

WORLD TRADE ORGANIZATION

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ACP TRADE MINISTERS MEETING

Brussels, 21-22 October 1999

Communication from Jamaica

The following communication, dated 25 October 1999, has been received by the Chairman of the General Council from the Permanent Mission of Jamaica.

I have been asked to convey in my capacity as co-coordinator of the ACP/WTO Group, Geneva, the attached Declaration¹ which was adopted by the ACP Ministers of Trade at their meeting held in Brussels on 21 and 22 October 1999.

The Declaration contains elements which the ACP Ministers of Trade seek to have incorporated into the Ministerial Declaration to be adopted at the WTO's Ministerial Conference in Seattle.

I should be grateful for your cooperation in having the Declaration circulated formally to Member countries.

As requested by the ACP Secretariat, I have also conveyed to the Director-General of the WTO, the Declaration and a covering letter from the President of the ACP Council of Ministers, the Hon. Sevenier Adjovi, Minister of Trade of Benin.

¹ Reproduced in the Annex.

ANNEX

Declaration on the Third WTO Ministerial Conference Adopted by ACP Ministers of Trade

Brussels, 22 October 1999

1. In accordance with their Decision adopted on 15 May 1998, the ACP Ministers of Trade held their second meeting in Brussels on 21-22 October 1999 and addressed, *inter alia*, issues relating to the 3rd WTO Ministerial Conference.

The Third WTO Ministerial Conference

2. Ministers noted the intensive preparatory activities carried out and the proposals made by ACP countries at national and regional levels in preparation for the 3rd WTO Ministerial Conference scheduled to take place in Seattle from 30 November to 3 December 1999. They reiterated their support for the proposed changes to the Draft Ministerial text to be considered in Seattle submitted by the African Group and jointly by other members of the ACP Group on matters of specific interest for the ACP Group as a whole.

3. Considering the importance and urgency of integrating the ACP countries into the multilateral trading system and the imminent launching of future negotiations at the forthcoming WTO Ministerial Conference, Ministers re-emphasized that developmental issues should be at the core of future negotiations. In this regard, the ACP countries identify the following crucial and urgent objectives:

- (a) the need to give priority to the issues of implementation especially those relating to imbalances and deficiencies in the existing Agreements and to the commitments made by developed countries in favour of developing countries, in particular the least developed countries;
- (b) the necessity to maintain existing trade preferences between developed and developing countries to facilitate the phased and smooth integration of developing countries into the multilateral trading system;
- (c) a strengthened rules - based trading system which functions in a manner that achieves the greater participation of developing countries, particularly least developed and small and vulnerable economies, in global trade and thereby ensuring a more equitable distribution of gains from trade;
- (d) developing and strengthening supply-side capacities of ACP countries, especially those of least developed and small economies;
- (e) the necessity to take fully on board financial and trade needs of developing countries;
- (f) the need to take full account of the trade and socio-economic circumstances of developing country Members, specifically by giving concrete operational content to the commitments on special and differential treatment;
- (g) the need to ensure easier and less onerous conditions of accession and notification for ACP countries especially the LDCs and the small economies; and
- (h) the need to address the arbitrary imposition of trade practices such as sanitary and phytosanitary measures and anti-dumping and countervailing duties against the

products of developing countries and measures which in effect constitute effective barriers to the trade of these countries.

- (i) address the concern of developing countries regarding the increasing tendency by developed countries to link compliance to non-trade issues such as labour and environmental standards to the granting of market access to the products from the developing countries.

4. Ministers expressed concern that these and other issues of importance to ACP countries have not been satisfactorily addressed within the WTO. They therefore call, inter alia, for the following immediate Decisions to be taken at the Third WTO Ministerial Conference:

- (i) A "standstill clause", requiring all Members not to take any measures that would reduce the current market access opportunities of ACP countries, including preferential access with the European Union for a further period of ten years.

In this context, Ministers urged the adoption of an immediate Decision supporting the continuation of trade preferences as a means of facilitating the phased and smooth integration of ACP countries into the multilateral trading system through the application of a peace clause in respect of waivers to enable ACP States to benefit from trade preferences in the EU.

- (ii) Extend bound, duty-free and quota-free market access by developed countries for all products originating from the Least Developed countries (LDCs), small island developing countries and other vulnerable small developing economies including countries highly dependent on commodities.
- (iii) An immediate decision to give a strong impetus to the WTO Integrated Framework for Trade-related Technical Assistance for the LDCs, in particular the organization of a high level meeting by the WTO with a view to taking stock of the status of implementation of the WTO Integrated Framework and set a reasonable time frame for its full implementation and to consider its extension to other Developing countries.
- (iv) Extend transitional periods of the TRIPS, TRIMS, and Customs Valuation Agreements for periods that take into account the availability of resources required to effectively implement these Agreements.
- (v) Address the concerns of Developing Countries in particular, the Least Developed and Net Food Importing Developing Countries by incorporating concrete, operational and contractual measures, including provisions of institutional and human capacity building, technical and financial assistance, that are both effective and responsive to the special needs of LDCs and NFIDCs.
- (vi) Ensure that non-trade concerns relating to food security, rural activities and environmental protection which are of particular importance to Developing Countries in particular to LDCs, Landlocked, vulnerable and small Island countries as well as Net Food Importing Developing Countries are fully taken into account in the future negotiations in agriculture.
- (vii) Review the TRIPS Agreement so as to identify ways and means to operationalize its objectives and principles in respect of transfer and

dissemination of technology to developing countries, and to clarify its provisions so as to ensure a mutually supportive relationship between the TRIPS Agreement and instruments for the protection and preservation of indigenous plants and fauna, knowledge of medicine, and local designs.

- (viii) The review of the TRIPS Agreement should also ensure that developing countries are not prevented from imposing compulsory licensing for drugs listed as essential by the World Health Organization (WHO) in the interest of their supply at reasonable prices.
- (ix) Provide adequate financing of technical assistance from the regular budget of the WTO and other sources in favour of developing countries, in particular the LDCs.
- (x) Facilitate more effective coordination between the WTO, IMF, World Bank, other multilateral financial institutions, UNCTAD and bilateral development partners in addressing the problem of competitiveness and supply side constraints of ACP economies.
- (xi) Expand the list of countries in Annex VII of the Agreement on Subsidies and Countervailing Measures to include low, middle and upper middle income countries.
- (xii) Expand Article 8 of the Agreement dealing with non-actionable subsidies when such subsidies are provided by developing countries members.
- (xiii) Agree that the mandated negotiations on Services should give highest priority to the increasing participation of developing country Members as called for in the GATS Agreement.
- (xiv) Require that appropriate assistance is made available to developing countries seeking accession to the WTO, and to ensure that acceding developing countries, particularly LDCs, are offered terms and conditions that are neither excessive nor unrelated to their level of development, and that the countries in the process of accession are able to effectively participate in the Multilateral Negotiations.
- (xv) Agree that any review of existing Agreements supports regional integration efforts by developing countries as well as the conclusion of trading agreements involving developed and developing countries.
- (xvi) Review the dispute settlement mechanism in order to protect the rights of developing countries and third parties involved in disputes. Such a review should also include the provision of enhanced legal representation for these countries.

5. Ministers are strongly of the view that immediate Decisions reached on the foregoing issues in Seattle will address the main concerns and constraints that ACP countries face and will help to ensure a more balanced, equitable and fair outcome of the future negotiations.
