

# ACP GROUP DECLARATION ON THE TENTH WTO MINISTERIAL CONFERENCE (MC10)

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### Preamble:

We, Ministers of the African, Caribbean and Pacific (ACP) Group of States responsible for trade matters, meeting in Brussels from 19 to 21 October 2015 to, among other things, review preparations for the Tenth WTO Ministerial Conference (MC10) in Nairobi and provide political guidance to our Member States;

*Recalling* the WTO Ministerial declarations adopted at Doha, in 2001, Hong Kong, in 2005, and Bali, in 2013, and the General Council Decision adopted on 1 August 2004, and the guidance provided by Ministers at the Eighth WTO Ministerial Conference, in 2011;

*Recalling and reaffirming* all of the ACP Declarations, adopted since 2001, for previous WTO Ministerial Conferences and the respective outcomes of ACP and G90 Trade Ministers meetings as well as the ACP Group of States positions on the negotiating issues;

*Emphasising* the need for priority attention to be accorded to Least Developed Countries (LDCs) in order to facilitate their full integration into the multilateral trading system;

*Noting* that within the ACP Group of States, developing countries include, but are not limited to, LDCs, Small Island Developing States (SIDS), Small Vulnerable Economies (SVEs), Landlocked Developing Countries (LLDCs), Preference Dependent Economies, Net Food Importing Developing Countries (NFIDCs), Low Income Countries (LICs), Middle Income Countries, Highly Indebted Poor Countries (HIPC), Heavily Indebted Middle Income Countries (HIMICs), limited commodity exporting countries, and countries in war, post-conflict, and post-natural disaster situations;

*Further recalling* the SIDS Accelerated Modalities of Action (SAMOA) Pathways emanating from the Third International Conference on SIDS;

*Concerned* that some proposals introduced in the negotiations may undermine the development objectives of the Doha Development Agenda (DDA);

*Further concerned* about potential erosion of gains made as a result of graduation of some ACP States;

*Emphasising*, the need for Members of the ACP Group of States to secure a meaningful share of world trade and to increase their competitiveness;

*Recognizing* the importance of targeted and sustainable financial, technical, and capacity building assistance programmes to support the ACP Group of States to implement their agreements, to adjust to the reform process, and to benefit from opportunities presented;

*Determined* to work towards conclusion of the DDA, taking fully into account the development objectives set out in the Doha Declaration and the Marrakesh Agreement Establishing the WTO;

Hereby adopt the following common position in the context of the forthcoming Tenth WTO Ministerial Conference (MC10) in Nairobi, and thereafter:

### Principles

1. We reaffirm that the ACP Group of States will continue constructive engagement in the pursuit of a meaningful outcome at the Tenth WTO Ministerial Conference (MC10) in Nairobi, and that such engagement is predicated upon adherence to the following principles:
  - a. Decisions are taken through a transparent, inclusive, and consensus-based Member-driven process;
  - b. Agreement on a development package taking into account the concerns and interests of all ACP States;
  - c. Affirmation of the development objectives of the DDA in all aspects of negotiating outcomes, including the principle of special and differential treatment and less than full reciprocity; and
  - d. Agreement in Nairobi reaffirming WTO Members' commitment to conclude the DDA in line with its development mandate.

## Development Decisions in Nairobi

2. We urge Members in Nairobi to deliver on the following proposals in favor of developing countries and submitted by them:

- (i) Ministerial affirmation that, in the course of future negotiations in agriculture and non-agricultural goods, the flexibilities, for LDCs and SVEs so far, will be maintained as a starting point and the inclusion of flexibilities for members of customs unions;
- (ii) Affirmation that developing Members with low binding coverage of non-agricultural goods tariff lines<sup>[1]</sup> will be exempt from making tariff reductions consistent with the objectives of Rev.3; and countries covered in paragraph 13 of Rev.3;
- (iii) Affirmation that the level of ambition for any of the flexibilities shall be adjusted commensurate with the level of ambition in the negotiations as a whole;
- (iv) Ministerial affirmation of the agreed flexibilities for developing countries in the services negotiations found in GATS Articles IV and XIX; the Negotiating Guidelines and Procedures; and the Hong Kong Declaration, including Annex C, including those specifically for LDCs; which do not contain any concept of reciprocity in the content of offers and Procedures; and further affirmation that these flexibilities shall not be undermined by new proposals;
- (v) Concrete and binding decisions in the areas put forward by LDCs;
- (vi) Binding decisions in accordance with Doha Declaration paragraph 44, on the twenty-five DDA special and differential treatment agreement specific proposals submitted by the G90<sup>[2]</sup>;
- (vii) A decision on the disciplines on fisheries subsidies that impact the food security of developing countries and fish resources, as referenced in JOB/TNC/46, representing a minimum package for development toward achieving the targets set out in Agenda 2030 SDG 14, while at the same time ensuring that such disciplines would not consign developing countries, especially SIDS, which will need subsidies for their expansion, to only artisanal and small scale fishing;
- (viii) Commitment that the application of flexibilities that are not linked to the tiered formula in agricultural market access to developing countries shall be maintained;
- (ix) Agreement on the extension of the transition period under Article 66.1 of the TRIPS Agreement for LDC Members for certain obligations with respect to pharmaceutical products which expire in December 2015 and waivers on Articles 70.8 and 70.9 requested by the LDC Group in document IP/C/W/605;
- (x) A concrete and binding decision on cotton;
- (xi) A substantial reduction in trade distorting domestic support, in particular by developed countries;
- (xii) Affirmation that different tariff reduction targets should be defined for developed countries, developing countries, and SVEs in accordance with the principles of special differentiated treatment and less than full reciprocity, and confirming that LDCs shall be exempt from making tariff reductions;
- (xiii) Agreement on the G33 proposal for procedures to operationalize the Special Safeguard Mechanism that was agreed in the July Framework 2004;
- (xiv) Agreement on Special Products ; and
- (xv) Examination of all types of NTBs in developed country markets impacting on developing country exports.

