

**ACP MINISTERIAL DECLARATION ON THE
DOHA WORK PROGRAMME**

Grand Baie, Mauritius 12 July 2004

Communication from Trinidad and Tobago

The following communication, dated 16 July 2004 and addressed to the Director-General, has been received from the Delegation of Trinidad and Tobago.

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DOHA WORK PROGRAMME**

Preamble:

We, Ministers responsible for trade matters from the African, Caribbean and Pacific (ACP) Group of States, meeting on 11 July 2004 to examine the state of progress of negotiations on the WTO Doha Work Programme prior to the meeting of the G-90 Trade Ministers scheduled for 13 July 2004, in Mauritius;

Acting in pursuance of the Decision n° 9/LXXIX/04 of the 79th Council of Ministers, which mandates «the ACP Committee of Ambassadors, in collaboration with the ACP Representatives in Geneva, to (a) examine the draft G90 common Platform made available to ACP Member States by CARICOM, in conjunction with the ACP Declaration issued ahead of the 5th WTO Ministerial, in order to update the ACP position in relation to the on-going negotiations under the Doha Work Programme; and to (b) define the parameters within which the ACP Group can operate, with the requisite flexibility, in order to maximise its benefits»;

Having regard to the Doha Ministerial Declaration adopted by the Fourth WTO Ministerial Conference in Doha Qatar in November 2001, in which WTO Members undertook to place the needs and interests of developing countries at the heart of the Work Programme adopted by the Doha Ministerial Conference;

Recalling the ACP Declaration on the Fifth Ministerial Conference of the WTO (WT/MIN(03)/4) and the G-90 common negotiating position in Cancun as outlined in the consolidated African Union (AU), African, Caribbean and Pacific Group of States (ACP) and Least Developed Countries (LDC) Position on Agriculture; (WT/MIN(03)/W/17/03), Non-Agricultural

Market Access (WT/MIN(03)/W/18), on Development Issues (WT/MIN(03)/W/20), and on the Singapore issues (WT/MIN(03)/W/19);

Guided by the outcome of the Fourth Summit of the ACP Heads of State and Governments held in Maputo, Mozambique on 23rd and 24th June, 2004;

Affirming the outcomes of recent meetings, including the Dakar Declaration of the Third LDC Trade Ministers' Meeting, adopted in Dakar, Senegal, on 05 May 2004; the Kigali Declaration on the Doha Work Programme and the Kigali Consensus on the Post-Cancun Work Programme, adopted by the African Union Trade Ministers in Kigali, Rwanda, on 28 May 2004; and the Georgetown Communiqué of Ministerial Representatives of G-90 Countries, the Georgetown Consensus on the Doha Work Programme, and the Main Decisions adopted at the Meeting of Ministerial Representatives of G-90 in Georgetown, Guyana, on 4 June 2004;

Considering that the forthcoming meeting of the WTO General Council scheduled for 27-29 July 2004 could be an important milestone in our collective endeavour to achieve a successful conclusion of the work programme established by the Fourth Session of the WTO Ministerial Conference;

Welcoming the recent positive initiatives to inject a new momentum in the current trade negotiations and to address the development, financial and trade needs of the weak and vulnerable economies;

Emphasizing the urgent need for the reactivation of the Doha Work Programme and recognizing the efforts and engagement of WTO Members in moving negotiations forward as well as committing themselves to continue negotiating in a constructive manner;

Recognizing the importance of a multilateral trade system based on equitable rules as a tool for sustained economic growth and sustainable development, as well as alleviating poverty with a view to its eradication and the need for Members of the ACP Group, particularly those that are least developed, small and vulnerable, including countries in war and post-conflict situations, to secure a meaningful share of world trade;

Affirming that an open equitable, non-discriminatory, predictable, rules-based multilateral trading system can contribute to the achievement of the development goals especially those contained in the Millennium Declaration;

Realizing that the implementation of the Doha Work Programme presents an opportunity to reform the multilateral trading system through balanced rules, enhanced market access and well targeted and sustainably financed technical assistance and capacity building programmes that will enhance the legitimacy, credibility and universal nature of the system and create a basis for a new equitable global economic order for the benefit of all WTO Members;

