional groups in civil society within a non-confrontational environment to promote focused discussions. The expectation of the CPD is to create a national policy consciousness where members of civil society will be made aware of critical policy issues affecting their lives and will come together in support of particular policy agendas which they feel are conducive to the well being of the country. The CPD has also organised a number of South Asian bilateral and regional dialogues as well as some international dialogues.*

*In support of the dialogue process the Centre is engaged in research programmes which are both serviced by and are intended to serve as inputs for particular dialogues organised by the Centre throughout the year. Some of the major research programmes of CPD include The Independent Review of Bangladesh's Development (IRBD), Governance and Development, Population and Sustainable Development, Trade Policy Analysis and Multilateral Trading System, Corporate Responsibility, Governance, Regional Cooperation for Infrastructure Development and Leadership Programme for the Youth. The CPD also carries out periodic public perception surveys on policy issues and developmental concerns.*

*As part of CPD's publication activities, a CPD Dialogue Report series is brought out in order to widely disseminate the summary of the discussions organised by the Centre. The present report contains the highlights of the dialogue held at CIRDAP Auditorium, Dhaka on October 29, 2001 on the theme of **WTO Doha Ministerial: Advancing Bangladesh's Interests.***

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## *Dialogue on* **WTO Doha Ministerial: Advancing Bangladesh's Interests**

### **The Dialogue**

The Centre for Policy Dialogue (CPD) organised a dialogue entitled *WTO Doha Ministerial: Advancing Bangladesh's Interests* on October 29, 2001 in the CIRDAP auditorium, Dhaka. A briefing paper was prepared by Dr. Debapriya Bhattacharya, Professor Mustafizur Rahman and Dr. Ananya Raihan focusing on the dialogue theme. The dialogue, moderated by the chairman of CPD, Professor Rehman Sobhan was attended by, among others, the commerce minister of Bangladesh, Mr. Amir Khasru Mahmud Chowdhury as the chief guest and his predecessor, Mr. Abdul Jalil, as the guest of honour. The key-note paper, highlighting the strategic agenda of Bangladesh for advancing her interests at the WTO Doha ministerial, was presented by Dr. Debapriya Bhattacharya, Executive Director of CPD. Before the start of Dr. Bhattacharya's presentation, the moderator, Professor Rehman Sobhan welcomed the participants which included a cross section of people such as policy makers, entrepreneurs, academics, development activists, members of the diplomatic missions, journalists and representatives from other professions. This report offers a succinct resume of Dr. Bhattacharya's presentation on *WTO Doha Ministerial: Advancing Bangladesh's Interests* and the lively exchange of views and ideas among the participants that followed his presentation.

### **Welcome Address by Professor Rehman Sobhan**

Expressing his delight at the presence of the new commerce minister, Mr. Amir Khasru Mahmud Chowdhury, Professor Rehman Sobhan, Chairman of CPD Board of Trustees, mentioned that though Mr. Chowdhury is attending the dialogue for the first time as country's commerce minister, his association with the CPD dialogues dates back to the time of CPD's appearance as a civil society think-tank. Congratulating Mr. Chowdhury on his new assignment, Professor Sobhan recalled that the just-inducted minister frequented the CPD dialogues as an opposition member of the Parliament during the entire regime of the Awami League.

In a reminiscent mood, Professor Sobhan said, "Our dialogue process has sustained itself over three successive democratically elected administrations. The process got off to the start in 1994 when the first BNP government was in office, continued during the entire regime of Awami League and hopefully we are going to continue the process over the course of the entire lifetime of the current BNP government."

Observing that the WTO process is going to continue irrespective of whichever government is in office in Bangladesh, Professor Sobhan held that the way Bangladesh should react to the processes initiated by the WTO cannot be determined on partisan line. “It must emerge out of a *process of consensus* where major political parties mobilise and educate the people in terms of the implications of the WTO and how it is going to impact on our lives in the days ahead with a view to going to the WTO negotiations in a capacity where our delegation represents not just the government but rather the entire 130 million people of Bangladesh.”

Turning his attention to the crucial political and economic crises of the day prevailing in the international arena, Professor Sobhan cautioned that we are likely to face a very hard time in the days ahead particularly in relation to the current state of the global economy in the wake of the recent political crisis which has affected us and any inability to react creatively and protect our interests will plunge Bangladesh into a process of grave political danger as well as create severe economic and social problems. He noted that in line with the common feature of the CPD dialogues a broad cross section of professionals as well as people from the business, the NGO community, trade unions, development partners have constituted the audience to talk on the issues of significance in view of the forthcoming WTO ministerial scheduled to be held in Doha.

Professor Sobhan informed the participants that the CPD team headed by Dr. Debapriya Bhattacharya and Professor Mustafizur Rahman had been working on how to make Bangladesh *better equipped* to cope with the challenges stemming from the operations of the WTO and to identify the substantive issues which Bangladesh is going to face in the forthcoming round of negotiations assuming that the Doha negotiations actually get off the ground. “From this point of view all your inputs at professional and political levels will be exceedingly important to strengthen our position when we move towards Doha”-he viewed.

Professor Sobhan reminded of the newly appointed commerce minister, the chief guest of the session, Mr. Amir Khasru Mahmud Chowdhury and his predecessor, the guest of honour, Mr. Abdul Jalil that both of them have a very significant role to play in preparing Bangladesh for the upcoming negotiations which are likely to have exceeding implications for the entire population of Bangladesh.

