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EXECUTIVE COUNCIL
Fifteenth Ordinary Session
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Sirte, Libya

EX.CL/ 513 (XV)

REPORT OF THE COMMISSION ON THE 5th ORDINARY SESSION OF THE
AU TRADE MINISTERS CONFERENCE

INTRODUCTORY NOTE ON THE 5th ORDINARY SESSION OF THE AU TRADE MINISTERS CONFERENCE, ADDIS ABABA, ETHIOPIA, 16 – 20 MARCH, 2009

1. From 16 to 20 March 2009, the African Union Commission successfully hosted the 5th Ordinary Session of the AU Ministers of Trade Conference. The Trade Ministers Conference is a statutory event, which enables Trade Ministers to take stock of developments in the global and continental trade policy arena, assess policy implementation processes and give political guidance on further work programmes of the AUC. The Conference also serves as forum to harmonise Africa's views and positions on crucial multilateral and regional trade agenda, like the WTO Doha Development Agenda (DDA) and Economic Partnership Agreement (EPA) negotiations, among others. In accordance with Assembly Decision Assembly/AU/Dec. 197 (XI) of Heads of State and Government adopted in Sharm-El-Sheikh, Egypt in July 2008, this session of AU Trade Ministers examined and endorsed an EPA Template prepared by the AU Commission and other partners, to assist the EPA negotiating regions in their negotiations with the European Union.

ISSUES DELIBERATED AT THE CONFERENCE

2. The Conference featured the following agenda items, namely: review and assessment of the state of play in the WTO and EPA negotiations respectively; the 2nd Global Aid for Trade Review, scheduled for July 2009; the forthcoming 8th Africa Growth and Opportunity Act (AGOA) Forum, scheduled for Kenya in early August 2009; Presentations from China and India respectively on the duty free tariff preferences offered to especially least developed countries of Africa; as well as the exchange of experience with other developing countries, with long standing experience on negotiating and implementing Free Trade Agreements with developed countries. The deliberations on the negotiations on the WTO and EPAs respectively, particularly reviewed the state of play, the issues in contention and the way forward. With regard to EPA negotiations, the EPA template prepared by the AUC and partners to assist African EPA negotiating regions, was considered. The Template took into account the developmental aspirations of Africa, the integration objectives of the Abuja Treaty on the African Economic Community, the contentious issues in the ongoing negotiations and proffered positions that can be commonly accepted by all negotiating regions, in compliance with the need for coherence and consistency of African positions in the WTO and EPA negotiations.

INTERACTIVE SESSION ON THE GLOBAL ECONOMIC CRISIS

3. A major highlight of the Conference was the Interactive Session on the global economic crisis, focusing on trade and investment and the impact of the crisis on Africa. In addition to the Ministers of South Africa (Chairperson), Nigeria and Libya, as panel of discussants, the session also featured invited dignitaries like the Director General of the WTO; Deputy United States Trade Representative; Director in charge of EPAs and Development in the European Commission; Director General in the Indian Department of Commerce and the Executive Director of the South Centre, Geneva. The interactive session acknowledged the negative impact of the crisis on Africa, while urging that in addition to global initiatives, Africa must evolve home grown solutions to mitigate the adverse consequences of the crisis.

OUTCOMES

4. Major outcomes of the Conference are the following:
- Issuance of Ministerial Declaration on WTO negotiations;
 - Issuance of Ministerial Declaration on EPA negotiations;
 - Issuance of Communiqué on the Global Economic Crisis. (The Communiqué served as part of Africa's input in the G20 Financial Summit of London, in April 2009).
 - The endorsement of the EPA Template prepared by the AUC and partner organizations, as broad based set of guidelines to assist the Regional Economic Communities in their ongoing EPA negotiations. (As earlier stated above, the Template was prepared in compliance with the decision of the Joint AU Trade and Finance Ministers Conference, held in Addis Ababa in April 2008 and subsequently endorsed at the AU Summit held at Sharm El Sheikh, Egypt, in July 2008);
 - Strong message for effective preparation and active participation in the 2nd Global Aid for Trade Review, in July 2009
 - Strong message for effective preparation and active participation in the 8th AGOA Forum, scheduled for Kenya, in early August 2009.
 - The AUC and UNECA are also to undertake studies to reflect on alternative post-AGOA trade arrangements to be considered between Africa and the United States.

VENUE OF THE NEXT MINISTERIAL CONFERENCE

5. The Government of Rwanda offered to host the 6th Ordinary Session of the AU Trade Ministers Conference in 2009.

RECOMMENDATION

6. Council may particularly wish to:
- Take note of the Report of the 5th Ordinary Session of the AU Trade Ministers Conference;
 - Note the decision on the endorsement of the EPA Template as broad set of guidelines to assist RECs in their ongoing EPA negotiations, in compliance with Sharm El Sheikh Summit Decision; and
 - Recommend the decision on the EPA Template to Summit for endorsement.

EX.CL/513 (XV)
Annex I

REPORT OF THE CONFERENCE OF
MINISTERS OF TRADE

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**AU CONFERENCE OF MINISTERS OF TRADE
5th ORDINARY SESSION
19-20 MARCH, 2009
ADDIS ABABA, ETHIOPIA**

TI/TMIN/MIN/Rpt (V)
Original: English

**REPORT OF THE CONFERENCE OF
MINISTERS OF TRADE**

**REPORT OF THE 5th ORDINARY SESSION OF THE CONFERENCE OF
MINISTERS OF TRADE,**

INTRODUCTION

1. The Fifth Ordinary Session of the AU Conference of Ministers of Trade was convened at Ministerial level from 19 to 20 March, 2009, at the Headquarters of the AU Commission in Addis Ababa, Ethiopia. The meeting was addressed by H.E. Mrs. Elisabeth Tankeu, AU Commissioner for Trade and Industry and formally opened by H.E. Hon. Girma Birru, Minister of Trade and Industry of Ethiopia. It was chaired by H.E. Hon. Mandisi Mpahlwa, Minister of Trade and Industry of the Republic of South Africa.

ATTENDANCE

2. The following Member States participated in the meeting: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Congo (Republic), Côte D'Ivoire, Democratic Republic of Congo, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Niger, Nigeria, Saharawi Arab Democratic Republic, Rwanda, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe.

