

**ACP/61/037/13 [Final]
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Brussels, 11 October 2013

**ACP DECLARATION ON THE
NINTH WTO MINISTERIAL CONFERENCE**

Preamble:

We, Ministers responsible for trade matters from the African, Caribbean and Pacific (ACP) Group of States, meeting in Brussels from 9 - 11 October 2013, to among other things, review preparations for the Ninth WTO Ministerial Conference (MC9) and provide political guidance to our Member States;

Recalling the Ministerial declaration adopted at the Fourth WTO Ministerial Conference in Doha, Qatar in November 2001, the Ministerial declaration adopted at the Sixth WTO Ministerial Conference in Hong Kong in December 2005, and all subsequent Ministerial declarations, as well as the General Council Decision adopted on 1 August 2004 (the July Package), where WTO Members undertook to place the development needs and the interests of developing country and least developed country Members at the heart of the Doha Work Programme;

Noting the guidance provided by Ministers at the Eighth WTO Ministerial Conference (MC8), in particular that where any agreements are reached on the Doha Development Agenda (DDA), at any time, have to respect fully the development component of the mandate and that special and differential treatment provisions are an integral part of WTO Agreements;

Recalling and reaffirming all of the ACP Declarations, adopted since 2001, including paragraph 33 on the multilateral trading system and Doha of the 7th Summit of Heads of State declaration in Sipopo, Equatorial Guinea, on 13 and 14 December 2012, and previous WTO Ministerial Conferences and the respective outcomes of ACP and G90 Trade Ministers meetings as well as the ACP positions on the negotiating issues;

Emphasising that more than fifty per cent of the ACP Group of States are Least Developed Countries (LDCs) and therefore underlining the need to receive priority attention in order to facilitate their full integration into the multilateral trading system;

Further emphasising that within the ACP Group of States, there are also categories of Least Developed Countries (LDCs), Small Island Developing States (SIDs), Small Vulnerable Economies (SVEs), Landlocked Developing Countries, Preference Dependent Economies, Net Food Importing Developing Countries (NFIDCs), Low Income countries, Highly Indebted Poor Countries (HIPC), limited commodity exporting countries, and countries in war, post-conflict, and post-natural disaster situations whose vulnerability and lack of resilience to external economic shocks and to natural disasters expose them to a high degree of fragility and high risk of marginalization in the multilateral trading system;

Concerned that the continued inability of WTO Members, particularly developed Members, to conclude the DDA has contributed to a proliferation of free trade agreements, and the pursuit of plurilateral agreements in areas within the scope of the DDA;

Further concerned that while regional or bilateral trade arrangements in themselves can foster transparency and a rules based trading system, unfettered plurilateral initiatives may weaken the multilateral trading system;

Emphasising, the need for Members of the ACP Group of States to secure a meaningful share of world trade, not only in goods but in developing niche sectors and services trade and competitiveness;

Concerned with the escalation of discriminatory measures and non-tariff barriers on exports from ACP States, in particular technical barriers to trade, sanitary and phytosanitary measures, and onerous private standards;

Recalling, the Istanbul programme of action for LDCs that a successful renewed and strengthened global partnership effectively addressing the special needs of LDCs will contribute to the cause of peace, prosperity and development for all;

Recognizing, the opportunities that could arise from the completion and implementation of reforms under the DDA;

Further recognising, the importance of targeted and sustainable financial, technical, and capacity building assistance programmes to support the ACP Group of States in implementing agreements reached, adjusting to the reform process and to benefit from opportunities presented by such reforms;

Deeply concerned with the slow and onerous process of accession to the WTO, affecting ACP Group of States, particularly LDCs, SVEs, and SIDs; and

Determined to continue to work towards securing balanced results for the Bali Ministerial Conference as a catalyst towards a post-Bali work programme that reinvigorates the multilateral trading system and takes fully into account the development objectives set out in the Doha Declaration and the Marrakesh Agreement Establishing the WTO, in particular to ensure that developing countries, and especially the least developed among them, secure a share in the growth in international trade commensurate with the needs of their economic development;