Professor Sobhan said, “*Since it is exceedingly important that, in the negotiation process, you go upon a public mandate rather than as an essentially bureaucratic and technocratic exercise to the extent that we can provide constituency to the people who can participate in bringing their concerns and you can react to that as you go to the negotiating table, this will be immensely beneficial not just to you (the commerce*

*minister) but to the government and the entire people of Bangladesh. And, in turn, I would hope that Mr. Jalil who is now going to be sitting in the prime benches of the opposition will in fact continue to recognise his responsibility in preparing Bangladesh for the WTO because his role is no less important as a member of the parliament than it was when he was the commerce minister involved in such negotiations.”*

The CPD chairman observed that a very significant issue usually remains untouched in the global trade negotiations which is *the progressive politicisation of the global trading system*. “Now we are increasingly witnessing that political leverage is being exercised in what should essentially be trade negotiations”- he observed, “this, I think, is going to have a very dangerous implications for the creation of *a rule based transparent system*, where market forces should emerge as critical driving force in guiding trade, to the extent that issues of market access are in fact going to be politicised at both bilateral and regional levels.”

Professor Sobhan regretted that it is going to give an entirely wrong signal to the countries, particularly the smaller LDCs, in terms of how they structure their external trading relations. “ I think this is a very important issue which needs to be addressed at the Doha Ministerial so that we can move into the global trading system which will in fact bring the greater frequency of particular exceptions on to the table in terms *who will and who will not be given market access by which country or the other*”- he concluded, “ It will be impossible to make the trading system able to serve the entire international community unless due attention is paid to finding the ways in which all countries, particularly the weaker ones, can benefit and enhance their economic opportunities.”

### **Resume of the Keynote presentation**

In his keynote presentation, Dr. Bhattacharya pointed out that Bangladesh’s stakes at Doha are quite high since a number of critical areas and issues will need to be covered, and any decision as regards- (a) "built-in agenda" on GATS and AoA; (b) addressing imbalances and inequities of past agreements through changes, improvements and clarifications of the already negotiated provisions; (c) broadening of the negotiating agendas to include the "new" issues; (d) specific demands of the LDCs, specially in light of the Zanzibar Declaration; (e) the possibility of launching of a new Round, the first under the aegis of the WTO which will be of immense significance for Bangladesh.

According to the keynote presenter, Bangladesh has traditionally been an active advocate of the LDC position in the WTO and in the past she provided leadership in a number of initiatives championing the interests of the LDCs in the WTO, though, unfortunately, Bangladesh did not participate in the important meeting of the LDCs held in Zanzibar in

July 2001. He mentioned that Zanzibar Declaration did contain many proposals earlier put forward by Bangladesh.

After putting forward a brief review of the previous ministerial meetings of the WTO- i.e. the first Singapore Ministerial of 1996, the *High Level Meeting* of 1997 held in Geneva, the Second Ministerial Conference of 1998 held in Geneva, the keynote presenter made a mention of the major **LDC concerns** prior to the *Seattle fiasco* which included issues like market access, implementation, special and differentiated treatments, tariff reduction, non-tariff barriers (e.g. Environment related measures, anti-dumping and counter-veiling duties, hygiene and phytosanitary measures), anti-dumping, subsidies and TRIPs, TRIMs, Textiles and Agriculture.

Dr. Bhattacharya then moved on to making a comparative analysis of LDC positions on different trade related issues vis-à-vis the draft declaration worked out for the Doha Ministerial. His comparative discussion may be segmented along the following major issues.

#### ***Market Access for Non-Agricultural Products***

Dr. Debapriya Bhattacharya pointed out that the Draft Declaration proposes negotiations to reduce or, where it is appropriate, eliminate tariffs, including reduction or elimination of tariff peaks and tariff escalation, as well as NTBs while the concerns of LDCs such as Bangladesh regarding market access have been extensively discussed in various fora. In this context, he suggested that Bangladesh should press for acceptance of autonomous preferential tariff regimes for marking improvements in terms of duty rates, product coverage, country eligibility, and rules of origin.

#### ***Agriculture***

Dr. Bhattacharya articulated the following points while focusing on the *LDC perspective* as regards trade in agricultural products:

- Trade and production distorting domestic support measures in developed countries should be substantially and progressively reduced during the course of the reform programme.
- Export subsidies for agricultural products of particular interest to the LDCs should be abolished immediately (by March, 2002).
- Duty and quota free treatment for all export products of the LDCs including agricultural, should be immediately implemented.
- Additional financial and technical help should be provided to the LDCs to help improve agricultural productivity and infrastructure.
- Agricultural Committee should review and monitor implementation of technical and financial assistance provisions.

### ***General Agreement on Trade in Services***

Dr. Bhattacharya recalled that while issues like realisation of the commitments under Mode 4 (movement of natural persons), modes of supply in some priority sectors, *viz.* tourism, transport and construction are of vital importance to the LDCs, the LDC Ministers in Zanzibar mentioned the following points to be included in the declaration:

- (i) LDCs should receive recognition and credit for their autonomous liberalisation in the service sector;
- (ii) There should be full and effective implementation of Article IV of GATS, to strengthen LDCs' domestic services capacity, e.g. through access to technology and distribution channels and information networks.
- (iii) Commitments should be made by developed countries in Mode 4 and limitations in Mode 4 should be eliminated.