Considering that more than fifty percent of ACP States are Least Developed Countries (LDCs) and emphasizing the need for this category of countries to receive priority attention in order to facilitate their full integration into the multilateral trading system;

Emphasizing that the ACP States are vulnerable economies, i.e. Small Island Developing States, landlocked developing countries, Net Food Importing Developing Countries (NFIDCs), 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 shocks expose them to a high risk of marginalization from the multilateral trading system;

We have adopted the following common position for the on-going negotiations under the WTO Doha Work Programme:

I. AGRICULTURE

1. Agriculture is of critical importance to the economic development of ACP States and other developing countries, and holds the potential to lift millions of people out of poverty. Recalling the long-term objective referred to in the Agreement on Agriculture to «establish a fair and market-oriented trading system», and underscoring that the Doha Declaration demands that special and differential treatment for developing countries shall be an integral part of all elements of the negotiations and shall be embodied in the schedules of concessions and commitments and as appropriate in the rules and disciplines to be negotiated, so as to be operationally effective and to enable developing countries to effectively take account of their non trade concerns and development needs, including food security and/or livelihood security needs, we urge WTO Members to ensure that the framework for modalities includes the following:
 - 1.1. That further reform for agriculture should aim to attain the objectives as set out in the Doha Mandate. Each Round of agriculture negotiations should take into account the need for appropriate policy space that would allow ACP States to pursue agricultural policies that are supportive of their development goals, poverty reduction strategies, food security and livelihood concerns;
 - 1.2. That the “Framework”, and the eventual Modalities to be agreed upon, should address themselves on all the three pillars highlighted below, in a balanced and equitable manner;
 - 1.3. That there is need for a balance in the framework in the level of specificity and details in and among the pillars as well as in S&D;
 - 1.4. That in accordance with paragraph 13 of the Doha Ministerial Declaration, binding, precise, effective and operational S&D shall be an integral part of all elements of the negotiations on agriculture.
2. The ACP States, as weak and vulnerable economies, welcome the recent EU initiative in favour of these economies and call on the EU to table its proposals in the WTO. We urge WTO Members to support this initiative in order to address the development, financial and trade needs of ACP States.
3. LDCs shall be exempted from any reduction commitments.

Market Access

4. We reiterate the need to improve market access for all agricultural products originating from ACP States, both in primary, semi-finished and finished products. In this regard,
 - 4.1. Long-standing trade preferences play a vital role for ACP States economic development in providing stable export earnings. Accordingly, WTO Members shall take into account the importance of preferential access for ACP States. Further consideration of this issue should be based on paragraph 16 and other relevant provisions of the revised First Draft of Modalities for further commitments (TN/AG/W/1/Rev.1 refers). Any approach to tariff reductions shall take account of the export interest of ACP preference receiving States. Erosion of preference margins due

to MFN tariff reductions should be offset by establishing compensatory and other appropriate mechanisms, that increase the supply capacity and promote exports from ACP States, wherever possible.

- 4.2. We remain concerned with the use of a blended formula as currently set out in the Derbez Text.
- 4.3. The framework for modalities should call for substantial tariff reductions by developed countries, addressing in particular tariff peaks and tariff escalation. In addressing the issue of tariff peaks and tariff escalations, the interests of preference receiving countries shall be fully taken into consideration.
- 4.4. Developed countries shall provide bound duty-free and quota-free market access for all products originating from LDCs with realistic, flexible and simplified rules of origin. Furthermore, the potential that exists in certain developing countries to extend such facilities should be fully exploited.
- 4.5. NTBs deny market access for agricultural products of ACP States, including SPS and TBT measures, and these should be fully addressed in parallel with the tariff reduction negotiations. Members shall exercise due restraint in applying SPS and TBT measures to products originating from ACP States, while technical and financial assistance should be provided to assist ACP States in meeting the necessary requirements.
- 4.6. Tariff quota regimes should be simplified and made more transparent to enable ACP States to fully benefit from them. Attachment 1 of TN/AG/W/1/Rev.1 should serve as a reference for further work on this issue.
- 4.7. Developing countries should be able to self-designate a percentage of their tariff lines as "Special Products" (SP) which shall not be subject to tariff reductions, and no new commitments regarding Tariff Rate Quota (TRQ).
- 4.8. A "Special Safeguard Mechanism" (SSM) shall be established for use by developing countries. Products designated as SP, shall also have access to a Special Safeguard Mechanism (SSM).
- 4.9. The use and the duration of the Special Safeguard (SSG) for developed countries remain to be negotiated.
- 4.10. No ceiling on level of maximum tariffs shall be applied to ACP States.
- 4.11. ACP States shall be exempted from any reduction commitments.

