

Report No. 83

**THE HONG KONG MINISTERIAL DECLARATION: AN ASSESSMENT
FROM LDC PERSPECTIVE**

Centre for Policy Dialogue (CPD)

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March, 2006

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 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 on **The Hong Kong Ministerial Declaration: an Assessment from LDC Perspective.** The dialogue was organised under the CPD's programme on Trade Related Research and Policy Development (TRRPD) on **January 05, 2006, at the CIRDAP Auditorium, Dhaka.***

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Dialogue on
**The Hong Kong Ministerial Declaration: an Assessment from LDC
Perspective**

I. The Dialogue

The Centre for Policy Dialogue (CPD) organised a dialogue on *The Hong Kong Ministerial Declaration: an Assessment from LDC Perspective* on January 05, 2006 at CIRDAP Auditorium, Dhaka. Mr. Reaz Rahman, Hon'ble Advisor to the Ministry of Foreign Affairs, Government of Bangladesh was present as Chief Guest while H.E. Barbara Richardson, Canadian High Commissioner in Dhaka was present as Special Guest. Dr. Shishir Priyadarshi, Counsellor, WTO Secretariat presented the keynote paper. Professor Rehman Sobhan, Chairman, CPD acted as the session Chair. Dr. Debapriya Bhattacharya, Executive Director of CPD, welcomed the participants in the dialogue. The dialogue was attended by a broad range of professionals including high-level government officials, diplomats, representatives from various chambers, representatives from NGOs, academics, researchers, officials from international organisations and journalists. A list of participants is annexed.

II. Welcome address by Dr. Debapriya Bhattacharya, Executive Director of CPD

Thanking the floor Dr. Debapriya Bhattacharya said that CPD is honoured to have Mr. Reaz Rahman, Hon'ble Advisor to the Ministry of Foreign Affairs, Government of Bangladesh as Chief Guest. He gave a short description of the scope of work of CPD and explained why CPD felt it was important to hold a dialogue on this particular issue.

Dr. Debapriya Bhattacharya introduced the keynote presenter of the dialogue Dr. Shishir Priyadarshi, who made a presentation on the outcome of the Hong Kong WTO Ministerial. Dr Bhattacharya also welcomed the newly appointed high commissioner of Canada, H.E. Ms Barbara Richardson as Special Guest.

III. Keynote Presentation

Dr Shishir Priyadarshi started his presentation by welcoming the respected audience. He said that when he was asked to make a presentation on this issue, he was somewhat reluctant, because, given the sensitivities which were there at Hong Kong WTO Ministerial, and more importantly after the end of the ministerial, given the fact that a lot of very different opinions were expressed about the outcome at Hong Kong. He said that his task was made somewhat simpler when he was asked to make the presentation from an LDC perspective, but it was made even more difficult when he was told to assess the Hong King outcome from Bangladesh perspective. Reference could be made in these perspective that the Ministerial Declaration of the WTO adopted on 18 December 2005 [WT/MIN(05)/W/3/Rev2 with amendments], is a document of crucial importance which is going to guide the final set of discussions towards the successful conclusion of the Doha Round. The keynote presentation was a preliminary assessment (mainly from an LDC perspective) of the decisions taken by Ministers of the WTO member states in a number of areas including Agriculture, NAMA, Services and Development issues particularly the issue of duty free and quota free market access for the LDCs. In addition, an assessment was also presented of the group dynamics which was emerged out during the course of negotiation at Hong Kong. At the end of the presentation, future options for Bangladesh were also reflected. Placed below the discussions, was held during the course of his presentation.

III.1 Agriculture

Agriculture negotiations were related to three pillars: domestic support, market access and export subsidies. As agreed under paragraph 45 of the July Framework agreement, LDCs including Bangladesh were exempted from any tariff reduction commitment. According to Dr. Priyadarshi, in the coming years there is going to be pressure on the LDCs to take on at least some commitments on a 'voluntary' basis. Also, there was an exhortation for all countries, including the LDCs to bind their tariffs. Decisions at Hong Kong (HK) were taken in the areas of export subsidies, domestic support, cotton and food aid which could have important implications for LDCs, including for Bangladesh.

Export Subsidies

Export subsidies, was getting importance in the context of the agriculture negotiations, one of the most sensitive and one of the most fought over issues for quite some time. And finally at Hong Kong, an end date of 2013 was agreed for export subsidies and their equivalents. Most other WTO member countries wanted an end date of 2010 but in the end agreed to EC's stand on the end date;

Even though export subsidies constitute only 3.6% of overall EU support, the decision is significant given the time and effort that members had spent negotiating this issue. While most developing countries support this decision, some net food importing countries were concerned about a possible rise in their food import bill. This was on the agenda all along since when the issue of export subsidies was being discussed. The keynote presenter said that people are aware and have taken this into account that for a number of net food importing developing LDCs that this issue is going to be important. According to Dr Priyadarshi, while the whole issue of export subsidies was going on, people were debating on how to address the problems that net food importing developing countries would face.

Food Security

Dr Priyadarshi opined that food security is perhaps one of the most important concerns as far as Bangladesh is concerned. According to him, this is reflected in both the ability to support and protect local production, as well as in the opportunity to export to other countries so that farmer's incomes increase. The keynote presenter looked at it from two different points of view, *one* was the ability of the government to both protect and support its farmers, and secondly was perhaps even more importantly if somebody look at it from the context of poverty alleviation, was the need to ensure that there might be increased market access for agricultural products. Therefore, in the context of both these issues, there were a number of aspects of the negotiations which could be somewhat sensitive for the LDCs. In this perspective, importance to assess implications of Special Products and Sensitive Products was deemed necessary for the LDCs. Dr Priyadarshi mentioned about the other issue of importance like special safeguard mechanism. He clarified that safeguard mechanism is again like an insurance mechanism where countries can

suddenly, if they find that there is an import surge, put on additional duty or limit the quantity which is coming in and that too would be an important issue.