3. The following Regional Economic Communities/groupings also participated in the meeting: EAC, ECOWAS, UEMOA and COMESA. Other Organizations represented were Commonwealth Secretariat, ECA, European Centre for Development Policy Management (ECDPM), International Centre for Trade and Sustainable Development (ICTSD), International Lawyers and Economists against Poverty (ILEAP), Organisation internationale de la Francophonie, Manchester Trade, South Centre, Tradecom Facility, Third world Network Africa, World Bank, World Trade Organization and World Trade University.

4. The following countries/organisations participated in the interactive session: India, USA, the European Commission, the World Trade Organisation and South Centre.

PROCEEDINGS

ELECTION OF THE BUREAU

5. The meeting elected the following Bureau:

Chairperson	:	South Africa (Southern Africa)
1 st Vice-Chairperson	:	Nigeria (West Africa)

2nd Vice-Chairperson : Burundi (Central Africa)
3rd Vice-Chairperson : Libya (North Africa)
Rapporteur : Tanzania (East Africa)

Agenda Item 4: Presentation of Senior Officials Report and Consideration of Recommendations/Adoption of Declarations and Communiqué

(i) WTO Negotiations: State of Play and Adoption of Declaration

6. Ministers considered the recommendations of the Senior Officials and endorsed them as follows:

- (i) They took note of the Report of the Africa Group at the WTO in Geneva;
- (ii) They considered and adopted the Addis Ababa Declaration on WTO negotiations with amendments.

(a) EPA Negotiations: State of Play and Adoption of Declaration

7. Ministers discussed at length the recommendations of the Senior Officials and endorsed them with amendments as follows:

- i) The EPAs should enhance regional integration processes in Africa;
- ii) There is a need to harmonize timelines and positions among African countries and regions in this negotiating process, particularly on contentious issues and in areas of common interest;
- iii) Initialed agreements could be notified to the WTO, while ensuring that substance takes precedence over deadlines
- iv) While the EPA negotiations are being pursued there is need to ensure that its final outcome is based on the rights and obligations that would emerge from the DOHA Negotiations on Article 24
- v) A strengthened capacity building commitment by the EC should be integrated into the EPA and effectively benchmarked for its developmental impact ;
- vi) The implications of concluding EPAs in the context of the financial crisis should be taken into account;
- vii)The AUC mandated to undertake a work programme on Africa-wide rules of origin with a view to adopting harmonized rules in the context of the EPA.

8. The Ministers considered and adopted the Addis Ababa Declaration on Economic Partnership Agreements with amendments.

(b) Exchange of experience on Free Trade Agreements (FTAs) between developed and developing countries

9. Ministers took note of the report.

(c) Consideration of EPA Template

10. Ministers considered the recommendations of the Seniors Officials and endorsed them as amended.

- (i) **The EPA model template should be regarded as a broad set of guidelines,**
- (ii) **The template should be considered as work in progress to strengthen coherence in Africa's positions in the EPA process and preserve its developmental objectives.**

(d) 2nd Global Review on Aid for Trade: Ways forward

11. Ministers examined the recommendations of the Senior Officials and endorsed them as amended:

- i. **Aid for Trade is an integral part of the Doha Round and the principles that have guided Africa's approach to Aid for Trade, particularly additionality should be reaffirmed.**
- ii. **There is a need for greater collaboration, coherence and coordination at the national and regional levels to ensure effective implementation of Aid for Trade.**
- iii. **Development partners should deliver, in a timely manner, on their pledges on Aid for Trade particularly in this time of global economic crisis.**
- iv. **African countries should intensify their preparations and participate in the Aid for Trade process to ensure that the modalities for implementing Aid for Trade is effectively addressed at the 2nd Global Review.**
- v. **Procedures for accessing Aid for Trade should be simplified**
- vi. **Aid for Trade should be increased or at least maintained at current levels**
- vii. **Ministers are urged to participate in the second review.**

(e) Duty Free Trade Preferences from China and India

12. Ministers took note of the update provided by India and China on their preferential trade schemes to African LDCs. They however expressed concern on the conditions attached by both India and China to those schemes and requested the Commission to remain engaged with the issue.

(f) 8th AGOA Forum

13. Ministers endorsed the recommendations of the Senior Officials as amended:

- i. **Ministers are to engage with those countries that oppose the granting of the WTO waiver for AGOA with a view to convincing them to drop their objections;**
- ii. **A strategy should be developed to strengthen regional markets in the context of AGOA to:**
 - **improve competitiveness and export diversification;**
 - **provide access to finance for SMEs;**
 - **address tariff escalation;**
 - **extend 3rd country fabric provision until 2015;**
 - **address any negative effects on AGOA beneficiaries of extending DFQF to all LDCs; and**
 - **develop joint promotional strategies with the US.**
- iii. **A strategy should be developed to ensure that all Sub-Saharan African countries become eligible for AGOA benefit;**
- iv. **The AUC should participate in the 8th AGOA Forum to be held in Kenya between 4 to 6 August 2009;**
- v. **There is a need for AGOA to have clear targets and benchmarks with verifiable indicators so that both sides can be accountable for its implementation;**
- vi. **There is need to remain engaged on the issue of the end of the third country fabric provision which expires in 2012;**
- vii. **The AUC and UNECA must initiate studies that will inform consideration of alternate post-AGOA trade arrangements with the US.**

14. The representative of Kenya reminded the Ministers that the 8th AGOA Forum would be held in Kenya from 4 to 6 August 2009 and in that regard invited all of them to attend the event.

(g) Global Economic and Financial Crisis and its Impact on Trade and Development in Africa/Adoption of Communiqué

15. Ministers considered the Senior Officials' recommendations and endorsed them as amended:

- (i) They considered the draft Communiqué on “The global economic and financial crisis and its impact on trade and development in Africa” and adopted it with amendments;
- (ii) The AUC should take these concerns to the G20 meeting in April 2009;
- (iii) They took note of the World Bank proposal on the establishment of a vulnerability fund and agreed to have further consultations with their colleagues, the Ministers of Finance to get clarifications on the objectives and modalities of the fund; they recommended that the matter be also raised at forthcoming G20 meeting.