Domestic Support

5. We underscore that all forms of trade-distorting domestic support measures maintained by developed countries shall be substantially reduced. In particular:
 - 5.1. Amber Box measures provided by developed countries should be substantially reduced with a view to their phasing out.
 - 5.2. Blue Box measures provided by developed countries shall be substantially reduced with a view to their phasing out.

- 5.3. The trade-distorting elements of Green Box support measures provided by developed countries shall be reviewed and tighter disciplines for elements of the Green Box should be developed through, *inter-alia*, notification, surveillance and monitoring.
- 5.4. Developed countries shall eliminate the 5% *de minimis* domestic support.
- 5.5. Members shall agree to establish a permanent mechanism as part of an overall modalities framework to prevent Members from indiscriminately transferring subsidies between and within boxes.
6. The framework for modalities shall take Special and Differential Treatment into full consideration, especially with regard to food security, rural development, security of livelihood and other public policy objectives of ACP States. In this context,
 - 6.1. The scope of Article 6.2 of the Agreement on Agriculture shall be maintained and expanded in line with attachment 10 of TN/AG/W/1/Rev.1 and may include any other measures meeting the criteria set in this Article.
 - 6.2. *De minimis* support provided by developing countries should be maintained and additional flexibilities should be provided.
 - 6.3. Domestic support measures consistent with Annex 2 of Agreement on Agriculture shall be enhanced for developing countries. Attachment 9 of TN/AG/W/1/Rev.1 provides a good basis for further work on this issue.
7. We believe that there is need to enhance transparency by improving the disciplines on notifications. In this regard, the notification requirements for developing countries should be simplified.
8. ACP States shall be exempted from any reduction commitments.

Export competition

9. A commitment to phase out all forms of export subsidisation by a date certain shall be an integral part of the proposed Framework on Agriculture; the specific date will be negotiated. The timeframes to be agreed upon shall fully take into account the interests of ACP preference-receiving States.
10. We underscore the importance for developing countries to continue benefiting from the special and differential treatment of Article 9.4 of the Agreement on Agriculture.
11. There is need to ensure that State Trading Enterprises from ACP States are exempted from additional disciplines taking into account the role they play in promoting national development goals and objectives. Attachment 3 of TN/AG/W/1/Rev.1 should serve as reference for further work on this issue.
12. We believe that there is need to enhance transparency by improving the disciplines on notifications. In this regard, the notification requirements for developing countries should be simplified.
13. The disciplines of Article 12.1 of the Agreement on Agriculture on export prohibition and export restrictions shall be strengthened.

14. ACP States shall be exempted from any reduction commitments.

Marrakech Decision on Measures concerning the Possible Negative Effects of the Reform Programme on LDCs and NFIDCs

15. Taking into consideration the Marrakech Decision on Measures concerning the Possible Negative Effects of the Reform Programme on Least Developed Countries and Net-Food Importing Developing Countries in terms of availability of adequate supplies of basic foodstuffs from external sources on reasonable terms and conditions and of resolving the short-term difficulties in financing normal levels of commercial imports of basic foodstuffs,
- (a) We are concerned with the delay in the implementation of this Decision and therefore urge that it be speedily implemented.
 - (b) We further urge WTO Members to expeditiously establish binding and effective special and differential provisions in favour of LDCs and NFIDCs in the development of disciplines on export credits.

Food aid

16. There should be a WTO consistent system, which gives priority to local and regional purchases, where possible, of food aid supplies for developing and least developed countries in emergency situations. Food aid provided by developed countries to meet emergency situations and humanitarian and development objectives and to address the chronic food deficit situations in ACP States shall comply with transparency rules relating to notification, surveillance and monitoring.