### ***Trade-Related Intellectual Property Rights***

Terming para 14-17 of TRIPS as *generally disappointing* from the Bangladesh perspective, the CPD Executive Director said that it is a vague section which ignores the evidence of problems generated in recent years and the need to resolve many such problems. He said, the LDCs may argue that the TRIPS paras be amended and the following be added:

- The review process (Article 27.3b) should clarify that all living organisms, including plants, animals and parts of plants and animals, including gene sequences, and biological and other natural processes for the production of plants, animals and their parts, shall not be granted patents.
- It should also be clarified that Members have the option to select their own *sui generis* system (appropriate national system of protection) for plant variety protection, including systems that accord due recognition to traditional knowledge and traditional practices, and the rights of farmers to use, save and exchange seeds and to sell their harvest.
- It should be clarified that nothing in the TRIPS Agreement prevents Members from taking measures to ensure food security and safeguard farmers' livelihoods in developing countries.
- Exclusion from patentability shall be extended to medicines which Member countries deem necessary to treat life threatening and serious ailments such as HIV/AIDS, malaria and cholera, as well as poverty-related diseases in developing countries, in order to contribute to the access of the poor to affordable treatment.

- There should be a common understanding that nothing in the TRIPS Agreement prevents Members from taking measures to protect public health. and promotion of public health.

### ***Trade and Investment***

Dr. Bhattacharya termed the position of Bangladesh regarding investment as *quite simple and straightforward* – she should support any agreement that facilitates investment flows to the LDCs whilst retaining flexibility to pursue other national development objectives. Still, he continued to argue, Bangladesh should support the alternative formulation (Para 19) which emphasises the need for undertaking further focussed analytical work for understanding the relationship between trade and investment.

### ***Trade and Competition Policy***

Referring to Para 20 of the Draft Declaration, the keynote presenter said, it commits itself to ensure that appropriate arrangements are made for the provision of technical assistance and support for capacity building, both during the negotiations and as an element of the agreement to be negotiated.

Nonetheless, according to him, most of the LDCs such as Bangladesh will feel inclined to opt for the alternative articulation (Para 21) which suggests, once again, that further analytical work is necessary in this area.

### ***Transparency in Government Procurement***

Mentioning that the LDCs consider the initiative as a potential new form of protection against the LDCs, Dr. Bhattacharya pointed out, “The Draft Declaration has agreed to negotiations on a multilateral agreement on transparency in government procurements, building on the progress that has been made in the *Working Group on Transparency in Government Procurement* and taking into account the priorities of the developing countries.”

### ***Trade Facilitation***

Commenting over the trade facilitation issue, the keynote presenter informed the participants that the Draft Declaration of the General Council agreed to negotiations which will build upon Articles V, VIII and X of the GATT 1994, taking into account existing WTO provisions on matters related to customs and other procedures and formalities to expedite movement, release and clearance of goods. As the LDCs are not prepared to launch negotiations in this area, Dr. Bhattacharya suggested, Bangladesh had better seek trade facilitation measures whilst necessary and beneficial without advocating new rule making

### ***Dispute Settlement Understanding***

The Draft Declaration envisages possible amendments to the Dispute Settlement Understanding (DSU) and evolving a balanced package of amendments not later than May 2003. “As the LDCs lack expertise and know-how to face the dispute settlement process in the WTO, the Zanzibar Declaration proposed to introduce an expedited fast-track dispute settlement mechanism for cases involving LDCs”- he said.

### ***Trade and Environment***

As regards trade and environment, the keynote presenter reminded that the Draft Declaration proposes to instruct The Committee on Trade and Environment to pursue work on all items on its agenda within its current terms of reference. In his view, Bangladesh should stay alert that under no circumstances environmental considerations will be used for protectionist purposes against LDCs products.

### ***Electronic Commerce***

Underscoring the need to identify the specific bottlenecks hindering the growth of e-commerce in LDCs such as Bangladesh, the presenter viewed the lack of expertise in formulating the legal framework for the e-commerce transactions as the most prominent hindrance.

### ***Trade, Debt and Finance***

Emphasising the need to examine the relationship between trade, debt and finance, and enhancing the mandate and competence of the WTO to contribute to a durable solution to the problem of indebtedness of developing and least-developed countries, the keynote presenter said, “Unfortunately, though Bangladesh has since long been emphasising the issue of policy coherence among various international development agencies, the Zanzibar Declaration is quite silent about it.”

While commenting over the ***LDC views on the implementation issues*** Dr. Bhattacharya had a review of the issues discussed, ignored and completely left in the draft declaration:

- The “implementation issues”, as 97 specific proposals are called, have been on the table since mid-1999 and range over a number of WTO agreements, which are of critical interest to Bangladesh. These include agreements on TRIPS, textiles, agriculture, subsidies and anti-dumping duties.
- The draft Seattle Ministerial text of 19 October 1999 contained two specific paragraphs (21 and 22) relating to implementation. Paragraph 21 contained a total of 54 proposals, listed as issues which called for “Immediate Action”, while Para 22 was related to improving the "Implementation Review Mechanism." Of the 54

proposals in Para 21, only 20 were singled out for action in 2000. Out of these 20 proposals, 12 have had referred to Subsidiary Bodies.

- The keynote presenter noted that Doha Ministerial does not hold much promise regarding the implementation issues. While the Draft Decision is more important for the future course of implementation, the debate is currently focused on the Draft Declaration, which does not have any binding implications.