Agenda Item 5: Interactive Session between African Union Trade Ministers and Invited Guests on “The Global financial Crisis and its impact on Trade and Development in Africa”

Opening Remarks by Chairman, Minister of Trade and Industry of South Africa

16. The interactive session was chaired by the Minister of Trade and Industry of the Republic of South Africa. Interventions were received from Ministers of Nigeria and Libya, Ambassador of Cameroon and Representative of Egypt. The following invited guests also provided inputs: Director General of the WTO, Acting USTR, Director of EPAs and Development of EC, Director General of India's Ministry of Trade and Commerce, and the Executive Director of South Centre.

17. The Representatives of the USA, EU and India stressed their commitment to assist Africa in mitigating the effect of the economic crisis.

Agenda Item 6: Any Other Business

18. The Minister of Trade of Libya informed the Conference that Italy which will be hosting the next G8 meeting in July 2009 has invited the Chairperson of the AU, Leader Muammar Gaddafi to the meeting. Ministers welcomed and commended the invitation.

Agenda Item 7: Date and Venue of the 6th Session of the AU Conference of Ministers of Trade

19. Rwanda offered to host the 6th Ordinary Session of the AU Conference of Ministers of Trade in 2010. Ministers agreed on the holding of one Ordinary Session of the Conference per year and an Extraordinary Session as dictated by developments.

Agenda Item 8: Adoption of the Report

20. Ministers considered their Report and adopted it with amendments.

Agenda Item 9: Closure of the Meeting

21. The Chair, H.E. Hon. Mandisi Mpahlwa, Minister of Trade and Industry of the Republic of South Africa, brought the Conference to a close.

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Annex II

ADDIS ABABA DECLARATION ON WTO NEGOTIATIONS

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AU CONFERENCE OF MINISTERS OF TRADE
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ADDIS ABABA DECLARATION ON WTO NEGOTIATIONS

Preamble

We, Ministers of Trade of the Member States of the African Union, meeting in Addis Ababa, Ethiopia, on 19-20 March 2009, considered the developments in the Doha Development Agenda (DDA) negotiations since the last AU Conference of Ministers of Trade and Finance, in Addis Ababa, Ethiopia, on 3 April 2008;

Reiterating our commitment to a successful Doha Development Round, and the positive contribution to all efforts leading to an early conclusion of the negotiations;

Recalling, in this regard, the declaration and Decision of Heads of States and Governments of the AU in Addis Ababa of (3 February 2009) on the international financial crisis and its far reaching economic and social impacts on African countries, and the need to conclude the Doha Development Round in order to secure *inter alia* that markets remain open to African trade;

Underlining our deep concerns regarding the far-reaching negative impact of the crisis on African economic growth and national developmental plans, balance of payments and national budgets, competitiveness, access to international public and private finance, and foreign direct investment. We are also alarmed about the growing risks of the use of protectionist measures and policies around the world. We are further concerned, that the crisis will affect economic sectors that are sensitive to African countries, and its impact will spread to touch on production, exports, employment, investments, commodity prices, tourism, and remittances among others;

Expressing deep concern over the re-emergence of trade protectionism triggered by developed countries in response to the crises, and calling upon developed countries to refrain, in pursuing their respective stimulus plans, from adopting and implementing any measures, that could be construed inconsistent with their respective WTO commitments, or would undermine the multilateral trading system in a manner that exacerbates the negative ramifications brought onto the real economy of African countries;

Highlighting that as a result of the global economic and financial crisis, and more than at any other time, the outcome of the Doha negotiations should deliver the developmental objectives as spelled out in the Doha mandate and later reaffirmed by the WTO General Council Decision of 1 August 2004 (the July Framework) and subsequently the 6th WTO Ministerial Conference held from 13 to 18 December 2005 in Hong Kong; at its core;

Stressing that within the current global economic context, there should not be any attempts to reinterpret or change the mandates in any of the negotiating tracks. Mandates should be correctly interpreted in developed members doing more to substantially and effectively reduce trade distorting subsidies, and to provide enhanced market access to products of export interest to developing and least developed members;

Emphasizing the need to preserve progress and convergences achieved during 2008 in all the Doha negotiating tracks under the single undertaking, and in cautioning against the adverse ramifications of backtracking on the progress and convergences reached so far;

Re-emphasizing the need for the negotiations to be carried out in a fully inclusive and transparent multilateral manner to ensure political ownership of both the process and outcome, and to be guided by the Chairpersons based on members` contributions and multilateral agreed texts to ensure the legitimacy and balance of the outcome;

Recognizing that the satisfactory completion of the Doha Work Programme is fundamental for enhancing the trade and development objectives of African countries, and a priority for achieving international development goals including the achievement of the Millennium Development Goals, principally on poverty reduction in our countries;

Re-emphasizing that for Africa, development outcomes in each of the negotiating tracks remain the *raison d'être* of the Round. This means that tangible development content must be evident within each negotiating track, and in the overall outcome;

Reaffirming our previous positions and concerns as contained in the Addis Ababa Declarations of (3 April 2008) and of (15-16 January 2007); the Nairobi Ministerial Declaration (12-14 April 2006); the Arusha Development Benchmarks (21-24 November 2005); the Cairo Road Map on the Doha Work Programme (5-9 June 2005) and the Kigali Consensus (27-28 May 2004);

Hereby declare as follows:

AGRICULTURE

1. **We reiterate** that Agriculture is the main engine of the DDA, and that the outcome of the Agriculture negotiations will determine the level of Ambition in other areas.
2. **We note** that the draft modalities on Agriculture issued on December 6, 2008 reflects the state of play in the agriculture negotiations; though progress has been reached on certain issues, uncertainty continues to prevail on a large number of other issues.

3. **We consider** that the December 6, 2008 text will constitute the basis for future negotiations, though it fails to adequately address a number of issues that are of key interest to African Countries.
4. **We stress** that the un-bracketed issues in the text remain conditional and can only be settled once an overall balance in the Agriculture negotiations is achieved; we also stress that any future efforts to close gaps and refine the text require political will, and must be the product of a multilateral, transparent and bottom-up process.