Cotton

The impact of US cotton subsidies on African cotton producers was a key issue at the Cancun Ministerial Conference. According to Dr Priyadarshi, ‘cotton, again for those of you who have been following WTO issues, you know that cotton been a problem for a long time, and was one of the major causes of the failure of the Cancun conference.’ Between Cancun and Hong Kong, WTO dispute brought by Brazil on cotton subsidies, which ruled against the US, also impacted on the USA approach at HK, where after hard bargaining, a number of decisions were taken such as elimination of all forms of export subsidies by developed countries in 2006, a commitment to reduce other trade-distorting subsidies faster and further for cotton than for other crops.

Food Aid

Dr Priyadarshi pointed out that USA is the main provider of food aid, the overwhelming bulk of it in the form of US-grown crops. Food aid was one of the most acrimonious issues at HK, with both the EU and US differing strongly on it. Dr Priyadarshi opined that defenders of the status quo argued that constraints could lead to aid being denied to the starving. On the other hand those calling for disciplines kept saying that emergency food aid should be exempt. The problem was that the dumping of non-emergency food aid undermined local farm production and constituted a disguised form of export subsidy. In the end, there was some progress in Hong Kong. Dr Priyadarshi opined that some parts of the commitments are still vague, but according to him, there is a clear recognition that food aid can distort global markets. He further mentioned that there is an agreement to work towards new disciplines to prevent the abuse of food aid, and a ‘safe box’ for exemption of bona fide emergency food aid.

III.2 NAMA

According to Dr Priyadarshi, non-agricultural market access simply referred to industrial products. The Hong Kong declaration reaffirmed that LDCs are exempted from tariff

reductions on industrial products. But Dr Priyadarshi thought that pressure is going to increase on LDCs take on at least some commitments, and more importantly to bind a large percentage of their tariffs in 'good faith'. But he opined that here for LDCs, and perhaps even for Bangladesh, the key issue would be that as tariffs go down, their preference margins are going to get allotted. Developed countries have pushed hard for a tariff reduction formula (known as a 'simple Swiss Formula'), that cut higher tariff more than it cut lower ones. Developing countries opposed this since their tariffs are generally higher, and this could result in greater reduction in their tariffs. Dr Priyadarshi mentioned that developing countries have been opposing the Swiss formula is because some of their own tariffs are also high. In this case, Dr. Priyadarshi cited an example of India where things like palm oil still attract a duty about 300%. Dr Priyadarshi informed that a 'Core Group' comprising nine countries (India, South Africa, Brazil, Argentina, Egypt, Indonesia, Philippines, Namibia & Venezuela) emerged at HK. These groups pushed for a formula that would keep flexibilities for developing countries, while addressing tariff peaks and escalation in developed countries. For a country like Bangladesh it was important that the final formula cuts tariff peaks and tariff escalation so as to enhance market access. Dr Priyadarshi also mentioned about the importance of preference erosion and for this recalled a study carried out by CPD which stipulated that 'the resultant erosion of preference for Bangladesh is estimated to be to the tune of \$200-\$300 million. (Rahman, M and Shadat W, 2005)'. Dr Priyadarshi mentioned that the issue are remain on the table.

III.3 Services

The LDC modalities, which were adopted in September 2003, remain central to the negotiations. The HK Declaration clearly states that "Members shall implement the LDC modalities and give priority to the sectors and modes of supply to export interest to the LDCs, particularly with regard to movement of service providers under Mode 4". Dr Priyadarshi said that the Declaration stated in more than one place the importance of ensuring full and effective implementation of the LDC modalities, beneficial and meaningful integration of LDCs into the multilateral trading system (MTS), and priority to modes of supply of interest to LDCs.

According to him, for developing countries, while the bilateral request-offer process is preserved, they are obliged to ‘consider’ requests to take part in plurilateral negotiations (to some extent this moves away from the existing bottom-up approach). Plurilateral requests are to be submitted by the end of February 2006 or ‘as soon as possible thereafter’, to which countries have to respond by July 2006. A lot of work would be required to be done domestically to examine the request, consult, and assess the potential impact of liberalization in different sectors, all within five months after the end of the HK ministerial. According to the keynote presenter, for the services negotiations, the next five to six months would be very critical, offers have to be submitted, offers have to be assessed, domestic consultations have to be held and the impact of liberalisation of any sector on the domestic industry will be assessed.

III.4 Development Issues

Duty Free & Quota Free Access for LDCs

Dr Priyadarshi also referred the issue of Duty-Free, Quota-Free (DF-QF) market access for all products from all LDCs, was the singlemost important issue with which the LDCs went to Hong Kong. that this was one of the most important issue for the LDCs at HK. He mentioned that the proposal to provide DFQF access to all LDCs was first considered at Seattle in 1999 when Ministers agreed to work towards fulfilling this objective. But the demand for DFQF was forcefully advanced by LDCs when the Doha Development Round (DDR) was launched in 2001. He mentioned about the July 2004 Decision which reiterated the need to build upon the commitment taken at Doha to provide DFQF to the LDCs. He pointed out that in the period leading to the HK Ministerial, this was the most important proposal discussed in the Special Session of the Committee on Trade and Development in Geneva.