After discussing the status of implementation issue in the draft declaration, Dr. Bhattacharya had an overall review of the three following types of issues:

- ❑ Issues *addressed* in the draft decision
- ❑ Issues *ignored* in the draft decision
- ❑ Issues *receiving no attention* in the draft decision

Dwelling on the first category issues, he made the following observations:

- **Market Access.** Dr. Bhattacharya observed that the Draft Decision has not addressed this set of issues at any length as it contains a brief article which describes that Article XVIII (Governmental Assistance to Economic Development) of the GATT 1994 (S&D treatment provision for developing countries) should be less onerous than Article XII (Restrictions to Safeguard BoP) of the GATT 1994.

- ***Agriculture.*** While the LDCs had been demanding implementation of the Marrakesh decisions on Measures Concerning the Possible Negative Effects of the Reform Programme on LDCs and Net Food-Importing Developing Countries in a full and effective manner, the Draft Decision mentions that action will be taken in this regard in the light of the report of the Committee on Agriculture expected on 28 September, 2001.
- ***Agreement on Textiles and Clothing.*** The keynote presenter pointed out that even seven years after the entry into force of the ATC, barely 20% of the trade actually restrained by quotas has been notified for integration, leaving 80% of such trade pending until the last day of the process.
- ***Agreement on Sanitary and Phytosanitary Measures.*** Major demand of the LDCs regarding Agreement on SPS is related to the provision of technical assistance and extension of timeframe for compliance of SPS standards. To this point, Such technical assistance could include, inter alia, capacity building in the fields of accreditations, standards, and certification.
- ***Customs Valuation .***The Draft Decision has given effect to the demand of the LDCs regarding extension of the transitional period for the Article 20 of the Agreement on Customs Valuation. The decision will facilitate the process of acquiring necessary technical assistance and expertise to implement the agreement.
- ***Subsidies and Countervailing Measures.*** The Draft Decision addresses this concern of the LDCs. The Draft Decision suggests that if a Member is excluded from Annex VII to the Agreement on Subsidies and Countervailing Measures, it nevertheless shall be re-included in it if its GNP per capita falls back below US\$ 1,000. Annex VII (b) to the Agreement on Subsidies and Countervailing Measures enlists the Members until their GNP per capita reaches US\$ 1,000 in constant 1990 dollars for three consecutive years. It may be noted that the time period agreed in the Draft Decision is three years instead of four years which was demanded by the LDCs.
- ***General Agreement on Trade in Services.***The LDCs' position regarding the implementation of the provisions of GATS argues for removing the limitation relating to movement of natural persons. The LDCs demanded that the Members should take necessary steps so that administrative practices do not impede the full and effective implementation of their commitments as regards the supply of services under Mode 4 identified in GATS. The Draft Decision assured that such impediments will not emanate from administrative practices of the member countries.

- **Trade Related Intellectual Property Rights.** The Draft Decision addressed Article 66.2 of TRIPs by providing illustrative list of incentives for the implementing countries. However, nothing has been said about the implementation of different provisions dealing with transfer of technology to the LDCs. For full implementation of Article 66.2 of TRIPs, the LDCs have lobbied for a commission on review and monitoring. The Draft Decision has addressed this issue.
- **Antidumping and Countervailing Duties .**The demand of the LDCs regarding the AAD was very specific. The LDCs argued, under Article 5.8 of AAD, for raising the threshold volume of imports from LDCs from 3 percent to 7 percent, and exempting them from accumulation. The Draft Decision has instead proposed to fix a timeframe for determining the volume of dumped imports, which will remove uncertainty in implementation of the provision.

According to the presenter, the most important aspect among the ignored areas is the *market access* issue. He thought that for the LDCs, existing S&D treatment provisions under the various WTO agreements should be improved in an effective manner with a view to ensuring that the declared duty-free access is not nullified by non-tariff measures. “The most important demand of the LDCs is to provide a contractual status to duty-free and quota-free preferences through negotiation of a new legal instrument to make market access secure, stable and predictable”- he added. He mentioned that , apart from market access issue , the following aspects were also ignored in the draft declaration:

- ❑ *Agreement on SPS Measures*
- ❑ *Trade Related Investment Measures*
- ❑ *Customs Valuations*

Dr. Bhattacharya, however, singled out the following issues which did not get any attention in the draft declaration:

- ❑ *General Agreement on Trade in Services*
- ❑ *Trade-Related Intellectual Property Rights*
- ❑ *Antidumping and Countervailing Duties*
- ❑ *Rules of Origin*

At the end of his presentation, Dr. Bhattacharya touched upon the *possible scenarios* of the Doha Ministerial and their attendant implications for the LDCs:

- ❑ He told that the LDCs carry no domestic political risk in case of failure to launch a new Round.
- ❑ If any new round is launched without a mandate and substantive negotiating agenda, but with a work programme covering most or all proposals, he observed, the negotiations would be limited to agriculture

and services for the next eighteen months and there would be no details of the expected results of the negotiations in these sectors. “ The LDCs are likely to be at the sufferer’s end because, despite the likely fixing of target dates for the different stages of the negotiation and the setting up of negotiating institutions, the content of the eventual declarations are likely to remain vague ”he added.

