

**MINISTERIAL CONFERENCE**  
**Fifth Session**  
**Cancún, 10 - 14 September 2003**

Original: English

**POSITION OF THE AFRICAN UNION, LEAST-DEVELOPED COUNTRIES,  
AFRICAN, CARIBBEAN AND PACIFIC COUNTRIES  
ON NON-AGRICULTURAL MARKET ACCESS**

The following communication, dated 12 September 2003, has been received from the delegation of Mauritius.

The Draft Ministerial Text on NAMA has attached to it Annex B entitled "Framework for establishing modalities in Market Access for Non-Agricultural Products". Following the Mauritius Ministerial Declaration and its Annex, adopted by AU Ministers of Trade at their meeting in Grand Baie, Mauritius in June 2003, endorsed by the AU summit in Maputo in July 2003, endorsed by Second LDC Trade Ministers in Dhaka, in June 2003, and also the Sixth Meeting of ACP Trade Ministers in Brussels in August 2003, have provided the requisite political guidance and the agreed common negotiating objectives for AU, LDCs and ACP. We now maintain the following position on the NAMA issues.

- (i) The non-linear formula approach should not be applied to developing countries as it entails steep cuts for tariffs at the higher end of the tariff spectrum. We therefore call for the deletion of the word "non" from the formula so as to remain with linear formula approach.
- (ii) We stress that the proposal in para. 6 of sectoral tariff elimination or harmonization is widely off the mark as far as these countries are concerned. Recognizing the overarching significance of non-reciprocal preferences for African countries it is emphasized that any such initiative should address the erosion of preferences that will inevitably arise from tariff reductions.
- (iii) There is a need for credit to be granted for autonomous liberalization undertaken in the period prior to 1995 as most of our countries undertook such initiatives as from the early 1980s.
- (iv) The encouragement to eliminate all low duties should be confined to developed countries since such duties constitute a considerable share of the revenue base of many of our countries.
- (v) The negotiations shall take fully into account the special needs of developing and least-developed countries, including less than full reciprocity in reduction commitments in accordance with the relevant provisions of Article XXVIII*bis* of GATT 1994.
- (vi) The negotiations should also take into account the principle of S&D treatment for developing and least-developed countries as established in the following provisions:

- Part IV of GATT 1994

- The Decision of 28 November 1979 on Differential and more Favourable Treatment, reciprocity and fuller participation of developing countries
  - The Uruguay Round Decision on Measures in favour of Least Developing countries
  - All other WTO provisions
- (vii) Developed countries shall ensure that duty free and quota free market access is not nullified by non-tariff measures such as dumping.
- (viii) Targeted technical assistance shall be provided to LDCs to address supply-side constraint.
- (ix) Current negotiations on NAMA are to facilitate the development and industrialization process in our countries and those negotiations must give attention to
- (1) Providing market access for products of export interest to our countries
  - (2) Ensuring that our countries are allowed to choose their own rate, scope, pace and extent of future liberalization so as not to cause further adverse effects on local industries
  - (3) Addressing the problems that our countries will face from erosion of preferences
  - (4) Addressing the need for our countries to build their supply capacity so that they can take advantage of any increased market access opportunities

In conclusion negotiations for Non-Agricultural Market Access should take into account the developmental needs of developing countries and their goals for industrialization.

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