## Other aspects for MC10 and the DDA Negotiations

3. We call upon Members to affirm their commitment to the DDA and its mandates, in particular on core areas of importance to developing countries.

4. We emphasise that future negotiations on agriculture and NAMA tariff cuts must be commensurate with meaningful cuts in domestic support and that flexibilities shall be accorded to developing countries, especially LDCs and SVEs.

## Agriculture

5. We acknowledge that agriculture is of critical importance to the economies of the majority of the ACP Group of States and therefore reaffirm that special and differential treatment for developing countries shall be an integral element of the agricultural negotiations, taking into account the possible negative effects of non-implementation of commitments by developed countries on ACP States.

6. On domestic support, we reiterate the importance we attach to achieving meaningful cuts in Overall Trade Distorting Support (OTDS), Aggregate Measurement of Support (AMS), and disciplines to prevent box shifting. The AMS and *de minimis* flexibilities for developing countries, in particular LDCs, SVEs, and NFDCs in accordance with Rev.4, should be preserved and the integrity of Article 6.2 of the Agreement on Agriculture shall be maintained.

7. On export competition, as per Rev.4, we reiterate our support for the progressive and parallel elimination of all forms of export subsidies and export measures with equivalent effect, including in the area of food aid, while taking into account problems faced by developing countries, and urge that the flexibilities currently envisaged in existing texts be maintained including those for LDCs and SVEs.

8. On Public Stockholding for Food Security Purposes, we call on Members to work expeditiously towards finding an appropriate permanent solution.

#### Non-Agricultural Goods Market Access (NAMA)

9. We reaffirm the need to preserve in the NAMA negotiations, at minimum, the core flexibilities contained in Rev.3 that fully take into account ACP States development priorities and that LDCs shall be exempted from taking any tariff reductions. With respect to the current NAMA tariff reduction formula; we note that, many WTO Members, including ACP States, have stated that the Swiss formula is not do-able.

10. We also reiterate the need for any agreement to include treatment of preference erosion.

11. In continued negotiations, we urge that tariff reduction for those developing Members that are part of a customs union of developing countries which may include LDCs and SVEs shall be no more than the average tariff reduction of all the other Members of the customs union and shall in no case result in final tariffs that are below the Common External Tariff. The tariff reduction commitments shall also be moderated to avoid widening divergences in tariff bindings amongst the Members of such customs unions.

12. With respect to non-tariff barriers, WTO Members should refrain from imposing measures on trade from ACP States, that amount to discriminatory or unnecessary barriers to trade. Technical assistance should be provided to support developing country initiatives aimed at ensuring ACP participation in relevant standard setting processes and to address other non-tariff barriers to trade.

#### Services

13. The ACP Group of States identified non-exhaustive sectors and modes of supply of interest to our Members in JOB/TNC/46.

14. We recall that Members may decide how to proceed on their own offers taking into account their particular development objectives and offers from other Members. At the same time we reiterate key principles and flexibilities embedded in the General Agreement on Trade in Services, the Negotiating Guidelines and Procedures, the Hong Kong Ministerial Declaration and its Annex C.

15. In domestic regulations negotiations, we recall that developing countries have the flexibility in their own discretion with regard to taking on any new commitments, consistent with their right to regulate and development policy objectives. To further the development component of the DDA, developed Members should take on commitments in qualification requirements and procedures to facilitate developing country services market access. We also call upon Members to reaffirm that LDCs shall not be required to take on any new commitments.