- Dr. Bhattacharya opined that the LDCs will be particularly affected if a new round is launched in absence of a detailed agenda because the prospects for obtaining developed country acceptance of Zanzibar Declaration proposals would be significantly reduced
- Analysing the last of the possible scenarios- “Mandated” launch with many possible variants- he said, in this case the opportunities to press the Zanzibar Declaration will be greatly enlarged and the Conference would agree to the content for mini or broad negotiations and would determine the level of specificity and outcomes of the negotiating mandates in areas identified for negotiation. “From the perspective of the LDCs, ensuring the enhanced implementation of the Uruguay Round Agreement and advancing the negotiations focusing on the review issues and the built-in agenda through the mechanism of the WTO structures are the most important tasks at this point of time”-he said.

### **The Open-floor Discussion**

On completion of Dr. Debapriya Bhattacharya’s key-note presentation, there was a lively exchange of views, ideas and suggestions among the participants representing a broad range of organisations and professions. The discussants viewed that, during the forthcoming WTO ministerial scheduled to be held in Doha, the most crucial task ahead of the least developed countries such as Bangladesh is to make it sure that their concerns are properly raised and considered in the meeting. Therefore, the major focus of the discussion was on the issues relevant to the trade and development interests of Bangladesh and what should be *Bangladesh’s action strategy* to advance those interests. Following is a succinct summary of the major points mooted in the dialogue and the arguments put up in support of their respective views.

#### ***Fulfillment of the previous commitments***

In support of Dr. Debapriya Bhattacharya’s suggestion, propounded in his key-note presentation, the participants held that before launching a new round the LDC negotiators should press upon the leaders of the developed countries for fulfilling the commitments

made in the earlier rounds. Dr M I Talukdar, former division chief of the Planning Commission, Government of Bangladesh, felt that the LDC negotiators have to remain vigilant against any sort of hectic new rounds that would go against their interests. He said, “ In the past, numerous commitments were made by the developed countries to the LDCs including, for instance, the LDC positive agenda, special and differential treatment and quota-free and zero tariff access for LDC goods in the developed country markets, but, in reality, hardly any of those commitments have been fulfilled.” Professor Ayubur Rahman Bhuyan of Dhaka University thought that for the sake of trade facilitation, the need of rule based trading system cannot be overlooked. Supporting Dr. Debapriya Bhattacharya’s idea that there is no need for further rule making, he said, “Law making is always a very *costly affair* and now we had better concentrate on the harmonisation of existing rules.” Drawing upon the lessons so far learned by Bangladesh as the coordinator of the LDCs, Mr. Sohel Ahmed Chowdhury, the commerce secretary of Bangladesh, said, “LDCs should be emphasizing on the implementation issues, as may be relevant to them. The LDCs should also approach their development partners for implementation of their commitments on subsidies, services, S & D treatment provisions and other areas as enumerated under Commitment 5 of the *Programme of Action for LDCs* as approved and decided at the 3<sup>rd</sup> UN LDC Conference in Brussels this year.” “It is to be kept in mind that the LDCs have been listening to assurances and promises during the last two decades. It is, as such, not unusual for them to expect concrete steps which would improve the quality of life of their people”-observed the commerce secretary of Bangladesh.

### ***Fair deal for the LDCs***

A number of the participants pointed out that the LDCs have to call on the WTO ministers to re-examine and re-negotiate agreements reached under the Uruguay Round of trade talks which ended in 1994 before they commit to any new accords because even seven years after signing up to the draft of global trade liberalisation accords the LDCs have not seen the promised benefits.

Referring to the expectations of the LDCs in view of the forthcoming WTO ministerial, former foreign secretary of Bangladesh, Mr. Faruq Sobhan said that the problems facing the LDCs and the coping strategies for their better trade performance were elaborately discussed in the UN LDC III held in May 2001 at Brussels, therefore, “*link between Brussels and Doha must be established* to ensure that the commitments made in the earlier conference are reflected in the Doha Declaration.” Underscoring the need for a fair deal for the LDCs in their trade relations Mr. Sobhan particularly criticised Article 34 of the draft declaration on LDCs which is, according to him, “disappointing to the LDCs

in terms of what it offers to them.” Ambassador Sobhan suggested that LDCs should bring the text before the major players for due consideration and adoption and “our language has to be very specific and categorical which has been discussed and debated many times in the past at different international conferences. We do not want any sort of optional concessions that developed countries offered and requested. We want *time bound obligations unequivocal in language and substance*.” Mr. Sobhan also suggested that the Bangladesh delegation should have a meeting with delegates from all LDCs soon after arriving in Doha for the WTO ministerial meet and set out a strategy to fight for a *fair deal*.

Based on his personal experience as a former commerce minister of Bangladesh, Mr. Abdul Jalil made a very sceptic comment about the outcome of the WTO as far as the interests of the LDCs are concerned. “As a matter of fact, the WTO talked of high hopes but produced nothing in the past. One of the core objective of the WTO was to establish a rule-based and fair global trade regime that would help the poor but, the benefits, so far have been pocketed by the rich.” Stressing the need for a joint move by the LDCs to ensure that their interests are well-protected in the Doha Conference, the immediate past commerce minister observed that the LDCs are marginalized in the process of globalization since, on the one hand, the LDCs are repeatedly being asked to dismantle their tariff barrier while, on the other hand, the developed countries are creating new barriers to trade to deny the access of LDC products to their markets.

General Secretary of the Metropolitan Chamber of Commerce and Industries (MCCI) Mr. C. K. Hyder thought that from the point of view of the LDCs the most important part of the upcoming Doha Ministerial is the two declarations since these would constitute the basis of the future policy framework in international trade regimes. “The LDC delegates have to be particularly careful about the declaration so that no part of the text goes against their interests”-cautioned Mr. Hyder.