Dr Priyadarshi said that the LDCs led largely by Zambia and Bangladesh had during the entire process leading up to the HK Ministerial stressed the need to provide this DFQF access in a manner that ensures certainty and predictability, to all products from all LDCs. However, most developed country Members said that it would be legally difficult to bind any DFQF access. Reservations were also expressed about universal coverage as far as

'all' LDCs and 'all' products was concerned. The issue of providing DFQF access by developing countries in a position to do so, was also raised.

Finally, after some very difficult and arduous negotiations at HK Members agreed that DFQF access shall be provided to all LDCs for all their products by 2008. It was agreed that this would be done on a lasting basis that ensures stability, security and predictability. It was also agreed that Members who find this difficult to do will in the first stage provide DFQF access for at least 97 per cent of products. These countries will take progressive steps to achieve compliance with the obligation to provide DFQF to all products.

Therefore the keynote presenter observed that the commitment is for both developed countries as well as developing countries declaring themselves in a position to do so. While taking steps to progressively achieve compliance with the obligation to provide DFQF access, its impact on other developing countries at similar level of development, will be taken into account. The General Council will review the steps taken by these Members each year; this would provide an opportunity to press for full coverage. In this perspective Dr Priyadarshi also referred to the Chairman's speech where a mention was also made in the closing remarks by the Chair that further work would be done on developing the modalities of para (a) (ii) of the decision.

Aid for Trade

Dr Priyadarshi mentioned that a decision has been taken, under the recent Aid for Trade initiative to create a task force to build supply-side capacity for poor countries so as to maximize the benefits from the MTS. He said that the IMF and World Bank may be given the leading role, for example via the Integrated Framework (IF). The words 'negotiated outcome' and 'grants' were added during the final stages; however, according to him, since loans will still constitute a part of A4T, there is a danger that it could add to existing debt burdens. At the end he pointed out that aid for trade has not been restricted to LDCs, but has been extended to other developing countries.

III.5 Group Dynamics

One of the important aspects of the Hong Kong WTO Ministerial was the nature of group dynamism emerged out during the course of the negotiations. According to Dr Priyadarshi, by negotiating together, broad coalitions such as the G20 (led by Brazil & India) and G33 (led by Indonesia), or the Africa Group, ACP, and LDC group, have acquired increased clout in the negotiations. He further opined that HK was notable for the different developing country groups coming together to form an alliance known as the 'G110', which constituted about 80% of humanity. It was also clear that delegations did not want the Ministerial to fail; and more importantly not to be perceived as responsible for any collapse in the talks. He observed that this was the reason that even Cuba and Venezuela, which asked for their reservations on NAMA and Services to be noted, did not block consensus.

III.6 Future Options

Dr Priyadarshi opined that the next five or six months are going to be very difficult. He said that smaller delegations would mostly face the difficult positions as there is going to be lots of hard negotiations in Geneva. Therefore, they will require lots of backup and loots of support from their own capital. He referred that Hong Kong did take some of these issues forward, but the real test would be what is going to be achieved during the course of this year (2006), because of the fact that in the middle of next year, the US president fast track also will be coming up for renewal and again going by WTO history, this always has important implications.

IV. Open Floor Discussion

1. Country Dynamism as regard DF-QF

Some developing countries during the consultations of the WTO ministerial at Hong Kong raised the issue that if the LDCs were provided with DFQF access, that would also impact upon existing level of exports of these developing countries, specially in commodities where the LDCs are competitive. There was a lot of attempt to try and settle this issue outside of the ministerial, to try and convince those developing countries as their level of development is much above than the LDCs. The keynote presenter opined that even though these developing countries were at the bottom of the developing countries list, but compared to the LDCs they were still above, and the LDCs do need special treatment. But they did not agree and because of that, the final decision did say that as countries would take progressive steps to achieve compliance with universal coverage, the implications or the impact of this on other developing countries at similar levels of development would also be taken into account. With reference to this issue raised above, the participants of the dialogue asked about the name of the developing countries as they thought that it was only Pakistan and Sri Lanka who opposed the DF-QF access for the LDCs.

Mr Ziaul Hoque Mukta, Director of Kormojibi Nari expressed his concerns not only with the role of Sri Lanka and Pakistan but also with the role of USA and Japan for the issue of DF QF market access for the LDCs. In this point he referred to letter of December 8, 2005 issued from 22 US senators referring negative tone regarding DF-QF. He thought that this decision might be an added advantage to Sri Lanka and Pakistan who subsequently raised the issue. Mr Mukta questioned about the role of G20 during the course of the negotiations. He said that the net food importing developing countries, there was some commitment but then in July package, that commitment by the G20 was not carried out, and in Hong Kong itself, the strategy of the G20 was that they would gang up with other groups – group G7 and G30 when it was to their interest, but their own core agenda was driven by the interest of Brazil and India.

2. Role of other developing countries regarding DF-QF

The participants also expressed their dissatisfaction as regard the role of other developing countries in the case of DF QF market access. According to Mr Sayed Alamgir Farrouk Chowdhury, Former Secretary of Commerce and Senior Advisor, FBCCI said that on the 25th of November, 2005, 8 (eight) countries submitted a submission to the WTO and most of them from G20 and they said about 4-6 pages of all the aspects of the prospective Hong Kong declaration. But in that when they came to the LDC issue, the submission mentioned that they supported the duty free access but they did use the words ‘all countries’ but they did not use the words ‘all goods’. So that given statement on the 25th of November, 2005, the G-20 had made up their mind that it would not be followed as the LDCs deemed it necessary. The respondents also opined that any proposal had to go through a meeting and proper discussion and moreover all ministers should have to be present. The participants of the dialogue opined that this proposal went through the back door, not even with the proper proceedings. In reply to the observation made by Mr Chowdhury, Dr Priyadarshi said that at Hong Kong it was only two countries, in fact initially it was only one country and subsequently one more added its name to it who opposed the DF QF demand of the LDCs. He also mentioned that might be the rest of the G20 members did not feel that much at that stage. Therefore the role of other developing countries regarding DF-QF was not in a positive tone.