Hereby adopt the following common position in the context of the forthcoming Ninth WTO Ministerial Conference and thereafter:

KEY PRINCIPLES

1. We underline that the continued constructive engagement of the ACP Group of States in the pursuit of a meaningful outcome at the Ninth Ministerial Conference is predicated on the following principles:

- (a) In furtherance of Ministers charge at MC8 to advance DDA negotiations where progress can be achieved, the elements Members have identified for decision at MC9 in the areas of development, agriculture and trade facilitation, and LDC issues must result in a meaningful and balanced outcome, with the interests of developing country and LDC Members as paramount.
- (b) An outcome for MC9 is a minimum package that sets the pace for continued negotiations on all issues under the DDA, with special focus and priority on the development dimension.
- (c) Progress on some issues earlier than others must be in keeping with paragraph 47 of the Doha Declaration which provides that any early agreements reached on a provisional or a definitive basis shall be taken into account in assessing the overall balance of the negotiations.
- (d) The importance, after MC9, to preserve and build on progress achieved so far in the DDA negotiations and negotiated flexibilities in the draft modalities for agriculture (TN/AG/W/Rev. 4) and non-agricultural goods market access (TN/MA/W/103/Rev.3) for the ACP Group of States, including LDCs and SVEs;

- (e) The successful completion of the Doha Round single undertaking to deliver on its key development components for the ACP Group of States;
- (f) Decisions must be taken by consensus and include special and differential treatment as a cornerstone for the effective participation of developing countries and LDCs in the multilateral trading system.
- (g) Other WTO negotiations and work programmes must also ensure meaningful development outcomes.
- (h) In addition to the provision of Aid for Trade, a firm understanding that adequate predictable and effective financial, technical, and capacity building programmes must be taken into account in the final outcome of MC9, including trade facilitation. Such assistance should be the key elements of the development dimension of the multilateral trading system and should contribute to the enhancement of the supply side capacity of ACP Group of States thereby contributing to their integration into the multilateral trading system. This assistance should also be in form of new funding, not existing bilateral assistance that is diverted from other areas, and should be on a long term and sustainable basis.

DEVELOPMENT ISSUES

2. Development remains a critical dimension in the work of the WTO. Concluding the DDA, which places development at the centre of its agenda, continues to be a priority for ACP States.

Special and Differential Treatment

3. Special and differential treatment is an integral part of WTO agreements and work programme. We are concerned about the slow progress in that work. We urge WTO Members to advance discussions on special and differential treatment in accordance with the Doha Declaration, in particular as set out in paragraph 12.1 of the Decision on Implementation Related Issues and Concerns and endorsed in paragraph 44 of the Ministerial Declaration. We also note the commitment

contained in paragraph 12 of the Doha Declaration to negotiate all outstanding implementation issues as part of the single undertaking and find appropriate solutions is yet to be fulfilled.

4. The development pillar for MC9, while exceedingly modest in its content, is critical to any package for Bali. At MC8, it was decided to expedite work toward finalising the Monitoring Mechanism for special and differential treatment and take stock of the Agreement-specific proposals in Annex C of the draft Cancún text with a view to formal adoption of those agreed.

5. We note that work on the Monitoring Mechanism modalities has advanced in the face of difficult and protracted discussions and call for expeditious conclusion of outstanding issues.

Least Developed Countries

6. We welcome the decisions taken at MC8 held in Geneva, granting an LDC services waiver and the revision of the LDC guidelines on accession, as well as decision taken since then in the relevant WTO bodies, to extend the LDC TRIPS transition period pursuant to TRIPS Article 66.1 and operationalize the LDC Accession Decision.

7. We recognise the proposals put forward by the LDC Group for the decision at the Ninth Ministerial Conference to advance a consolidated LDC package covering duty-free quota-free market access for LDC's, simplified and flexible rules of origin for exports that qualify for duty-free, quota-free treatment, the operationalization of the LDC services waiver, and outstanding proposals on cotton. In this regard, we urge WTO Members to reiterate their commitment toward the greater integration of the LDCs into the multilateral trading system and to take all possible steps towards realising this commitment in line with the respective mandates on LDCs issues.