II. COTTON

17. Cotton continues to be a vital issue for ACP States and requires an urgent solution. In this regard, the ACP States underscore that it should be treated as a stand-alone issue and not as a part of the overall negotiations on agriculture. The July framework should include a clear commitment to speedily and substantially address both the trade-related aspects of the initiative and their development-related counterparts in a "fast-track" basis.
18. The conclusions of the cotton workshop held in Cotonou, Benin on 23-24 March 2004, especially with regard to the developmental aspects of this Sectoral initiative, should be implemented as quickly as possible. We underscore that the full and effective settlement of this issue shall take into consideration the trade-related elements to be addressed by the WTO through a decision aiming at the elimination of the domestic support and subsidies granted for the production and export of cotton.
19. In this regard, we endorse the proposals submitted to WTO by the proponents of the Sectoral Initiative on Cotton as contained in document WT/GC/W/516 of the 7th October 2003 and urge WTO Members to expeditiously adopt those proposals which include, *inter alia*:
- (a) The complete elimination of export subsidies on cotton over a period of three years and the elimination of production-related domestic support over a period of four years, with effect from 1st January 2005;
 - (b) The establishment of a cotton sector support fund.

III. NON-AGRICULTURAL MARKET ACCESS

20. We are concerned that the proposals contained in the Derbez Text and its annex on NAMA are in contradiction with the principle of less than full reciprocity as enshrined in the Doha Ministerial Declaration and as such would further deepen the crisis of de-industrialisation and accentuate the unemployment and poverty crisis in our countries. In this regard, we welcome the recent initiatives in favour of weak and vulnerable economies. It is, therefore, imperative that the Framework to be agreed should provide “policy space and flexibility” to allow ACP States to undertake industrial policy and national development objectives. We express our disappointment on the approach adopted by the Chairperson of NAMA to transmit annex B of the Derbez Text to the Chair of the General Council for the preparation of the Framework without incorporating the concerns expressed through our various submissions during the process of negotiations. We reiterate that we are prepared to look at the framework positively only if it includes the elements we have raised in the process of negotiations.
21. The current negotiations on non-agricultural market access shall facilitate the development and industrialization processes in the ACP States and therefore the negotiations shall ensure:
 - (i) the provision and/or maintenance of market access for products of export interest to ACP States;
 - (ii) that ACP States are allowed to choose their own rate and extent of future import liberalization, so as not to cause adverse effects on local industries;
 - (iii) that the problems which ACP States will face from the erosion of preferences are addressed;
 - (iv) that the supply side capacity constraints on ACP States be addressed in order for them to take advantage of any increased market access opportunities;
 - (v) that the impact of the decline in government revenue on sustainable levels of development is addressed and
 - (vi) that the impact studies undertaken on previous tariff reductions on ACP States are taken into consideration.
22. The issue of tariff bindings shall be approached in a way that creates incentives to those countries that have not bound their tariffs to do so. In this regard, the bindings of tariffs should be acknowledged as the main contribution to this round by the countries that decide to do so.
23. The ACP States urge that the adoption of a tariff reduction approach should provide sufficient flexibility and scope to enable ACP States to protect sensitive domestic sectors and to continue to have adequate and effective levels of preferences necessary for the maintenance of their competitiveness in their export markets.
24. ACP Countries shall be exempted from participation in any sectoral approach.

Erosion of preferences

25. Due to the critical importance of preferences for ACP States, solutions to the question of preference erosion shall be obtained within the WTO negotiations. In this respect, a sectoral approach would be detrimental to ACP preferences in major export markets. A suitable carve-out shall be made in favour of ACP economies and products of exports interest. It shall be

stressed that work on preference erosion should not be outsourced to other multilateral institutions.

26. Erosion of preferential margins due to MFN tariff reductions shall be offset by establishing compensatory and other appropriate mechanisms to fully address the impact of erosion of preferences, including measures that promote exports from ACP States.

Non tariff barriers

27. NTBs deny market access for non-agricultural products of ACP States. These NTBs, which include technical barriers to trade, rules of origin and other conditions, as well as anti-competitive market structures, need to be addressed in the negotiations in parallel with tariff reductions. Members shall exercise due constraint in applying these measures to products originating from ACP States, while technical and financial assistance should be provided to assist ACP States in meeting the necessary requirements.

LDCs

28. We support the Dakar Declaration of 2004 and reiterate the proposal to exempt LDCs from making further reduction commitments and that developed countries shall provide bound duty-free and quota free market access for all products originating from LDCs as from 2004 with realistic, flexible and simplified rules of origin. Furthermore, the potential that exists in certain developing countries to extend such facilities shall be fully exploited.