In view of the precarious economic situation faced by the LDCs during the last three decades and their worsening economic plight as a consequence of September 11 tragedy, according to the commerce secretary Mr. Sohel Ahmed Chowdhury, the LDCs should urge the development partners to provide LDCs a completely *separate package* which should include:

- Assisting LDCs in capacity building in trade policy and related areas such as tariffs, customs, investment, technology etc;
- Removing all trade barriers facing LDC exports in the markets of developed trading partners in the shortest possible time in order to ensure that LDCs benefit

- from the market access opportunities granted, in particular by value added production;
- Assisting LDCs in developing human and institutional capacities;
  - Implementing in full and as a matter of priority the special and differential measures in favour of LDCs. A substantially expanded S &D measures should now be devised for the LDCs for the next decade;
  - Increasing support to enhance agricultural production and productivity through, among other things, targeting ODA to this sector and putting in place additional measures to safeguard production from import surges and low import prices;
  - Implementing the WTO agreement on Technical Barriers to trade and on Sanitary and Phytosanitary measures with a view to responding to the special problems faced by the LDCs ;
  - The advanced developing countries (ADCs) may also provide assistance to the LDCs for diversification and development of products suitable for developed markets and their markets as well.

First counselor of the Commission of the European Community Mr. J. V. Ketelsen, however, viewed that the LDCs have to approach the new round positively to make it a round of trade negotiations which will better enable the LDCs to integrate their economies into the global economy.

### ***LDCs in LDCs out***

The speakers made repeated reference to the US Trade and Development Act (2000) which has allowed duty and quota free access to the US market for products from 35 African and Caribbean LDCs at the cost of the rest 14 members of the LDC family. Terming the US TDA 2000 as the source of a serious threat to the RMG export of Bangladesh in the US market, Mr. Faruq Sobhan urged upon the US authorities to rationalise her position in case of providing duty and quota-free access to the LDCs. “Provision of zero tariff access to the US market for 35 out of 49 LDCs has created a sense of deprivation and discrimination on the part of the remaining 14 LDCs including Bangladesh”- added Mr. Sobhan. Mr. C. K. Hyder, Secretary General of the Metropolitan Chamber of Commerce and Industries (MCCI) suggested that for the sake of fair and equal treatment to all the LDCs, US should immediately revise the US TDA 2000 and grant duty and quota free access to the products from all the 72 least developed countries. Former commerce secretary of Bangladesh, Mr. Alamgir Farrouk Chowdhury viewed that there is still a scope for improving exports in the current state of affairs if the government and the private sector take pragmatic steps to enhance competitiveness. In substantiation of his optimistic argument, Mr. Chowdhury referred to Pakistan’s success

in increasing her textile exports despite the appearance of so many new competitors and said, “Bangladesh needs to devise a mechanism to increase her competitiveness in the external markets.”

### **Doha Ministerial and Bangladesh: Critical issues in the spotlight**

#### ***Launch of a New Round: Yes or No***

In support of the key-note presenter, Dr. Debapriya Bhattacharya’s position, the speakers viewed that Bangladesh should oppose any move for a new round unless the previous accords are honoured. Commenting over what should be a justifiable position for Bangladesh in the forthcoming WTO ministerial at Doha, Mr. C.K. Hyder said, “Bangladesh has already expressed her position on some issues in the last General Council meeting of the WTO; so her position in the ministerial meeting, the apex forum of the WTO, should be in consistence with her earlier position.” He further cautioned that in case a new round is launched, Bangladesh’s interests could not be pursued by playing a negative role. “The grievances of the LDCs remained unheard during the Uruguay Round and, as a consequence, the global trade regimes have been dominated exclusively by the developed countries” said Mr. Hyder, “Bangladesh has already lost ground as a leader of the LDC community for remaining absent from the meetings held at Zanzibar, Singapore and Geneva; indifference about a new round on the part of Bangladesh would be another mistake.” As regards Bangladesh’s position in a possible new round, Mr. Faruq Sobhan thought that it would be better for Bangladesh if she can take a common position along with other LDCs and to that end, “immediately after arriving at Doha our minister should sit with other ministers representing the least developed countries.”

#### ***Issue Based Alliance***

The speakers held that it may not be possible for the least developed countries to forge a common alliance since there is a lot of divergence in their respective interests. In that case search for *issue based alliance* would be a realistic option. Upholding this view, Mr. Alamgir Farouk Chowdhury said that there are *conflicts of interests* even among the SAARC countries. Again like country to country difference of interests there may be region to region difference in interests. Chairman of BSCIC, Mr. M.A. Mannan suggested that Bangladesh should try to negotiate with her trading partners bilaterally rather than multilaterally because, what he said, “as in politics, there is no last word in business. In both cases only the interests are invincible.” Citing China’s case which is likely to join the WTO after 15 years of rigorous negotiations, Mr. Mannan said, “She had to fight alone for her cause as she could not form any coalition where her interests would be better served.”