3. The issue of ‘lasting basis’ and its legality within the context of WTO

Mr Sayed Alamgir Farrouk Chowdhury, Former Secretary of Commerce and Senior Advisor, FBCCI opined that during the Hong Kong Ministerial, declaration stipulated that the DF-QF would be provided on a ‘lasting basis’. The present language of the DFQF proposal with regards to its predictability is anchored on a vague term “access on a lasting basis” and does not provide for a binding commitment (which would have meant that an eligible member not fulfilling the directive can be brought to Dispute Settlement). He questioned that how this would be reflected in the WTO statute books and whether it would be a part of the schedule of concessions. He further questioned that if it is a part of the schedule of concessions, in that case would this be bound? If not, how would it be bound? Mr Chowdhury raised his concern that why the word “bound” was really not used, which means that there were some loopholes for countries to wriggle away. In reply

to Mr Chowdhury's comment, Dr Priyadarshi said that for the issue of lasting basis, it would not be reflected in the schedule of concessions and it would not have the same legal sanctity as binding commitments have in the schedule. Dr Priyadarshi made it very clear that lasting basis simply does not come to providing that level the same kind of legal sanctity as the word bound does. He explained that using the word 'lasting basis' was perhaps only the compromise apparently which must have flown between countries. He said that one would not be able to include it in the schedule because once included in the schedule, it would appear to be binding.

4. The Possibility of other developed countries to introduce 3% exclusion list

The other issues emerged out as regard the discriminatory issue of the 3% part. Mr Chowdhury questioned that whether a country be discriminated? Shouldn't the obvious that one cannot discriminate between countries at the same stage of development? At the end, Mr Chowdhury felt that the issue was discriminatory and was not reflected in accordance with the WTO stipulations. After a series of question, Mr Chowdhury further asked that whether those countries which are already providing support can/would go back taking advantage of the 3% limit. He cited the example of the European Union in this regard and expressed his concern that the decision of the 3% might create pressure to the other developed countries. Dr Priyadarshi replied regarding the question about whether countries can discriminate in the 3% categorization. He thought that the other developed countries would not follow the same treatment as USA and Japan adopted during the Hong Kong Ministerial. Particularly EU was perhaps the strongest supporters of the LDC proposals and really exhorted other developed countries to go the whole way. They really pushed as much as they could other developing countries. So right now the EU seems to have any intention of going back on its commitment. Therefore the LDCs need not to be worried about the issue of possible extension of the list of the member countries who might also introduce the 3% exclusion list of the products of importance for the LDCs.

5. Importance of DF-QF for the SAARC countries: The division of interest

Mr Annisul Huq, Former President, BGMEA & Chairman, Mohammadi Group was so critical about the role of the particular two developing countries of the South Asia namely

Pakistan and Sri Lanka. He said that the decision regarding the DFQF not only shaken the LDCs solidarity, the SAARC solidarity was also been shaken. In this connection, Mr Huq mentioned the 46th paragraphs of the SAARC declaration which was adopted on 23rd November, 2005 in Dhaka. The declaration stipulated that “The head of the state, or government reaffirmed their commitment to further strengthen the multi-lateral trade regime of WTO. They called upon all WTO members to demonstrate necessary understanding and accommodation for a breakthrough at the Hong Kong ministerial meeting in December 2005 to pave the way for the successful conclusion of Doha round. They understood that the development dimension should continue to be at the heart of the ongoing negotiations so that the legitimate concerns of the developing countries are adequately reflected in the outcome of the current round of trade negotiations. They agreed that the SAARC member states should work closely together to coordinate their position in the ongoing negotiation on trade and other economic issues. And the most important is the head of the state or the government directed the commerce minister to hold consultation on the sidelines of the sixth WTO ministerial conference to be held in Hong Kong in December 2005 to evolve a common SAARC position on the issues of common concerns.” Mr Huq then raised his question about the role of Sri Lanka and Pakistan during the Hong Kong Ministerial. He said that the notion of Sri Lanka and Pakistan was not reflected until the morning of December 17, 2005. According to him, the market access of 97% LDCs products to USA and Japan was not so extreme lose for the LDCs, but getting a text that some developing countries would object to LDCs facilities made the deal more harmful. And which was done by two of SAARC member friends, who only two weeks before the Hong Kong Meeting, had a commitment, and failed to meet the commitment at the end of the Hong Kong ministerial. In these circumstances, Mr Huq raised his concern that whether the 46th paragraph of the SAARC should be deleted, or should this could be taken out because of this spirit. The urgency of the SAARC solidarity was getting importance though out the dialogue. In the line of Mr Huq’s concern, the keynote presenter also mentioned about the importance of SAARC solidarity. He particularly mentioned about the importance of group dynamism during the course of the WTO negotiations. He was also optimistic about the future of Bangladesh and thought that through taking pragmatic measure, Bangladesh could gain from the on going Doha Development Round.