IV. DEVELOPMENT ISSUES

29. The fourth WTO Ministerial Declaration places development at the heart of the Doha Work Programme. Given the critical importance of development to the ACP States, we express concern over the lack of effective progress on development issues, which are key components for the successful achievement of the Doha Round of negotiations. These issues cover, *inter alia*: Special and Differential Treatment, Implementation Issues and Concerns, the Special Situation of LDCs, Small Economies, Commodity Issues, Technical Assistance, Capacity Building, Transfer of Technology, and Trade, Debt and Finance.

Special and Differential Treatment

30. We reiterate that Special and Differential Treatment is a core principle in the WTO and an important instrument for integrating the ACP States into the multilateral trading system. In accordance with the Doha Ministerial Declaration, several proposals have been submitted by ACP States to review Special and Differential Treatment provisions with a view to strengthening and making them more precise, effective and operational.
31. While there has been some progress, this has fallen far short of our expectations in terms of the Doha objectives. We are of the view that there should be no new commitments in the absence of complete settlement of outstanding Agreement-specific S&D proposals. Furthermore, we call for the adoption of a package of proposals of economic value and which provide sufficient policy space to ACP States.
32. We urge the General Council to agree on a work programme for operationalizing S&D provisions within a specified time frame, to set early deadlines for finalizing of the outstanding proposals, and to monitor progress on the agreed work programme.

33. We also urge that the Special Session of the Committee on Trade and Development pursue expeditiously, within the parameters spelt out in the Doha Ministerial Declaration, the work on outstanding agreement-specific proposals and other issues referred to in TN/CTD/7 and report with recommendations, as appropriate, to the General Council by December 2004.

Implementation-Related Issues and Concerns

34. Positive results have not been achieved under the mandates given at Doha concerning implementation-related issues and concerns. A significant number of the issues and concerns raised in this context remain outstanding. The mandates in paragraph 12 of the Doha Ministerial Declaration and the Decision on Implementation-Related Issues and Concerns should be re-affirmed and appropriate solutions be found and implemented without any further delay.
35. We call for the adoption of a work programme that provides for a clear road-map with time-bound and specific benchmarks for the expeditious fulfilment of the mandate on outstanding implementation issues.
36. We are also of the view that there should be no new commitments in the absence of the complete settlement of outstanding Implementation-related issues and concerns.

Least Developed Countries

37. We reaffirm that the integration of LDCs into the multilateral trading system requires:
- 37.1. Provision of duty free and quota free market access to LDCs by all developed countries and meaningful market access by those developing countries in a position to do so;
 - 37.2. Support for the diversification of LDCs production and export base and trade-related technical assistance and capacity building;
 - 37.3. Exemption of LDCs from reduction commitments in NAMA and Agriculture is critical for their development.
38. We therefore support the Dakar Declaration adopted by the Third LDC Trade Ministers Meeting and call for the convening of an international Conference as soon as possible in which LDCs and their cooperating partners will reflect on and create an effective mechanism on the follow-up to the implementation of the Integrated Framework for Trade Related Technical Assistance and Capacity Building.

Small Economies

39. We reaffirm the urgent need for the WTO membership to address, in a substantive and meaningful manner, the particular structural disadvantages and inherent vulnerabilities of small and vulnerable economies in order to facilitate their integration into the multilateral trading system. In this regard, WTO members should adopt result-oriented trade related measures by December 2004 in order to support the agricultural, industrial and overall economic development and growth of small and vulnerable economies in a sustainable manner.

Commodity Issues

40. Given their continued dependence on a few commodity exports and the long-term decline and fluctuation of prices of commodities, the majority of ACP States are facing a multifaceted crisis and most of them are either least developed countries and/ or heavily indebted poor countries.
41. We urge the WTO members to expeditiously address the commodity issues and find a permanent solution to this matter in accordance with the proposals tabled in the Committee on Trade and Development under reference WT/COMTD/W/113 and WT/COMTD/W/130.

Trade and Transfer of Technology and Trade, Debt and Finance

42. We call for more focused work in the Working Groups on Trade and Transfer of Technology and Trade, Debt and Finance with a view to finding sustainable solutions that encourage and result in increased flows of technologies and finance as well as effectively address the problem of external indebtedness of the ACP States.