Market Access

5. **We are concerned** with the increasing layers of flexibilities being granted to some Developed members concerning Sensitive Products, and we stress that modalities for sensitive products should not impede the level of ambition realized by the tariff reduction formula.
6. **We reaffirm** in addition, that NFIDCs with no TRQs commitments shall be allowed to deviate from the tariff reduction formula for all their sensitive products.
7. **We recognize** the importance of Special Products in achieving food security, livelihood security and rural development; therefore, we stress that the modalities for Special products should allow for the designation of a sufficient number of products, as well as the flexible treatment that would assist Developing members to achieve such objectives.
8. **We also recognize** the vulnerability of our fragile economies, and therefore underscore the importance of the SSM, and reaffirm that its modalities should be simple, effective and operational. Further, it should be a permanent feature of the AoA. We also emphasize that modalities on SSM should be effective in addressing import surges and price declines in Africa; this includes allowing the remedies to apply beyond the Uruguay Round bound level.
9. **We further stress** that SSM modalities should allow for more favourable treatment for SVEs and LDCs in view of their low level of development.

Preferences

10. **We reiterate** our call that, with a view to mainstreaming development in the Doha Round, the issues of longstanding preferences and preference erosion should be resolved by means of trade based solutions through an implementation period of at least ten years and a firm commitment in terms of technical assistance during the transition period. Furthermore, we underline the need to preserve the convergence reached on preferences in July 2008, to capture the interests and concerns of preference receiving countries.

11. **We recognize** with appreciation a number of existing trade preferences initiatives established to integrate developing countries and LDCs into the global trading system. However, rules of origin requirements and implementation procedures, as well as supply-side constraints, continue to disrupt effective and predictable market access for LDCs. We therefore urge for the full implementation of the principle of Special and Differential Treatment for these development oriented preference and other initiatives including the provision to LDCs of financial and technical assistance, technology transfer for capacity building, flexibility in implementation of commitments and the implementation of the commitment to grant Duty Free Quota Free market access by WTO developed, and developing countries declaring themselves to be in a position to do so, to all products originating from all LDCs. In addition, other policy measures undertaken by the WTO members should take into account the export interests of LDCs.

Commodities

12. **We call**, in light of the current global economic and financial crisis, for an amendment to the AoA to include an Article on commodities, and the establishment of an appropriate corresponding Annex. To this end, the case for a multilateral solution to the issue of commodities and the provision of technical and financial assistance to commodities exporting developing countries becomes even more compelling.
13. **We underline** further that commodity exporting dependent LDCs are largely vulnerable to changes and shocks in the international commodity markets. In addition, massive commodity subsidies and other protectionist measures including non-tariff barriers (NTBs) applied by some countries continue to negatively affect LDCs commodity trading and development opportunities.

Bananas

14. **We reaffirm** the need for the Banana issue to be specifically addressed, on a stand-alone basis through an inclusive process, in order to reach a just and balanced outcome, whilst remaining consistent with the development objectives of the Doha Round.
15. **We reiterate** our position expressed on July 25th, 2008 during the WTO Mini-Ministerial Conference regarding the level of MFN duty on Bananas and its stabilisation period.
16. **We also reaffirm** the necessity, during that period, for a flexible, expeditious and efficient compensation package based on the real need of Banana producing countries to restructure and diversify their Banana sectors.

Domestic Support

17. **We stress** that realizing the mandate of achieving effective and substantial reductions in Trade Distorting Domestic Support is a priority to Africa; therefore, we are concerned with the preservation of high levels of flexibilities for developed members that will no doubt reduce the level of ambition sought under domestic support modalities.

Export Competition

18. **We underscore** the importance of implementing the agreement reached in Hong Kong as reflected in the Ministerial Declaration, namely the full elimination of all forms of Export Subsidies by developed countries by 2013.
19. **We stress**, in light of the current global economic and financial crisis and its effect on Trade Finance, that, modalities for Export Competition should take into account the impact of this crisis on the African countries, especially African NFIDCs and LDCs.

Export Restrictions and Prohibition

20. **We underscore** the importance of access to food for NFIDCs and LDCs, and we urge members and relevant international organizations to coordinate their actions to guarantee access to food for those countries by increasing their food security. It is essential to exempt NFIDCs and LDCs from any new disciplines to be agreed upon with regard to Export Restrictions and Prohibition; therefore, we urge that the December 6, 2008 modalities should be further clarified to achieve this objective.

Cotton

21. **We support** an outcome on cotton that is compliant with the Hong Kong mandate and that will take the following into consideration:
- The application of the formula for the reduction of the domestic support granted to cotton under the Amber box, proposed by the C4, and reproduced in the draft modalities presented by the Chairman of the Special session of the Committee on Agriculture;
 - Fixing of specific caps for blue box domestic support granted to cotton, amounting to 1/3 of what would otherwise have been the resultant from the methodology advocated in the Chairman's text;
 - The application of the additional "two for one" discipline on the increase in domestic support from amber to blue box;
 - The period of reference of 1995-2000 for cotton.

22. **We also support** the approach advocated by the Chairman of the Agriculture Negotiations for the reduction of domestic support distorting the global cotton trade as presented in the draft agriculture text of December 6 2008. We further urge the EU to adopt the same methodology.
23. **We also urge** the USA to table clear proposals that are in conformity with the Hong Kong mandate.
24. **We suggest** that a range of amounts for trade-distorting subsidies be adopted as a basis for our discussions during the negotiations.
25. **We encourage** the WTO Director General to continue his consultations on development aid, as part of the Consultative Framework Mechanism, pursuant to the Hong Kong mandate, with a view to finding an expeditious, appropriate solution to the crisis that is threatening African cotton commodity chains with short-term disappearance if nothing is done for their safeguard.
26. **We recall** that without an appropriate and lasting solution to the vital issue of cotton there can be no conclusion to the Doha Round as was underscored in the final conclusion of the High Level Meeting on Cotton held in Geneva in March 2007.