While there was a wide debate going on then referring the name of two South Asian countries who opposed the DF QF access of the LDCs at the Hong Kong ministerial, Professor Sobhan, the Chairman of the dialogue session invited the respective country's government delegation to explain their position in the light of the above discussion. The Chairman also invited any representatives from the two developed countries; USA and Japan to talk about the issues. But unfortunately none of them were present. At the end, In the light of Chairman's request, the Sri Lankan and Pakistanis spokesman talked regarding this matter.

High commissioner of Sri Lanka, H E Mr Gamini Munasinghe appreciated the sentiment expressed by the Bangladesh delegates and what appeared in the Bangladesh papers in that time. But he said that he was not present there in Hong Kong. He further added that at no stage in Hong Kong, Sri Lanka advocated any restrictions for Bangladesh access to the market of the developed countries. He said that they were concerned that LDCs getting certain concessions might adversely affect certain segments of their exports and Sri Lanka; like Bangladesh is largely dependant on their apparel sector (more than 50% of their exports are apparels). In this perspective, he expressed his concern that if Bangladesh would get certain concessions which they wouldn't get, then they might lose their market. Hon'ble High Commissioner then opined that if Bangladesh would place itself in their position for a while and look at from that perspective, Bangladesh would have taken the same position if they were Sri Lanka. He mentioned that Sri Lanka didn't ask them (the WTO) to restrict, what they asked them to give them the same concessions that the LDCs got because of their peculiar position as far as the apparel trade was concerned. He opined that no country would self inflict injury on itself for the sake of cooperation. The High Commissioner then asked Bangladesh to extend the same cooperation to Sri Lanka's concern, because of the same SAARC resolutions. He mentioned that it would not be a one way process rather it would be a two way. The High Commissioner asked that Bangladesh also should have taken into consideration Sri Lanka's position in cooperating in achieving, safeguarding Sri Lanka's interests as well.

Like the earlier speaker, the Commercial secretary of Pakistan High Commission, Ms Roubina Taufiq Shah totally agreed with what Sri Lanka had said. Commercial Secretary mentioned that she was not a part of the WTO delegation, and therefore all the ins and outs was not possible for her to explain. But she felt at that stage, if Bangladesh would have

been asked to do the same, then Bangladesh would have saved its national interests. She also mentioned about the last sentence of Para 46 of 13th SAARC Summit, which stipulated that “to evolve a common SAARC position on issues of common concerns”. She mentioned that where there were two different groups, there might be a divergence of common interests.

6. Issue of differentiation among the developing countries

Begum Sharifa Khan, Deputy Director (WTO) of Ministry of Commerce said that she was one of the delegations in the Hong Kong ministerial conference. With reference to her presence over the ministerial, she highlighted a number of issues. She referred an incident regarding Para 46 of the SAARC Declaration. Before the Hong Kong ministerial conference a letter came from the Foreign Ministry to the Ministry of Commerce about this Para 46, and as Bangladesh was then served as the SAARC secretariat, so they immediately conveyed this message to their Geneva mission and then India came forward and then said that they would organize a meeting on the 12th December, 2005 at 10 in the morning. So Bangladesh delegations were there on the belief that India would arrange a meeting at that time. But since the delegation reached there, they heard that meeting was postponed because most of the delegations from the other SAARC countries (particularly Nepal and the Pakistan) did not arrive. Ms Khan expressed her concerns as they did not know the actual reason behind this postponing.

Ms Khan also expressed her extreme concerns about annex F of the Hong Kong Ministerial Declaration, particularly the issue about the ‘impact on other developing countries’ where the statement is very clear that ‘other developing countries at a similar level of development’. In this particular point Ms Khan questioned that how Pakistan could be at the similar level of development to Bangladesh. She mentioned about the categorization of country which is followed by the UN resolution. She mentioned that WTO can’t categorize countries, its UN category who can define that which country could be at which level of development, and according to UN criteria the 50 LDCs are different that the developing countries. She concluded that developing countries at the similar level of development obviously means that LDCs, because developing countries include LDCs. She opined that it cannot be the other developing countries other than LDCs. She further mentioned about the issue of ‘impact’. She questioned that how the

impact would be justified. There must be some clear cut proof for this, for barring these facilities to LDCs. In this case she asked that WTO should clarify these issues in order to carry out the ongoing Doha negotiations round.

Ms Khan further requested the keynote presenter to highlight some of the other areas where Bangladesh could concentrate in future in order to reap the benefit derived from the Hong Kong Declaration. She mentioned a number of positive areas where Bangladesh might concentrate. *First* thing was LDCs were exempted from the waiver until 1st July 2013. One of the areas where S&DT was accorded to LDCs in Hong Kong relates to Trade-Related Investment Measures (TRIMS). The transition period has been extended by seven years, i.e. till 2013. More importantly, LDCs will be able to not only continue with old TRIMS (subject to notification) but also introduce new ones. The progress regarding the TRIPS negotiations was also notable.

Dr Mostafa Abid Khan, Deputy Chief of Bangladesh Tariff Commission referred a proposal on DF-QF which was put forwarded by two countries. The first proposal was made by Pakistan with Kenya, where they wanted to block for certain product, then the next proposal came much softer way, that they wanted such access as LDC, which ultimately resulted in the Ministerial. According to Dr Abed, the developing countries did not block the issue rather they changed their position within two days. Dr Abed also asked to Dr Shishir as regard the actual wording made the Charmin at his concluding speech in respective of DF-QF as he was not sure about it whether the chairman mentioned about the modalities. Dr Abed further added his view as regard the word 'lasting basis'. He opined that without the word 'lasting basis', the deal for the LDCs would be much better.