Countering this view, Professor Hafiz G A Siddiqui, pro vice chancellor of North South University, mentioned that in case of bilateral negotiation there must be some sort of *quid pro quo*. “But what can we offer to the US in return for duty-free zero tariff access of our RMG products to their market?” continued Prof. Siddiqui, “We need to examine the *pros and cons* of gas-export pragmatically not passionately because it a very difficult to assess the 50 year requirement of gas as different political parties and campaign groups have been demanding of late.” Commenting on this issue, former State Minister for Foreign Affairs, Mr. Abul Hasan Chowdhury said that the WTO ministerial scheduled to be held in Doha is basically a multilateral forum that’s why Bangladesh should take the event from that standpoint; “it would not be judicious to pursue our interests in the form of bilateral exchange.” While the debate around the issue of bilateral and multilateral negotiation was going on, former commerce minister of Bangladesh made an intervention by saying that even bilateral approach might become *fruitless* in case there is *lack of sincerity* on the part of the trading partners. Holding India responsible for her poor trade relationship with the neighbouring countries, Mr. Jalil recollected, “Despite repeated commitments, India has not as yet given duty free access to 191 Bangladeshi products under 25 categories.” Terming India’s failure to meet the commitments as *most unfortunate*, he said, “two Indian prime ministers, I.K Gujral and Atal Behari Vajpayee, made specific commitments in this regard but nothing happened eventually; rather the Indian authorities created different sorts of tariff and non-tariff barriers asking for a *package deal on reciprocal basis*.”

### ***Free Movement of Natural Persons***

Professor Hafiz G. A Siddiqui pointed out that though the developed countries vehemently speak of trade liberalisation, the issue of mobility of labour has been neglected over the years. “Even the WTO could not whatsoever take any concrete steps to facilitate the free movement of labour.” Stressing upon the need for free entry of our professionals like doctors, engineers, agriculturalists and particularly the IT professionals in the markets of the developed countries, Prof. Siddiqui regretted that all types of professionals from the least developed countries like Bangladesh are facing obstructions in moving towards the developed countries notwithstanding the high demand of professionals there. Elaborating he said, though an American Bank can operate freely in Bangladesh there is no scope for a Bangladeshi Bank to operate in the USA. “It is not just a matter of legal constraint rather huge investment of capital is a vital factor which often takes the shape of a barrier for us”- added Prof. Siddiqui.

Terming the issue of labour mobility as very significant from the point of view of Bangladesh, Dr. M. I. Talukdar said that the entire Uruguay Round is a complete failure in terms of facilitating the movement of natural persons. “Article IV of the GATS has not been implemented as yet and the developed countries have further tightened the immigration procedure rather than freeing it from complexities”- he deplored.

### ***Market Access***

As expected, market access remained as one of much talked issues of the day. Mr. M. A. Rouf Chowdhury, a director of the FBCCI, raised the issue by demanding duty and quota-free market access for the LDCs in line with the unanimous decisions of the first and second ministerial. Mentioning that only contractual obligation can ensure predictable and secure market access for the LDCs, Mr. Chowdhury said, “Provision of a separate and relaxed ROO was a contractual obligation of the WTO. The proposal for a separate GSP scheme cannot be an alternative to a contractual obligation of a relaxed ROO for LDCs as GSP scheme can be changed or withdrawn by the issuing country at any time.” Mr. Chowdhury also demanded that ROO obligation should not remain an obstacle to trade and the country where the last transformation of certain products takes place leading to change in tariff classification should be accepted as the *country of origin* of that product. “Any deviation from this rule would greatly undermine the market access opportunities of the LDCs”- the FBCCI director said. Taking part in the discussion on the issue, former director of UN-ESCAP, Dr. Mirza Azizul Islam pointed out that though we focus on only export promotion issue while talking about market access, the question of efficient import substitution is equally important because “ in a globalised environment, only export promotion would not serve country’s commercial interests.” Mr. J. V. Ketelsen of the European Community cast his doubt if market access would serve any purpose for Bangladesh until she produces exportable quality goods. Making mention of the fact that the EU countries have given quota free, zero tariff access to all products from the LDCs for an indefinite period under the *EBA* programme (with the exception of three products for a transitional period), the EC representative said, “To make good use of the benefits, you have to run extra marathon. You have to produce exportable goods. Only market access facility is not enough.”

### ***TRIPS***

Former President of Foreign Investors Chamber of Commerce and Industry (FICCI) Mr. A. K. M. Shamsuddin elaborated how Bangladesh’s business has been affected because of the absence of proper intellectual property law. Referring to the complexities caused by inter-ministerial hassle in dealing with intellectual properties, he pointed out, “If the

product is a book, certain ministry will deal it; dealing with trademark would be the business of another ministry and in case it is a chemical product, it will be yet another ministry's headache." "It seems that intellectual property is nobody's baby"-regretted Mr. Shamsuddin.

"Country's pharmaceutical industry is the principal victim of the lack of initiative on the part of the concerned authorities"- he opined, "The international pharmaceutical companies have stopped introducing newer pharmaceutical products in Bangladesh because on the one hand, a number of GMO, original molecules are excluded from marketing and on the other hand, there is the fear that the manufacturing company will suffer a setback in case the original product is ousted from the market after a few years when genetically produced goods will come into the market in absence of any regulation. Regretting that modern drugs are not available here and every year huge amount of foreign exchange is spent on buying medicine from abroad, Mr. Shamsuddin suggested, "Without wasting any time we should draft law ensuring that if drugs are manufactured with sufficient quantity import of brand drugs would not be allowed except for the generic drugs."

Stressing upon the need for a *reference standard* in our pharmaceutical industries, Mr. Shamsuddin, also the managing director of Aventis Pharma, said, "In absence of a reference standard, we cannot conduct *bio-equivalent studies* to determine whether certain brand medicine is up to the standard."