Technical cooperation

43. In the Doha Ministerial Declaration, WTO members committed themselves to putting technical assistance and capacity building “as core elements of the development dimension of the multilateral trading system”. The establishment of the Doha Development Agenda Global Trust Fund has made satisfactory contribution on technical cooperation and capacity building. Members should be encouraged to continue contributing generously in favour of these programmes to ensure adequate financing for future technical cooperation and capacity building programmes. Beneficiary countries should be consulted at all stages so that priority can be given to their individual needs at both national and regional levels.
44. We welcome the Memorandum of Understanding (MOU), signed in Cancun, between UNIDO and WTO, which formalizes a closer relationship between both organizations. The agreement aims to improve, in a tangible manner, the supply side capacities of developing countries, mainly through the diversification and increase in the value added of their exports. We further note with satisfaction that the first phase of the WTO/UNIDO joint programme on technical assistance is under implementation and several kick-off seminars have already taken place.

V. SINGAPORE ISSUES

45. We continue to be concerned with the potential serious implications of, and the burdensome requirements of negotiating and implementing any future agreement on any of the Singapore Issues. Having regard to the various developments concerning Singapore Issues amongst the WTO Members in and outside Geneva, at and since the Fifth WTO Ministerial Conference, the ACP States call for the issues relating to Trade and Investment, Trade and Competition Policy, and Transparency in Government Procurement to be dropped from the Work Programme.
46. We note that there is an emerging convergence of views for a future development of a Work Programme on Trade Facilitation. However, before any agreement by explicit consensus on negotiating modalities, a number of issues should be clarified first. In considering any future work programme, the ACP States emphasize the following:
 - (a) The need to clarify the issue of adopting a multilateral framework on Trade Facilitation, the provision of the necessary technical assistance and capacity building prior to the launch of any negotiations by explicit consensus;

- (b) The need, *inter alia*, to address the resource and capacity constraints of developing countries, the costs of implementing the new rules and to determine how and by whom the costs will be met;
- (c) The need for clarity on the applicability of the Dispute Settlement Mechanism and whether any new rules will be binding.

VI. TRIPS AND PUBLIC HEALTH

- 47. On 30 August 2003, WTO Members adopted the Decision to implement paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health. Since the current Decision of 30 August 2003 is only a temporary waiver, a permanent solution can only be found through an amendment to the TRIPS Agreement. Furthermore Members have, since December 2003, engaged in informal consultations aimed at putting in place a permanent solution envisaged in Paragraph 11 of the Decision. These consultations were however, insufficient, and focused on the legal form rather than content. In this regard, we urge that the necessary amendments of the TRIPs Agreement be completed on or before 31 March 2005.

VII. SERVICES

- 48. We underline that it is a matter of concern that, due to capacity constraints, ACP States have not been able to actively take part in the current request and offer negotiations, as there are few sectors in the other countries in which the local enterprises from ACP States can meaningfully participate. In light of this, we urge other WTO Members to refrain from making excessive demands on ACP States in this regard. We further urge that due respect must be given to the right of ACP States to regulate trade in services and liberalise according to their national policy objectives.
- 49. We reiterate the need to respect the principle of progressive liberalisation, in particular allowing the ACP and other developing countries to open fewer sectors, in line with their national development objectives. At the same time, we stress the importance for developed countries to proceed in the liberalisation of sectors and modes of export interest to ACP States, especially through the movement of natural persons (mode 4).
- 50. We welcome the Modalities for the Special Treatment for Least Developed Countries Members in the Negotiations on Trade of Trade in Services adopted by the Special Session of the Council for Trade in Services on 3 September 2003 (TN/S/13).
- 51. In the light of the capacity constraints underlined above, the importance of capacity building programmes is underscored. As we seek to critically evaluate this state of affairs and in view of the increasingly critical role of the services sector to our economies, we call on all development partners to provide increased and targeted technical assistance to ACP States.