NON-AGRICULTURAL MARKET ACCESS (NAMA)

27. **We support** efforts to advance NAMA negotiations on the basis of the draft NAMA text issued in December 2008, and call for caution among WTO members on any backtracking in the NAMA negotiations. We further emphasise the need to preserve progress achieved during the year 2008.
28. **We continue to reiterate** that the final outcome of Non-agricultural Market Access (NAMA) negotiations should reflect the developmental concerns and interests of the African economies and not lead to their de-industrialisation.
29. **We further urge** that any agreed modalities in NAMA, and in particular for developing members subject to formula cuts, take full account of Para 16 of the Doha Declaration on less than full reciprocity in reduction commitments. Furthermore, we urge that the modalities in NAMA fully accommodate the proposal by SACU, as it is based on genuine developmental concerns and the situation of this group.
30. **We recall** on Sectorals, that the mandate for participation is on a non-mandatory basis. Further, sectoral initiatives should neither be linked to the tariff cut formula nor have any impact on products that are enjoying tariff preferences.
31. **We reiterate** our concern on the impact of preference erosion on our otherwise fragile economies and more so that majority of our membership is dependent on trade preferences. We urge that any solution arrived at for the 'Disproportionately

Affected Countries' should not in any way erode further the preferences particularly for the Least Developed Countries (LDC's). In addition, concerned that some Sectoral initiatives will have adverse effects on our industries and exports, we call for such initiatives to exclude products of export interests to African countries, particularly those tariff lines identified as being vulnerable to preferences.

32. **We continue to support**, the Non Tariff Barriers (NTB's) proposals that gather the widest consensus among members in particular the establishment of a horizontal mechanism for resolving NTB's. We further urge that proposals not gaining support such as the proposal for Elimination of Export Taxes be excluded from NAMA negotiations. We further underline that the negotiation of export taxes has no mandate in NAMA.

SERVICES

33. **We reviewed** the state of play of the Services Negotiations as well as the elements proposed for the completion of the negotiations as presented by the Chair's text of 28th of July 2008. We remain cognizant that no consensus has been reached over the text, and thereby consider that the negotiations should proceed in accordance with the Doha Declaration, as well as the Hong Kong Declaration, including Annex C. We reiterate our rights emanating from the flexibilities provided for developing countries and LDCs as stipulated by the GATS, and all other related negotiating mandates.
34. **We emphasise** that the global economic and financial crises have adversely affected the services sectors of African countries, and call upon our trading partners, particularly developed countries, to undertake meaningful market access commitments in sectors and Modes of supply that are of export interest to African countries, particularly Mode 4, and to maintain the comparability and sequencing of Market Access negotiations which should be linked to the level of ambition attained in Agriculture and NAMA, as well as to the overall balance within the single undertaking of the DDA.
35. **We stress** that African countries have undertaken extensive commitments in liberalizing their services sectors. Accordingly, any outcome of the services negotiations should take into account the efforts already made by African countries in this regards, with due account to their level of development and human, institutional and regulatory capacities.
36. **We reaffirm** that African countries should, as a sine qua non condition, benefit from Special and Differentiated Treatment and appropriate Technical Assistance and Capacity Building. To this end, we urge that satisfactory LDC's modalities as well as S&D proposals be made operational as soon as possible or at the latest before the end of the negotiations.

37. **We underscore** that any text-based negotiations on Domestic Regulation should be development oriented, and effectively address regulatory and related barriers faced by services suppliers from African countries. Moreover, they should include appropriate flexibilities & effective provisions for institutional building and technical assistance for African countries.
38. **We underline** that the global economic and financial crises will have far reaching implications on how financial services will be traded in the future. Accordingly, we stress the importance of analysing these implications and reviewing WTO/GATS work in this regard. We equally underline the need for analysing the impact of developed countries stimulus plans, in so far as they are construed to increase the competitiveness of their service sectors.

TRADE FACILITATION

39. **We reiterate** the importance attached to the issue of Trade Facilitation, and remain positively engaged to reach a satisfactory outcome to all parties in the current negotiations with the aim to clarify and improve movement, release and clearance of goods including goods in transit.
40. **We reaffirm** the importance of providing developing countries with the appropriate Special & Differential Treatment (SDT), and Technical Assistance and Capacity Building (TACB), as outlined in Annex D of the July 2004 Framework, and Annex E of the Hong Kong Ministerial Declaration in December 2005 respectively.
41. **We also reaffirm** that any final outcome should directly link implementation of commitments to providing TACB to Developing Countries, particularly African ones, and should contain a clearly defined operational mechanism committing the donor community to provide TACB to those countries that need it. The special situation and needs of African Landlocked and transit countries with respect to transit of goods should also be taken into account. Adequate financial assistance should also be provided to address the needs to develop the necessary infrastructure in African countries, particularly in LDCs, as a crucial element in facilitating trade.
42. **We stress** that Developing and Least-developed countries should not be required to implement any commitments unless their requests for TACB has been adequately responded to by donors, and they have acquired the necessary capacity to implement such commitments.

LEAST DEVELOPED COUNTRIES

43. **We call** for the incorporation into the final outcome of the Doha Round, the LDCs proposals as outlined in Maseru Declaration adopted during the 5th LDCs Trade Ministers Meeting held in Maseru, the Kingdom of Lesotho, on 27-29 February,

2009, including the need for developed countries to specify on a product-by-product basis when they will provide Duty Free Quota Free market access for the remaining 3 per cent of the products originating from all LDCs

44. **We fully support** the special consideration for African developing countries that are in Customs Unions with LDCs in their reduction commitments.
45. **We emphasize** that services is among the fastest growing sectors in global trade, while concerned that the LDCs' share remains marginal, we urge for a larger participation of LDCs in these important sectors. In this regard, we stress the need for the enforcement of the provisions stipulated in articles IV and XIX of GATS.
46. **We call** for timely, full and effective implementation of the modalities for the special treatment for LDCs in the negotiation on trade in services. In this regard, we fully support the LDCs for initiating the development of appropriate mechanism for according special priority to sectors and modes of supply of interest to LDCs. This effort will facilitate discussions towards the operationalization and implementation of LDCs modalities.
47. **We reiterate** the importance and urgency of the Enhanced Integrated Framework (EIF) to assist LDCs in their effort to mainstream trade into their national development plans and to use trade as an engine for development and poverty reduction. In this connection, we welcome the recommendations of the EIF Task Force aimed at achieving two main objectives namely: Increased, additional, predictable financial resources to implement IF Action Matrices, and Strengthening in-country capacities to manage, implement and monitor the IF process. While noting that some progress has so far been achieved including the appointment of the Executive Director and the Trust Fund Manager as well as the operational Executive Secretariat, we stress the need for ownership, envisaged easy access to the facility and a swift finalization of outstanding issues in order to effectively implement this important framework.
48. **We reiterate** further that Special and Differential Treatment (SDT) is a fundamental principle aimed at enabling developing country Members and LDCs to implement their commitments and obligations, including providing them with flexibility, policy space, balanced rules and necessary financial and technical assistance for capacity building to enable them achieve greater market access and other benefits in the multilateral trading system.