7. The issue of binding commitment under the DFQF

Mr. Tanim Ahmed of Daily New Age questioned about the kind of legal difficulties of binding DFQF access. Mr Ahmed also raised his concern that who would define the tariff lines, the importing country or the exporting one? In reply to this query, the keynote presenter clarified that the importing countries usually define the tariff line. As regard the group dynamics, Mr Ahmed shared some of his observations. He mentioned that Brazil and India actually succeeded in cajoling all the developing country members into

agreeing to services, NAMA to LDCs in cotton and development package. According to him, the ultimate gainer was nobody than Brazil and India.

In accordance to the issue discussed earlier, the keynote presenter raised other issues that why did some countries think it would be difficult to legally bind the DFQF market access? The reasoning that was put forward in the special session when the issue was being debated in the few months prior to Hong Kong, was that schedule of concessions can theoretically have only one bound rate. So the issue which was put on the table is that since for a particular product, can only have one bound rate and that is the MFN rate and only that can be put in the schedule. The keynote presenter said that it would not be possible to have two bound rates for the same product in the schedule.

8. Other issues of importance for the LDCs derived from Hong Kong

According to the keynote presenter, immediate and real achievements of the LDCs at Hong Kong were of limited value. Apart from the much hyped but of low significance DFQF market access deal, tentative progress was made in case of export subsidy in cotton as well as in cases of certain Special and Differential Treatment (S&DT) provisions.

Dr Priyadarshi pointed out a number of other areas of the Hong Kong WTO Ministerial declaration, in which significant gains accrued. The extension of the patents issue was extremely important for the country like Bangladesh. The implementation period of the TRIPS agreement which expires on January 1, 2006 was extended by another seven and half years (upto July 2013) with a possibility for further extension. Dr Priyadarshi said that 'It may be recalled that the LDCs, taking note of their limited capacities, were asking for an extension for a period for 15 years. The LDCs have now been asked to provide plans, within next two years, for implementation of the TRIPS regime by their respective countries.' All LDCs can actually now impose and adopt new trade related investment measures. Dr Priyadarshi thought that there is enough time left to analyze annex F related to the special and differential provisions for the developing countries and the LDCs. It was a progress that members will now give a decision as regards waivers in favour of LDCs in a time-bound fashion (60 days). Dr Priyadarshi also mentioned that the Hong Kong declaration also called upon donors, multilateral agencies and international financial institutions to coordinate their work to ensure that their conditionalities are not

inconsistent with LDCs 'rights and obligations under the WTO Agreement'. The keynote presenter also mentioned that LDCs would (shall) be allowed to maintain, on a temporary basis, existing measures that deviate from their obligations under the TRIMS Agreement. This also allowed LDCs this deviation until the end of a new transition period, for seven years. LDCs were also allowed to introduce new measures that deviate from their TRIMS obligations. However, it was decided that 'any (new) measures incompatible with TRIMS agreement and adopted under this decision shall be phased out by year 2020'.

Regarding the issue of "Aid for Trade", Dr Priyadarshi motioned that it was an emerging concept. A governance structure for the proposed initiative was yet to be in place to mobilise and disburse the committed resources. The Director General of the WTO was to constitute a Task Force which will provide its recommendations for designing the governance structure.

At the end all of the participants were at the same opinion that whatsoever, all these initiatives that could potentially benefit the LDCs can hardly compensate for the real adverse impact on account of the truncated DFQF proposal adopted in the Hong Kong Ministerial.

9. Issue of the domestic preparedness as against blaming the others

Dr Debapriya Bhattacharya, Executive Director of the CPD said that CPD organised a press briefing earlier, once the four member CPD team came back from Hong Kong. Dr Bhattacharya pointed out that year 2006 is a very important and crucial year, not only in the WTO sense but in the Bangladesh electoral transition sense. He added that if an electoral transition would come, we (the policy makers) usually would have policy apathy in this country. He then referred the year 2001, when the caretaker government came in; that was a time when they were preparing for the Doha ministerial. He pointed that at that time they decided not to attend, even the SAARC commerce minister's conference as they thought this would be beyond their competence. Therefore government was not been able to participate neither to Zanzibar either to the LDC meeting. In these circumstances, he expressed his concerns as regard the year 2006. He referred that at the end of October onwards, that this whole WTO process would be gathering, going into the final lap, when they would need the maximum effort, they would not have a government, which would

not think has the right mandate to carry on these things. He emphasised that this issue needs to be addressed, both from the point of view of the government, from the point of view of the opposition and from the point of view of the administration which would be in power at that time.

Dr Bhattacharya pointed out that in 2006, number of things would be happening. He said that the starting point of course was 3% exclusion list of the LDCs products. He pointed out the work progress on aid for trade. He also refereed the whole LDC modalities on the GATS negotiation which would be very much on the cards. So it was important we shouldn't lose our sight. In this perspective Dr Bhattacharya suggested two things. *One* was that the government need to do immediately to create a national committee and to study what exactly were there for them in the ministerial document. He said that 'we are still debating that it is there or not there, how much it is there, and how much it is to be there or in the future. I think it is necessary to have a technical interpretation of the draft to work out an action plan.' *Second* thing Dr Bhattacharya pointed out was the need to introduce a better participatory process and a revamped WTO advisory committee in the ministry of commerce. He also mentioned about the strengthened of the Geneva mission as the mission is running the whole process with a limited number of resources. Dr Bhattacharya suggested that if the government cannot afford, the private sector should come forward to provide adequate support in order to help the Geneva mission. Finally he mentioned that WTO is not about only market negotiation, it is also about domestic regulation. In this regard he cited an example of TRIMS. According to him, '*TRIMES means tax holidays, interest subsidy, your local content of course, your cash incentives, your expected depreciation allowance, all these various kinds of incentives which has to be given. Now, on the one hand we have those 97% which is the positive gain, new products for the exports, we can use this TRIMS to promote those products for diversifying our export basket. So it has to be thought domestically, what the TRIMS measures, the trade people should tell us what are the products which can go there, and the TRIMS people should add those measures there.*'