8. We reiterate the importance of the Enhanced Integrated Framework (EIF) and call on development partners to positively consider its extension during the evaluation of the framework in 2015.

Small and Vulnerable Economies

9. Recognizing the work that addresses concerns of SVEs in some negotiating groups, 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. We reaffirm Paragraph 35 of the Doha Declaration and paragraph 41 of the Hong Kong Ministerial Declaration and call for due regard to be given to the priorities of SVEs in all areas of the negotiations given their specific characteristics and problems and the need to ensure their further integration into the multilateral trading system.

10. We reiterate that the WTO SVE work programme must deliver on flexibilities for SVEs as part of any outcome to conclude the single undertaking. Moreover the work programme has revealed that non-tariff measures could present significant challenges as SVEs, especially small island nations in Africa, the Caribbean and the Pacific, endeavor to improve their export performance. In that regard, we support plans for examining the impact of non-tariff barriers on SVEs to be launched in a WTO workshop on 23 October 2013 and work on the SVE report for MC9.

Landlocked developing countries, Small Island Developing States (SIDS) and Low-lying coastal developing countries

11. We reaffirm the need for the WTO to address the particular problems, challenges and needs of landlocked developing countries, SIDs and Low-lying coastal developing countries through a work programme.

AGRICULTURE ISSUES

12. We acknowledge that agriculture is of critical importance to the economies of the majority of ACP Group of States. We reiterate that our main concerns are related to: (i) market access (including preference erosion); (ii) domestic support; (iii) export competition; (iv) cotton-sector issues; (v) preserving the right to use certain traditional trade policy tools; (vi) food security.

13. We take note of the proposals put forward in the areas of food security, TRQ administration and export competition and commit to full engagement in efforts to secure balanced and effective outcomes in each area. We also support the adoption of a post-Bali work programme, in all areas of the negotiations that can further the interests of the ACP Group of States to address the imbalances in the WTO rules on agriculture that weaken the capacity of ACP States to ensure their own food security, taking fully into account the concerns of Net Food Importing Countries (NFIDCs).

TRADE FACILITATION

14. We reiterate the importance attached to Trade Facilitation, and that while ACP States are not the *demandeurs* of the Trade Facilitation initiative in the WTO DDA negotiations, we recognise the potential benefits of multilaterally agreed trade facilitation disciplines that allow for reforms and improvements to their own systems and those of all Members. We therefore, remain positively engaged to reach a satisfactory and balanced outcome for all parties in the current negotiations with the aim to clarify and improve movement, release and clearance of goods including goods in transit.

15. We reaffirm the necessity to provide developing countries, in particular LDCs, with the mandatory special & differential treatment, and required technical, financial, and capacity building assistance, enshrined in Annex D of the July 2004 Framework, and Annex E of the Hong Kong Ministerial Declaration in December 2005 respectively.

16. We take note that all WTO Members have supported the core guiding principles with respect to Section II of the draft Consolidated Text that: 1) each developing and LDC Member will self-designate Section I provisions falling under each category in Section II; 2) each developing and LDC Member will self-select their dates for implementation for each Section I provision that is binding; 3) adequate and effective external technical, financial and capacity building assistance will be provided for in accordance with the mandate in Annex D to help toward acquisition of capacity to implement where required; 4) in accordance with the mandate in Annex D of the July Framework, where a developing or LDC Member has not acquired the capacity to implement and adequate and effective assistance is not forthcoming, implementation is not required; and 5) the text will provide more flexibilities for LDC Members, which should be made precise, effective, and operational.

17. In that regard, we welcome the wide support of WTO Members for the ACP proposals on Section II which have now become in large part a basis for negotiations within the current draft Consolidated negotiating text. We urge all Members to exercise the necessary flexibilities to bridge remaining differences.

18. We reiterate that each individual ACP State must be satisfied that it is capable of assuming the commitments and a balance within Section I and between Section I and Section II must be achieved. All proponents of Section I disciplines should recognise the need to ensure that their proposals are calibrated to accommodate those differences in the systems of developing country and LDC Members that make extremely difficult or impossible acceptance of certain aspects of proposals being advanced.