SPECIAL AND DIFFERENTIAL TREATMENT

49. **We reiterate** that given the impact of the global economic and financial crisis on developing countries, Special and Differential Treatment (SDT) is of vital importance to enable developing country Members and LDCs to implement their

commitments and obligations, including providing them with flexibility, policy space, and balanced rules to achieve greater market access.

50. **We are concerned** that discussions on the Agreement Specific proposals have made minimal progress. We therefore urge members to intensify efforts and exercise the necessary political will to accelerate the review of the SDT provisions to ensure that the outcome responds to the development needs and concerns of African countries. We emphasize that the Monitoring Mechanism is aimed at ensuring adequate and proper implementation of SDT provisions in all areas of the negotiations. Therefore, it should include the appropriate elements to achieve this objective.

RULES

51. **We urge** developed countries to recognize the concerns and needs of our countries in the rules negotiations and, in particular, the vital importance of special and differential treatment. Adequate attention must be given to the proposal made by our countries so as to ensure that the resulting Agreements have a development dimension.
52. **We reiterate** the need to avoid the introduction of more complex rules and disciplines under the Anti-Dumping Agreement and the Agreement on Subsidies and Countervailing Measures. The complexity of the existing Agreements and the costs associated to the use of the anti-dumping and countervailing instruments already limit the right of our countries to effectively challenge injurious dumping or subsidization. The amendments proposed in the consolidated draft texts on Rules in December 2008 will make it even more complicated for our countries to apply the relevant measures where a domestic industry is suffering from injury as a consequence of dumped or subsidized imports. The outcome of the Rules Negotiations will have to be implementable by all countries, regardless of their level of development.
53. **We stress** that adequate technical assistance should be provided to enable African countries to effectively enforce their rights under the Anti-Dumping Agreement in line with recent joint African/ACP/LDCs proposal on Anti-Dumping.
54. **Recalling** that African countries are currently engaged in negotiating Regional Trade Agreements, particularly Economic Partnership Agreements (EPAs), and underlining that the outcomes are to be consistent with WTO rules, we emphasize that at the time it was drafted, article XXIV of GATT 1994 addressed mainly the concerns of regional trade agreements between developed countries. We therefore call on the negotiators to reactivate negotiations to amend article XXIV of GATT 1994 to allow for the necessary special and differential treatment, and explicit and essential flexibilities for developing countries that take into account their specific needs and levels of development.

Fisheries subsidies

55. **We underscore** the need to ensure that the special and differential treatment flexibilities in Article III be designed to address the specific concerns of all African States, in particular the small and more vulnerable coastal states, and call for the special and differential provisions to be standalone provisions with no cross conditionalities on fisheries management systems. In particular, the disciplines on Fisheries Management Systems should be formulated to match the realities of our fisheries sectors, particularly traditional fisheries activities, and we call for stronger commitments on effective and monitorable technical assistance under Article V.
56. **We welcome** the resumption of negotiations on the draft initial fisheries subsidies text of November 2007, and the Chair's roadmap of December 2008. We stress the need for a balanced, fair and equitable approach to the negotiations on fisheries subsidies, which shall take into account the special status and needs of developing and least developed African coastal states and we stress that the new disciplines shall not impose any undue burden, both with regard to the development of that sector in our continued economic development and our administrative capacity to comply with new demanding standards and rules.

TRADE AND ENVIRONMENT

57. **We stress** that negotiations should continue within the Committee on Trade and Environment in Special Session (CTE-SS) with the view of reaching agreement on the fulfilment of the mandate.

TRIPS/CBD

58. **We urge** that, in order to establish a mutually supportive relationship between the TRIPS Agreement and the Convention on Biological Diversity in implementing the obligations under the two agreements, the outcome of the negotiations in TRIPS Council in Special Session should lead to mandatory requirement for patent applicants to disclose the origin of biological material and traditional knowledge used in their inventions, evidence of prior informed consent and benefit sharing arrangements with the country of origin and the relevant communities.

DISPUTE SETTLEMENT

59. **Considering** the difficulties African countries face in using the dispute settlement mechanism in order to promote and safeguard their interests as well as their legitimate expectations in the multilateral trading system, we urge that the outcome of the DSU negotiations should lead to a conclusion that would facilitate

the full participation of African countries in the dispute settlement system in line with the African Group proposal (TN/DS/W/92).

AID FOR TRADE

60. **We emphasize** the need to ensure that the recommendations of the Aid for Trade Task Force, and those resulting from the proceedings of the Regional Review Meeting on "Mobilising Aid for Trade: Focus Africa", held in Dar Es Salaam, Tanzania, on 1 and 2 October 2007, and of the Mobilizing Aid for Trade: A Global Review, organized in Geneva from 18 to 21 November 2007, and from the activities set out in the Aid for Trade Roadmap proposed by the Director-General of the WTO and approved by the WTO Membership on 27 February 2009, are implemented effectively, consistently and coherently.
61. **We call** on all the bilateral and institutional development partners, in light of the economic and financial crisis, to fulfil their pledges under the Aid for Trade initiative, and to engage fully in country-led approaches for assisting African countries, LDCs and low-income African countries, including acceding countries, in maximising the benefits of trade. We call on the G-20 Summit, to be held in London on April 2nd 2009, to ensure that financial commitments directed to Aid for Trade are maintained.
62. **We strongly recommend** that the regional dimension of projects and programmes initiated in Africa, in line with its developmental priorities, be taken into account, and that an appropriate and effective monitoring and evaluation mechanism be established.
63. **We request** the WTO Director-General to report on the outcomes of his consultations with WTO Members and observers countries, International Financial Institutions, Regional Development Banks and other relevant organizations on the proposed mechanisms for securing substantial additional financial predictable, sustainable and effective financing for Aid for Trade to help developing countries, particularly LDCs.
64. **We stress** the need to distinguish between ODA financing that is made available to African countries under existing preferential arrangements, from that mobilized to finance Aid for Trade. We request the swift completion of sub-regional reviews for Africa, so that appropriate proposals will be made to enhance and accelerate progress made on ensuring aid effectiveness.