10. Recommendations from the Floor

Dr Debapriya Bhattacharya opined that whether Bangladesh will be able to take advantage of this and translate the 'potential opportunities' into 'real opportunities' will

critically depend on the quality of her homework in this respect. Bangladesh, therefore, need to create export capacities through export diversification, raising productivity and raising overall competitive strength in the global market. Dr Bhattacharya also asked to set up a Working Group on WTO issues comprising all the relevant stakeholders in order prepare the country for the upcoming round of negotiations.

The participants of the dialogue suggested that Bangladesh should actively pursue a strategy for benefiting from the *Development Package* which is being discussed at present in the WTO.

Participants also felt the need that Bangladesh should also take recourse to political persuasion in order to convince developing countries which are actively showing resistance to DF-QF market access for all products from all LDCs. In this context, effort should be taken to persuade South Asian countries such as Pakistan, Sri Lanka and India to come out in support of LDCs.

Dr Bhattacharya mentioned about the importance of aid for trade which should also strengthen the capacity both from the supply side and also from the institutional side. Therefore a pragmatic policy and coordinated analysis will be needed, he added. Therefore Dr Bhattacharya asked for triangulation of the policies between market access, trade and aids for trade. He opined that Finance ministry was totally outside the loop as the finance ministry till then was not really involved in the whole area. He referred that that during the course of GATS negotiation, opening up of the financial sector would be discussed, but there was no focal point within the finance ministry. In these circumstances Dr Bhattacharya emphasised for these inter-ministerial coordination. He suggested being self critical rather than blaming others.

V. Comments from the Special Guest

Special Guest of the dialogue High Commissioner of Canada H.E. Barbara Richardson thanked the key-note speaker and the discussants for having an informed dialogue on an issue which is of crucial importance for LDCs like Bangladesh. H.E. expressed her reservation not to have adequate knowledge on this subject matter. High Commissioner mentioned that she was involved in UN negotiations, but she was not personally been

involved in WTO negotiations. Honourable Special Guests mentioned about the importance of WTO negotiations in coming days for the country like Bangladesh. She expressed her gratitude of being invited to this high calibre dialogue. Therefore she thanked CPD for inviting her.

VI. Comments from the Chief Guest

Mr. Reaz Rehman, the Chief Guest of the session, thanked the key-note speaker and the discussants for having an informed dialogue on an issue which is of crucial importance for LDCs like Bangladesh. He said that since the conclusion of the Hong Kong ministerial there had been a great deal of disappointment, hype and finger pointing over the outcome of this conference. There was, thus, a need for strict reality check, regarding the setting, the expectations, and the results.

The Doha round of trade talks, which began in the 4th WTO, was launched in spirit of global solidarity, two months after the terrorist attacks of September 11, 2001. The talks were always built as being about more than just trade. In underscoring the objective of the Doha Round Negotiations, Mr Rahman quoted the British Prime Minister Tony Blair saying, “creating the conditions in which millions of people would have the chance to escape poverty”. These lofty aspirations however, were always conditioned by a healthy dose of cynicism as to whether it could revive dragging negotiations, set timetables and reach modalities for a framework. It was felt that the benefits of the round, as perceived by the LDCs, overstated, and negotiators were not truly serious and ambitious enough to seek the degree of trade liberalisation needed to help the poorest. This was demonstrated by the actual progress of the round. The July 2004 Geneva package was the critical milestone which put the Doha round back on track. And its deadline was extended to the end of 2005. Five clusters of issues were to be negotiated – agriculture, NAMA, services, rules and development provisions. During the course of time, progress on these issues saw further reduction to three core areas – agriculture, industrial growth and services. By November 2005, even these were considered to be ambitious to reach a detailed framework. Thus the most important decision as regards firm subsidies and tariff and to lower barriers to industrial goods were put off till March/April 2006. It is to be noted that the US wants deep cuts across the board. EU wants to see bigger developing countries reduce industrial protection, but is itself reluctant to slash its farm tariffs.

Despite these reality signals, expectations of the LDCs remained optimistic, rooted in the very context of Doha round, being more than just trade. On goods they sought to secure predictable meaningful market access to be reflected in the schedule of commitment, including an agreed date for necessary modalities. Rules of origin were to be made realistic, simple, and flexible for such access. LDC exports were to be exempted from anti-dumping, countervailing and safeguard measures. On services they hoped to facilitate market access by increasing the level of commitment by granting free access to service providers, especially semi-skilled labour, and to remove impediments on temporary movement of natural persons. LDCs sought more flexibility to be allowed to them in undertaking commitments and obligations and to permit them to adapt policies to meet their development needs. They sought to target external assistance for developing and diversifying their production and export base, and to address constraints to supply. These countries also sought to offset the negative effects of trade liberalisation including agriculture, non agriculture market access and measures to address the illusions of preferences. They wanted not only a review but measures to promote mandatory special and differential treatment for the LDCs.