19. To complement the framework for assuring the provision of technical, financial, and/or capacity building assistance to enable acquisition of capacity to implement the Section I provisions selected for Category C, we urge Members to take into account the importance of establishing certain infrastructural requirements focused on our Member States in Africa, the Caribbean and the Pacific, without which the full benefits of trade facilitation will not be quickly absorbed by some Members, especially LDCs. We therefore request the WTO Director General to accord due attention to this issue in the elaboration of work between the WTO and relevant international development bodies.

ACCESSIONS

20. Accessions are an important part of the work of the WTO mandate, which must observe the same standards agreed in the multilateral trading system. The ACP Group of States expresses concern over the cost and slowness of WTO accession for its Members, particularly LDCs and SVEs. With respect to non-LDC ACP Member States, the lack of any guarantee as to their eligibility for special and differential treatment in accession negotiations, is of particular concern.

21. We reaffirm our full solidarity with all ACP countries, particularly LDCs and SVEs that are in the WTO accession process, and urge all WTO Members to facilitate and accelerate their accession. Acceding ACP States should not be required to make concessions that would constrain their level of development and go beyond current WTO rules. We welcome the adoption 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 MC8 Decision. This decision contained principles and benchmarks in goods and services, and transparency in accession negotiations, S&D and transitional period and

the need for enhanced technical assistance and capacity building to help acceding LDCs to complete their accession process, implement their commitments and to integrate them into the multilateral trading system. In this regard, we urge the full implementation of all aspects of the Decision by all WTO Members with due consideration to the specific circumstances and development objectives of acceding LDCs.

22. With regard to non-LDC developing countries, the ACP Group of States encourage WTO Members to be guided by the following principles: 1) each accession responds to the specific needs of each acceding government; 2) There is no “one-size-fits-all” approach; 3) all WTO Members and acceding governments should share the same objective of a “win-win” agreement that benefits everyone and which reinforces the disciplines of the Multilateral Trading System and promotes faster and sustainable economic growth; and 4) consideration of flexibilities for SVE acceding countries.

23. 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 ACP countries.

AID FOR TRADE

24. We welcome the discussions in the Global Reviews of Aid for Trade. These have been useful in highlighting how aid can assist the developing countries and LDCs benefit from trade. The Fourth Global Review pointed out this relationship between trade and global value chains.

25. We appreciate the effort of some donors to sustain their aid efforts, but we are concerned that aid for trade flows have been negatively affected by the global economic and financial crises. We urge donors to continue to support the efforts of developing countries, especially LDCs, 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, and costs of adjustment.

26. These efforts are also imperative to provide specific support to post-crisis countries that require special and differential treatment so that they can successfully re-launch the reconstruction of their economies and to advance their development goals.

27. We also urge renewed and sustained support by donors for the implementation of national and regional Aid for Trade strategies within developing countries, LDCs and SVEs.

STANDING AGENDA ITEM DECISIONS FOR THE NINTH MINISTERIAL

28. We acknowledge work to extend the decision for MC9 to maintain the current practice of not imposing customs duties on electronic transmissions, until the next WTO Ministerial Conference, and applaud efforts to extend the electronic commerce work programme, which promises to deepen examination of economic development opportunities, with special attention to the situation in developing countries, particularly in least-developed country Members and least connected countries and the recognition of the principles of non-discrimination, predictability, and transparency. We also call on WTO Members to agree on a decision to extend 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 until the next Ministerial Conference.

REGULAR WORK OF THE WTO

29. 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 committees and working groups.

POST-MC9 WORK PROGRAMME

30. We encourage Members to define a post-Bali work programme that captures the need to build upon any progress achieved at MC9 and delivers on development as a key component of the DDA.

THE NINTH WTO MINISTERIAL CONFERENCE

31. We underline the importance of the 9th session of the WTO Ministerial Conference and look forward, therefore, to effectively and constructively participating in the deliberations of the conference.

32. We urge the Chairperson of the Ninth WTO Ministerial Conference to give due consideration to the present Declaration in his summary of the deliberations.

Done in Brussels, 11 October 2013