### ***Zero-tariff access for the agricultural products***

Professor Ayubur Rahman Bhuyan of Dhaka University informed the participants that tariff rates in agricultural products have been reduced during the Uruguay Round but export of agricultural products is not duty and quota free. Professor Bhuyan urged upon the diplomats representing the EU countries to reduce tariff on the agricultural products to the level of the manufactured products. To this point, former advisor to the successive caretaker governments of Bangladesh (in 1996 and 2001), Mr. Syed Manzur-e-Elahi, sought insights from the participants as to what should be the tariff structure in the Indo-Bangladesh trade in agriculture where India is a developing country and Bangladesh is a least developed country. "Thanks to the economies of scale in India, she can keep the production cost much lower than in Bangladesh. Therefore, if the concomitant disadvantages, facing Bangladesh vis-à-vis India in case of Indo-Bangladesh trade in agriculture, are not duly addressed through a tariff structure favourable to Bangladesh, some cash products of Bangladesh like banana, mango, egg etc will suffer a setback apart from rice"-observed Mr. Elahi who held the agriculture portfolio of the immediate past interim caretaker government of Bangladesh.

### ***Technical Assistance for Capacity Building***

Terming the *High Level Meeting Integrated Framework Initiative* for technical assistance to the LDCs as a *complete hoax*, Dr. Azizul Islam told that the initiative has no progress in terms of capacity building in the LDCs and it is *at best one type of international consultancy*. He said, only the government level capacity building would fail to bring about the expected result and the private sector capacity building is equally important “as the latter has to directly negotiate with foreign counterparts and often has to take part in the dispute settlement process.” Stressing upon the need for developing *core competence* in the ministry of commerce, Dr. Islam urged upon the commerce minister to take some policy measures so that senior officials specialising in trade are not transferred from the commerce ministry without plausible reasons.

Regretting that Bangladesh has received no real technical assistance from the WTO since its inception, FBCCI director Mr. Rouf Chowdhury thought, technical assistance must be regarded as a *right* of the LDCs. “As market access is vital on the demand side, so is the technical assistance on the supply side; therefore, adequate resources should be provided under the framework of all 6 international agencies assigned for *capacity building* of LDCs with regard to infrastructure, institutional and human resource development, environmental protection and technology transfer etc”- said Mr. Chowdhury in his comments.

Professor Hafiz G. A. Siddiqui held that the capacity building efforts would not succeed unless necessary corrective measures are undertaken on some WTO organs like the Dispute Settlement Body. Referring to the repeated complaints made by different least developed countries that they are *under-represented* in that crucial body, Prof. Siddiqui said, “The Dispute Settlement Body of the WTO must be *democratised* to make it sure that the grievances of the poor countries are really heard there.”

### ***The “New” New Issues***

Secretary General of MCCI, Mr. C. K. Hyder opined that one of the crucial task for the Bangladesh delegation at Doha would be to strive for de-linking the so called new issues from the negotiation process which include labour, environment, compliance, competition policy etc aspects. “We are a very small trading nation already burdened with so many barriers. Like other LDCs, we have to keep a very careful eye on any attempt by the developed countries or the so called campaign groups to impose new barriers on our exports”-he added. On this issue, Mr. M. A. Rouf Chowdhury demanded that all the LDCs be granted exemption from any obligations with regard to compliance,

labour standard, environmental degradation, anti-dumping, sanitary and phyto-sanitary measures etc issues.

### ***Concluding Remarks by the Chief Guest***

In his concluding address the chief guest of the session, commerce minister of Bangladesh, Mr. Amir Khasru Mahmud Chowdhury thanked the CPD Executive Director, Dr. Debapriya Bhattacharya for his praiseworthy presentation and all members of CPD for their hard work in organising the dialogue which is, according to him, a very timely initiative. “We, the government, should have taken up such an initiative. Kudos to CPD for filling up a very critical lacuna”- the minister said.

Mentioning that he has taken up his current assignment at a very critical time in both domestic and global contexts, the commerce minister said that still capacity building remains the most difficult task in the ministry. Mr. Chowdhury then urged the developed world to offer a package of trade concessions and capacity building assistance to the LDCs as many of them could not derive benefits from concessions offered by some developed countries. Terming EU’s *EBA* programme (Everything but Arms) which offers duty and quota free access of all LDC products a very good initiative for the LDCs, he said, “We are still facing a stumbling block to reap the benefits of *EBA* due to the ROO obligations.” He hoped that during the upcoming visit of Mr. Pascal Lamy, the DG of the Trade of the European Commission, to Dhaka, the issue of ROO would be discussed.

Mr. Amir Khasru Mahmud Chowdhury said that the US Trade and Development Act-2000 allowing duty and quota free access to the US market for products from 35 African and Caribbean LDCs remains a serious threat to the RMG exports of Bangladesh. “Besides, the countries entitled to the facility also enjoy the advantage of proximity to the US market”-said Mr. Chowdhury, “to ensure a level playing field, US should give the same facility to the remaining 14 LDCs including Bangladesh.” Terming China as a major threat to the future RMG export of Bangladesh, the commerce minister said that increasing the competitiveness of our products is the most urgent need of the time.

The commerce minister concluded his speech by expressing the hope that as country’s leading civil society think- tank CPD would be contributing more in the future to the policy making process of the country by way of organising such dialogues centering around the crucial development issues. He finally thanked all the participants for making the CPD dialogue a success.

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