ACCESSIONS

65. **We reaffirm** our full solidarity with all African countries that are in the WTO accession process, and urge all WTO members to facilitate and accelerate the accession process for those countries. With reference to the guidelines on the accession of LDCs adopted by the WTO members on December 10, 2002, we

stress that the LDCs in the process of accession should not be requested to negotiate concessions and commitments that go beyond those made by the LDCs members of the WTO. We also emphasize that African developing countries in the process of accession should not be compelled to make concessions incompatible with their level of development, and that go beyond the commitments undertaken by developing WTO members.

66. **We also call** on our development partners to intensify the provision of technical assistance and support for capacity building at all stages of the accession process to acceding African countries.

PROCESS AND CONCLUSION

67. **We underline** the importance of preserving and achieving tangible development results in all negotiating tracks of the Doha Round. We further reaffirm that achieving this goal in the negotiations represents an important multilateral response to the unfolding global economic and financial crisis, particularly to African countries.
68. **We stress** the importance of preserving progress achieved so far in the DDA negotiations, and caution our partners against attempts to reinterpret or change the well-established mandates, and to backtrack on commitments.
69. **We call** for the negotiations to continue to be carried out in a multilateral, inclusive and transparent manner based on members' contributions, under the guidance of the Chairpersons to ensure the full legitimacy and balance of the outcome.
70. **We reaffirm** that Africa should be fully represented in all deliberations regarding the impact of the global economic and financial crisis on the world economy, particularly on the economies and trade flows of developing countries. We also stress the urgent need to enlarge current international efforts to deal with the crisis, including those of the G-20, to include a balanced African representation.
71. **We welcome** the invitation extended to the AUC Chairperson to attend the upcoming London Summit of the G-20. On this important occasion, Africa will deliver a strong message on the importance of the early conclusion of the Doha Development Round to ensure that markets remain open to African trade, to reject protectionism and any measures that impede fair trade, to ensure the availability and affordability of trade finance, which is particularly vital to African countries, and to underline the crucial role that Official Development Assistance (ODA) and Aid for Trade can play in helping African countries face the negative impact of the crisis on their economies and developmental plans.
72. **We welcome** the efforts of the Director General of the WTO to monitor, promote and mobilise the availability and affordability of trade finance particularly for developing African countries and LDCs.

73. **We express** our appreciation to all development partners who continue to support African countries in securing a fair, equitable and balanced multilateral trading system that takes fully into account the development objectives of the Doha Round.

Done in Addis-Ababa, 20 March 2009

EX.CL/513 (XV)

Annex III

ADDIS ABABA DECLARATION ON EPA NEGOTIATIONS

March 2009

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone 517 700 Fax: +251-1-517844

**AU CONFERENCE OF MINISTERS OF TRADE
5th ORDINARY SESSION**

16 – 20 MARCH, 2009

ADDIS ABABA, ETHIOPIA

TI/TMIN/MIN/14 (V) Rev.1

ORIGINAL: ENGLISH

ADDIS ABABA DECLARATION ON EPA NEGOTIATIONS

March 2009

ADDIS ABABA DECLARATION ON EPA NEGOTIATIONS

We, the Ministers of Trade of the Member States of the African Union, meeting at 5th Ordinary Session of our Conference on 19-20 March 2009 in Addis Ababa, Ethiopia:

Considering the impact of the current global economic and financial crisis on the trade and development of our countries;

Taking Note of the Progress Reports on the ongoing negotiations on full and comprehensive Economic Partnership Agreements (EPAs) between the European Union and the various African regional groupings/countries;

Recalling our previous Declarations and those of the AU Assembly of Heads of State and Government on the EPA Negotiations;

Emphasizing the importance of regional integration as the central pillar of Africa's development agenda;

Noting that the primary objectives of EPAs, as agreed by the EU and ACP countries in the Cotonou Partnership Agreement, are the eradication of poverty, the promotion of sustainable development, the strengthening of regional integration initiatives, and the gradual integration of ACP countries into the global economy;

Noting that the Interim EPAs were initiated by some African countries to avoid the disruption of their trade with EU in view the deadline of 31st December 2007;

Aware that a well structured, balanced, and development- oriented EPA, that offers improved market access into the EU market, that takes adequate account of the difference in the levels of development of the EU and African countries and provides the latter with necessary policy space, and which addresses the supply-side constraints of African economies; can offer significant development dividends to Africa;

Encouraged by the Conclusions of the European Union General Affairs and External Relations Council Meeting held on 26-27 May 2008 that acknowledged the concerns of ACP Partners on the existence of some problematic issues in the EPA negotiations and the need for flexible approach while ensuring adequate progress, and called on the European Commission to use all WTO compatible flexibility and asymmetry in order to take account of the different needs and levels of development of ACP countries and regions;

Recalling the directive that was given to the AUC, by the Joint Conference of AU Ministers of Trade and Finance in Addis Ababa in April 2008 and endorsed by AU Summit in Sharm El Sheikh, Egypt in July 2008, to develop in collaboration with the ECA and the RECs, an EPA Template that can guide African countries and regions in negotiations of full and comprehensive EPAs with the EU;

Having regard to the Draft of the Model EPA Template prepared by the AUC in collaboration with the UNECA and the RECs;

Hereby:

1. **Reiterate** our strong belief in the efficacy of trade as an engine for the promotion of sustainable economic growth and the eradication of poverty;
2. **Reaffirm** our previous Declarations and Decisions on the Economic Partnership Agreements and our commitment to the conclusion of development-oriented EPAs between African regions and the EU that are geared towards the attainment of the objectives of eradication of poverty, achievement of sustainable growth, deepening of Africa's integration on the basis of the African Economic Community initiative, and attainment of gradual but effective integration of African economies into the global trading and economic systems;
3. **Welcome** the EU strategy on Aid for Trade and **Urge** that the initiative be adequately funded, and effectively and expeditiously implemented to assist African countries and regions to fully benefit from the implementation of EPAs;
4. **Call** upon the African group in the WTO, in collaboration with other members to intensify efforts towards appropriately amending Article XXIV of GATT 1994 with a view to allowing for necessary Special and Differential Treatment, less than full reciprocity principle and explicit flexibilities that are consistent with the asymmetry required to make the EPA's development oriented;
5. **Underscore** the importance of benchmarking development and provision of adequate resources for technical assistance and capacity building;
6. **Emphasize** that greater policy space is required by African countries to respond to the challenges of the global financial, economic, social development crisis;
7. **Call** on the EC to take account of the conclusions on EPA negotiations of the 2870th Meeting of the EU General Affairs and External Relations Council and show greater flexibility in its position during the negotiations of full and comprehensive EPAs;
8. **Underscore** the need for coherence between EPAs and Africa's development and regional integration agenda;
9. **Reiterate** the need for the contentious issues in the EPAs that were identified by the Joint Conference of AU Ministers of Trade and Finance in April 2008 to be adequately addressed in the context of the negotiations of full and comprehensive EPAs.
10. **Commend** the AUC, the UNECA, the RECs and the partners that contributed to the development of the EPA Template;
11. **Regard** the EPA Template as work in progress and call on the AUC, UNECA and the RECs to continue to consult in order to further strengthen the document and ensure coherence;
12. **Encourage** African countries and Regions to make use of the Template where necessary particularly with respect to the contentious issues and other issues in areas of common interest in the negotiations with the European Union;

13. **Direct** the AUC and RECs to coordinate EPA configurations in Africa with a view to harmonizing the key issues of common interest to Africa in the EPA negotiations in order to enable Africa to speak with one voice;

Done in Addis Ababa, 20 March 2009.

EX.CL/513 (XV)

Annex IV

COMMUNIQUE

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, ETHIOPIA

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**AU CONFERENCE OF MINISTERS OF TRADE
5th ORDINARY SESSION
16-20 MARCH, 2009
ADDIS ABABA, ETHIOPIA**

Rev. 2

COMMUNIQUE

On

**The Impact of the Global Economic and Financial Crisis on Trade
and Development in Africa**

Communiqué on the Impact of the Global Economic and Financial Crisis on Trade and Development in Africa

We Ministers of Trade of the African Union meeting in Addis Ababa, Ethiopia, on 19-20 March 2009, **recall** the Declaration and Decision of Heads of State and Government of the AU in Addis Ababa of 3 February 2009 on the International Financial Crisis and its far reaching economic, social and development impacts on African countries, and the need to keep markets open to African trade; we **further recall** the Communiqué of the AU Ministers of Finance and Governors of the Central Banks of 12 November 2008 in Tunis;

We underline our deep concerns regarding the far-reaching negative impact of the global economic and financial crisis on African economic growth and national development plans, balance of payments and national budgets, competitiveness, access to international public and private finance, and foreign direct investment. It has become clear that the crisis has already begun to negatively impact the important economic sectors in African countries, and its consequences have spread to production, exports, employment, investments, tourism, and remittances, among others, and have resulted in a deep decline in commodity prices. All African economies have registered deep decline in economic growth as a result of the crisis which was initiated in developed countries, and quickly spread across the globe to negatively impact developing countries particularly in Africa;

We highlight that, as a result of the crisis, and more than at any other time, there is a need to place African economic development at the centre of international efforts to stabilize the ailing financial sector, to build strategies towards the recovery of the global economy, to attain the Millennium Development Goals, to fulfill the Monterrey Consensus on financing for development with due consideration to the effective delivery of aid in accordance with the Accra Declaration and the Accra Accord issued at UNCTAD XII, to integrate African economies, particularly LDCs, into the global economy while giving added impetus to African Regional integration efforts;

We are alarmed at the growing resort to protectionist measures and policies around the world; therefore it is imperative that developed countries provide leadership in resisting pressures towards economic nationalism. African countries should be allowed to retain the necessary policy space they require to develop appropriate WTO compatible economic recovery and development strategies;

We stress that within the current global economic context there is a need to effectively reduce trade distorting subsidies and anti-competitive practices, and to

provide enhanced market access to products of export interest to developing and least developed African countries;

We underscore the need to monitor the impact of developed countries' stimulus plans and financial bailouts, on the competitiveness and terms of trade of African economies. In this regard, the work of international economic, financial and trade institutions to assist developing countries without conditionality, specifically those in Africa, including to monitor and analyze the impact of the crises on their economies is of vital importance;

We reaffirm that Africa should be fully represented in all deliberations regarding the impact of the global economic and financial crisis on the world economy, particularly on the economies and trade flows of developing countries. We also stress the urgent need to enlarge current international efforts to deal with the crisis, including those of the G-20, to include a more balanced and fair African representation;

We emphasize the need to preserve progress and convergences achieved during 2008 in all the Doha negotiating tracks under the single undertaking and caution against the adverse ramifications of re-opening well established agreed mandates, and backtracking on the progress and convergences reached so far;

We stress that for Africa, development outcomes in each of the negotiating tracks remain the *raison d'être* of the Doha Round. This means that tangible development content must be evident within each negotiating track, and in the overall outcome. We further underline the need to ensure that a clear development component is an integral part of the EPA's negotiated outcome;

We call on all the bilateral and institutional development partners, in light of the global economic and financial crisis, to fully commit to their pledges on Aid for Trade without conditionality. We also call on the G-20 Summit, to be held in London on April 2nd 2009, to ensure that financial commitments directed to Aid for Trade are maintained, enhanced and delivered effectively to meet Africa's Poverty Reduction and development strategies with due attention to the Paris Declaration in this regard;

We welcome the invitation extended to the AUC Chairperson to attend the upcoming London Summit of the G-20. On this important occasion, Africa will deliver a strong message on the importance of the early conclusion of the Doha Development Round to ensure that markets remain open to African trade, to reject protectionism and any measures that impede fair trade, to preserve the necessary policy space needed for decision making, to ensure the availability and affordability of trade finance, which is particularly vital to African countries,

and to underline the crucial role that Official Development Assistance (ODA) and Aid for Trade can play in helping African countries face the negative impact of the crisis on their economies and development plans.

2009

Report of the commission on the 5th ordinary session of the AU trade ministers conference

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