VIII. WTO RULES

Anti-Dumping and Subsidies

- 52. We reiterate that the negotiations on Rules should take into account the needs of ACP States in general and LDCs in particular, despite the fact that heavy workload and limited resources, have constrained the participation of ACP States in the Negotiating Group on Rules.
- 53. It is being increasingly accepted that the ability of governments to follow and maintain open and liberal trade policies depends greatly on whether they are able to come to the rescue of their

agricultural producers and the domestic industry, by applying trade remedy measures when they are being injured by increased imports. The rules and detailed procedures which the relevant WTO Agreements provide for taking trade remedy measures such as anti-dumping and countervailing measures or safeguard action are extremely complex. This has prevented a large number of our States from making effective use of these measures when their agricultural and industrial sectors have been injured from increased imports. It is therefore necessary to adopt simplified procedures that would facilitate making use of these measures by our States in appropriate cases. Simultaneous action would have to be taken for providing, on an urgent basis, technical assistance to our countries, for building up the institutional framework and human resource capacities for taking such actions.

54. We call upon WTO Members to:

54.1. Review the rules on anti-dumping and countervailing measures in order to prohibit their application to LDCs' exports.

54.2. Adopt simplified procedures for LDCs for investigation of imposition of anti-dumping and countervailing measures against imports into their territories.

55. We underline the importance of certain subsidies, including fisheries and agricultural subsidies, as necessary tools to further economic development. Consequently, WTO Members should provide greater flexibility in the use of these subsidies for ACP States.

Regional Trade Agreements

56. We underscore that the development aspects are taken fully into account in the negotiations aimed at clarifying and improving disciplines and procedures relating to regional trade agreements as mandated by paragraph 29 of the Doha Ministerial Declaration.

57. In this regard, we require the preservation of the Enabling Clause and the revision of Article XXIV of the GATT so as to explicitly include Special and Differential Treatment and asymmetry. Any improvement and clarification of disciplines and procedures on RTAs should take account of differing levels of development and should address the definition of "substantially all the trade", transitional time frames and reciprocity, in a manner that responds to the needs and interests of developing countries, as indicated in TN/RL/W/155.

58. We also recognize that it is very important to take into account the recent EU initiative in favour of weak and vulnerable economies in framing rules on RTAs. We urge that coherence and consistency must be maintained in and between EPA and WTO negotiations.

IX. DISPUTE SETTLEMENT UNDERSTANDING

59. Paragraph 30 of the Doha Ministerial Declaration provides for negotiations aimed at improving and clarifying the DSU. Several ACP States have submitted proposals to the Special Session of the DSB that would enhance their participation in the dispute settlement system.

60. According to the mandate the negotiations on this issue were to be completed by end of May 2003. This deadline was missed and given the lack of progress in the work of the Special Session, we urge the Special Session of the DSB to expedite completion of the DSU negotiations taking into account our concerns with regard to the accessibility and affordability of the system.

61. We emphasise that DSU negotiations will remain outside the Single Undertaking, as provided for in the Doha Ministerial Declaration.

X. COHERENCE

62. The issue of coherence has been confined to institutional coherence between the WTO and the Bretton Woods institutions. However, the emphasis should be on the coherence between the policy advice given to developing countries by the Bretton Woods institutions and their WTO obligations. We re-emphasize the importance of promoting, without cross-conditionalities and without additional conditions consistent and mutually supportive policies. In this regard, we call for the closer coordination between these institutions in order to implement the coherence mandate. Moreover, the negotiating processes at the multilateral, regional and bilateral levels should be conducted in a coherent manner.

XI. ACCESSION

63. We reiterate our call for the full adherence to and implementation by the WTO members of the “Guidelines on WTO accession procedures for LDCs” adopted by the General Council in December 2002.
64. Having regard to the high costs involved in the various stages of accession process, i.e., in the document preparation, the undertaking of actual negotiations, the implementation of negotiated outcomes and the setting-up of legal and institutional infrastructures:
- 64.1 We urge that targeted technical assistance be provided to acceding LDCs and ACP States in order to address the costly and complex accession process
- 64.2 We call upon WTO Members to refrain from placing onerous demands on LDCs and other ACP States in the accession process.
- 64.3 We request WTO members to respond speedily to ACP countries that have applied to commence their accession process.

XII. OBSERVER STATUS OF THE ACP GROUP

65. We reiterate the need for the WTO Members to grant Permanent Observer Status to the ACP Group of States and ACP Inter-governmental and regional organizations.
-