#### Trade-related Intellectual Property Rights Negotiations

16. The ACP Group continues to support TRIPS negotiations on the basis of proposals contained in TN/C/W/52.

#### **Least Developed Countries**

17. We urge Members to take note that LDCs share in world merchandise and services trade is miniscule and they suffer staggering current account deficits. Therefore, we emphasise the need for value-added and binding decisions based on proposals from the LDC Group, to be taken at the Tenth WTO Ministerial Conference (MC10) in Nairobi as a matter of priority toward the real and greater integration of the LDCs into the multilateral trading system.

#### **Regular Work of the WTO**

18. WTO mandates in areas of interest to the ACP Group of States, should be reinvigorated, in particular the development component across all on-going work programmes and deliberations in the relevant WTO bodies.

#### Small and Vulnerable Economies

19. We reaffirm Paragraph 35 of the Doha Declaration and paragraph 41 of the Hong Kong Ministerial Declaration. We urge the WTO Membership to continue to address, in a substantive and meaningful manner, the particular structural disadvantages and inherent vulnerabilities of small, vulnerable economies and call for due regard to be given to the priorities of SVEs in all areas of the negotiations to ensure their further integration into the multilateral trading system. We also reiterate that the WTO must deliver flexibilities for SVEs as part of any development outcome.

#### Accessions

20. We welcome the recent accession to the WTO of ACP State, the Republic of Seychelles, and applaud the completion of the accession negotiations for ACP State, Liberia.

21. Acceding ACP States should make concessions commensurate with their size and development needs and current WTO rules and standards. We urge the WTO and developed countries to provide technical assistance and

resources to support acceding ACP States in the process of accession negotiations. In addition, we urge the implementation of the General Council's Decision of 25th July 2012 on Accession of LDCs aimed at strengthening, streamlining and operationalising the 2002 LDCs Accession Guidelines, pursuant to the 2011 MC8 Decision.

#### LDC Enhanced Integrated Framework

22. The ACP Group of States welcomes the launch of the Enhanced Integrated Framework (EIF) phase 2 on 1<sup>st</sup> July 2015, as well as the EIF Pledging Conference to be held during the Tenth WTO Ministerial Conference (MC10) in Nairobi. In this regard, we urge donors to come forward with substantial pledges in Nairobi.

#### Aid For Trade

23. We appreciate the effort of some donors to sustain their aid efforts. We urge donors to continue to support the efforts of our Members, to integrate into the world trading system, by directing aid for trade flows to areas of the highest priority as identified by the beneficiaries, including infrastructure, productive capacity, trade finance, connectivity, and costs of adjustment. This assistance should be in the form of new funding, without diverting from existing bilateral assistance in other areas, on a sustainable basis.

24. We are seriously concerned about the potential for erosion of the gains made as a result of graduation of some of our Members. Therefore, we call for the abandonment of per capita income statistics as the only measure to determine eligibility for Aid for Trade for WTO Members and recommend the use of different criteria.

#### **Standing Agenda Item Decisions for the Tenth WTO Ministerial Conference (MC10) in Nairobi**

25. We support the extension of the decision for MC10 to maintain the current practice of not imposing customs duties on electronic transmissions, and to continue the electronic commerce work programme with special attention to the situation in developing countries, particularly in least-developed country Members and least connected countries. In this regard, we also urge the recognition of the principles of non-discrimination, predictability, and transparency.

26. We also call on WTO Members to agree in Nairobi to make permanent the moratorium on the application of Subparagraphs 1(b) and 1(c) of Article XXIII of GATT 1994 on non-violation and situation complaints (NVCs) to the TRIPS Agreement.

#### **The Tenth WTO Ministerial Conference (MC10) in Nairobi**

27. We underline the importance of the Tenth WTO Ministerial Conference (MC10) to be held in Nairobi and look forward, therefore, to effectively and constructively participate in the deliberations of the conference. In addition, we call on all Members to ensure that any proposed Ministerial declaration for Nairobi is developed in a transparent, inclusive and consensus based process.

#### **Post-Nairobi Work**

28. We call upon Members to reaffirm in Nairobi, the Ministerial declarations and General Council Decisions relevant to the Doha mandates; and to take concrete steps to conclude the remaining issues in the DDA, with development as a key component.

29. We further call upon Members to ensure that post-Nairobi, all unresolved issues in the DDA on the development mandate are addressed and yield specific development milestones to conclude the DDA as soon as possible.

30. We urge the Tenth WTO Ministerial Conference (MC10) in Nairobi to give due consideration to the present Declaration.

**Done in Brussels, 21 October 2015**

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[1] <sup>[3]</sup> With a binding coverage of non-agricultural tariff lines of less than 35 percent.

[2] <sup>[4]</sup> Comprised of the ACP, African and LDC Groups.

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