Dwelling on the Hong Kong Ministerial, Mr Rahman noted that the outcome of the Hong Kong ministerial gave rise to mixed feelings. Doha trade round is still alive but hardly healthy. The Economist on 24th December, in its issue of 24th December 2005, stated bluntly that the ministerial meeting of the WTO at Hong Kong 13th to 18th December amounted to little more than an expensive experiment in sleep deprivation. Among the main elements of the Hong Kong outcome were the following: the most notable outcome was that it did not collapse like the Ministerials at Seattle in 1999, and Cancun in 2003. The main achievement was to agree on a date in the end, i.e. the end of 2013 for the elimination of export subsidies on farm goods. It was a much wanted package for the world's poorest, which gained promise of free access to at least 97% of their products by 2008. Some vague priorities were given to the US cotton producers that it would reduce cotton subsidies. Some progress was achieved in few cases of special and differential treatment. However, issues at the heart of the Doha round trade talks, cutting farm tariffs and trade and industrial goods and opening service markets, saw little progress except from setting a new deadline, the end of April 2006.

The attention given to the poorest countries in Hong Kong was a symptom of the lack of progress elsewhere. For Bangladesh, the very fact that Hong Kong would deal with the development dimensions of the Doha round, was a victory of sorts. No doubt the single most important issue was that of the question of duty free quota free (DF-QF) market access in the developed country markets. The outcome in this particular context resulted in frustration for a number of LDCs like Bangladesh. Despite best efforts from Bangladesh, the US trade representative Robert Portman stated in a press conference that Bangladesh textiles and apparel industry did not deserve duty free treatment as it had become competitive. Some put that duty free entrance in the US was an impossible dream, given the dynamics of US politics.

The final version of the Hong Kong ministerial draft declaration came as a shock to Bangladesh. Two elements were particularly setbacks, first the duty free access would be provided for 97% of the products and the remaining 3% would be phased out gradually. Thus under this provision, the US could give out all our export interests, products specially apparels, if they so choose. Second, the additional duty free market access would need to take into consideration the concerns of the developing countries at similar levels of development. This opened the door to other developing countries to block duty free access. This issue has been expounded upon at large. The few roars of these setbacks have obscured some of the real gains in Hong Kong. Despite the overall straining atmosphere and lack of political will already described, these are briefly summed up. 1) the very holding of the Hong Kong ministerial and its focus on development dimension was an important forward step; 2) the Geneva negotiations resulted in a draft containing many elements of importance to the LDCs, and was spearheaded by Bangladesh; 3) on the services issue, the text in Annex C was accepted with important paras that could influence negotiations in future. One of the most important areas of interest, which is less skilled service suppliers and the mode 4 for GATS, saw some advance. Hong Kong also upheld the issue of trade facilitation. Special and differential provisions were also important. For the first time there was a time bound commitment for duty free access for 97%. Rules of origin were to be simplified and improved.

Talking about the remedial solutions for the future agenda, Mr Rahman mentioned that Bangladesh should now concentrate on looking ahead, especially in the forthcoming year.

Given our overwhelming dependence on one product, export diversification reinforces the need for identifying new products. Bangladesh would also need to revisit export strategies to increase competitive advantage through efficiency gains in areas of trade supportive infrastructure. Pragmatic measures should also be taken in the context of strengthening the consultative process. In this context, particular attention needs to be given to strengthening of the WTO cell, and the Geneva mission. He also appreciated the recommendation for a national committee to look at various aspects, to examine the guidelines, to set up the declaration, to articulate and negotiate strategies, to identify the products for inclusion in the 3% exclusion list, to seize opportunities in market access, waivers on TRIMS, extension period of TRIPS, the LDC modalities on services, and to design appropriate strategies. The aid for trade package also requires to be looked at pretty hard. Also the flexibilities under special and differential provisions, and in depth analysis of opportunities and risks needs to be carried out.

VII. Concluding Remarks of the Chairman

In his concluding remarks as the Chair of the session, Professor Rehman Sobhan thanked the principal speaker and discussants for their active participation in the dialogue. He noted that it was pertinent for Bangladesh to not only enhance negotiating capacities for addressing the 3% issue, but will also have to understand something more about the nature of the political economy of trade negotiations. He was critical of the US stance for not letting Bangladesh's garment industry have duty free access to their market. He also noted that as the US is committed to a major agenda for reducing poverty around the world, the poverty alleviating effects of significant enhancement of exports in the US market would in fact enable them to reduce their aid commitment to Bangladesh. At this point, Professor Sobhan emphasised on the role of bilateral efforts in addressing the strategic issues between trading partners. He noted that every second country would be making politically determined bilateral market access arrangement; and this will stand out to be an emerging pattern in the global trading arena.

Professor Sobhan then thanked the Chief Guest for highlighting the needs for national preparation, not just for negotiation but also for whatever limited opportunities have been created for the country. He then informed that the game of export diversification had been going on for 20 years in Bangladesh. But every year the country's exports become more

concentrated and, at present, 76% of our exports concentrated in the garments sector. Focusing on the issue of 3% exclusion, Professor Sobhan noted that this 3% might be covering the entire export capacity of most of the LDCs, as the real nature of being an LDC is that it has very few items in its export basket. Thus the achievement of 97% was an entirely theoretical proposition for large number of LDCs who export these very few products. In the current scenario, how the LDCs are to move out of the ambiguities and deal with the opportunities created by the WTO is in fact the big question that remained unresolved. LDCs now remain in a no man's land with regard to the whole issue of being able to control their capacity for restructuring and redirecting the economy.

Dialogue on
***Hong Kong Ministerial Conference of the WTO:
Outcome LDC Interests and Bangladesh's Concerns***
Thursday, January 5, 2006: 300 pm at CIRDAP Auditorium

List of Participants
(in alphabetical order)

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