

AFRICAN UNION

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**AU CONFERENCE OF MINISTERS OF TRADE
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12 – 14 April, 2006
NAIROBI, REPUBLIC OF KENYA**

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ORIGINAL: ENGLISH**

THE NAIROBI MINISTERIAL DECLARATION ON THE DOHA WORK PROGRAMME

The Nairobi Ministerial Declaration on the Doha Work Programme

We, the Ministers responsible for Trade, of the Member States of the African Union, meeting during our Fourth Ordinary Session in Nairobi Kenya on the 14th of April 2006 to deliberate upon key trade issues in the context of regional and international initiatives and developments

Recalling the decisions and recommendations related to the development of Africa as contained in various international instruments under the auspices of the United Nations Organisation including the Declaration of the Millennium Summit, the World Summit on Sustainable Development, Financing for Development Summit, the Programme of Action for Least Developed Countries and the Commission for Africa Report

Welcoming initiatives to increase development financing and to effectively address the debt burden

Mindful of the pending conclusion of the negotiations under the Doha Work Programme of the World Trade Organisation

Reaffirming the need for the negotiations to be inclusive and transparent to ensure political ownership of the process and the outcome of the negotiations

Strongly emphasizing the importance of the modalities to address issues of interest to Africa which have so far not been given sufficient attention

Hereby declare as follows:

1. We welcome the Hong Kong Ministerial Declaration adopted by the Ministers responsible for trade of the World Trade Organisation in December 2005 as an impetus towards the conclusion of the Doha Work Programme. We re-dedicate ourselves to the important task of completing the trade negotiations by end of this year 2006 and we commit ourselves to work with other trading partners in achieving fully the development objectives of this round. It is our legitimate expectation and we shall ensure that the outcome of the negotiations fully reflects the development priorities of Africa.

2. We have since the launch of the Doha Work Programme on 14 November 2001 adopted various declarations, indicating our common positions on key issues under negotiation. In this regard, we have adopted the Kigali Consensus, the Cairo Road Map on the Doha Work Programme, the Arusha Development Benchmarks and the Arusha Ministerial Declaration on Commodities. In the Arusha Development Benchmarks that we adopted in November 2005, we clearly set out our development objectives, which the outcome of the Doha Round should fully reflect. These declarations have been endorsed at the highest political level by our

Heads of State and Government. We similarly re-affirm our commitment to our common positions contained in these declarations.

3. We similarly re-affirm our commitment to the common positions contained in the declarations on the Doha Work Programme adopted by Trade Ministers of the Least Developed Countries and the African, Caribbean and Pacific Group of States. We reiterate our solidarity with these groups within the G90, and re-new our commitment to strengthen our alliance and pursue our common interests in the Doha Work Programme as enunciated in the respective declarations.

4. We stress that the Doha Round has to deliver meaningful results for Africa and LDCs and should lead to a win-win situation for all. In this regard any proposed outcome of the Doha Work Programme should be measured against the development benchmarks that we have adopted and should fully take the development priorities of Africa into account.

5. We are deeply concerned with the lack of progress in the work mandated on the modalities for Agriculture and NAMA. At this juncture, considering the deadlines set for this work, at end of April 2006, we reiterate the urgency to meet all the commitments and the development promises of the Doha round so that the development needs and concerns of Africa and the LDCs are taken into account.

6. We emphasise that the April outcome for the modalities for Agriculture and NAMA must be all-inclusive and also address the concerns of African countries. In this regard the establishment of partial modalities that exclude the concerns of Africa and LDCs will not be conducive to a productive and acceptable outcome.

7. We reiterate our support to the ongoing process on the establishment of modalities, and emphasise that the modalities to be agreed upon in Agriculture, should include all issues of interest to Africa and support policies that are conducive to the development goals, poverty reduction strategies, food security and livelihood concerns. Accordingly we expect balanced progress and meaningful results in the negotiations on market access, domestic support, export competition, taking the S & D component into account. We also urge that the long outstanding mandate on Net Food Importing Developing Countries (NFIDCs) be addressed appropriately and expeditiously.

8. We emphasise the need for progress in the agricultural market access pillar, particularly on the tariff reduction formula, special products, Special Safeguard Measures (SSM), preferences and commodities. We stress that SSM should be made available to Africa and its LDCs and apply to all products.

9. We equally call for real progress in the areas of domestic support and export competition in order to achieve modalities that address the trade distortions faced by African countries in Agriculture.

10. Recognizing the vital importance of long standing preferences to African countries in Agriculture, we urge that trade-related solutions be developed to address the problems of preference erosion in an urgent manner in the negotiations. We further urge that this issue be effectively and meaningfully addressed in any modalities to be agreed upon in line with paragraph 44 of Annex A of the July Framework Agreement. Accordingly we expect that other WTO members will engage constructively in the discussions.
11. We stress the vital importance of cotton and the urgent need to achieve full modalities by the end of April 2006 as agreed in Hong Kong, including the substantial reduction of domestic support and the establishment of a mechanism to deal with price fluctuations of cotton, as a matter of priority
12. Furthermore, we emphasise the importance of bananas for some African countries and the need to ensure a fair market access for its producers.
13. We are concerned that the modalities in NAMA may lead to the de-industrialisation of African countries if their concerns on adequate flexibilities, less than full reciprocity, appropriate Special and Differential Treatment and erosion of preferences are not adequately addressed in the negotiations. Accordingly, we expect the modalities to fully address these concerns and provide for a credible trade solution to the issue of preferences.
14. We reiterate the importance of a balanced outcome in the negotiations. We urge that there should be an overall balance in the negotiations that responds to the development promises in the Doha Round within the context of the single undertaking.
15. Recognizing the serious adverse impact that the long-term decline and sharp fluctuations in the prices of primary commodities continues to have on the incomes of farmers in Africa and also the impact on their food security, livelihood concerns and rural development, we stress that the outcome of the negotiations in Agriculture and NAMA should effectively address the particular trade-related concerns of commodities dependent developing and least developed countries in accordance with the Hong Kong Ministerial Declaration.
16. We welcome the establishment of the Task Force on Integrated Framework and take note of the ongoing work. We call upon the WTO membership to find efficient ways of improving the existing Integrated Framework process, funding and delivery mechanism, in order to make it more effective and timely in addressing the trade-related development needs of LDCs.
17. We reaffirm technical assistance and capacity building, including institutional, human resources development and specialized institutions for enhancing capacity of African negotiators as core elements of the development dimension of the

multilateral trading system. We call on our development partners to adequately finance technical assistance programmes through the existing delivery mechanisms, especially the Integrated Framework, the JITAP and other complementary mechanisms.

18. We appreciate the inclusion in the Hong Kong Ministerial Declaration of the mandate for Operationalisation of the Aid for Trade. We welcome the establishment of the Task Force and we take note of the work that is ongoing in other fora on enhancement of development finance for trade to make it commensurate to the development needs of Africa. We urge the Task Force created to comprehensively address this issue of paramount importance for Africa and to ensure that there shall be a marked improvement over the current trade-related programmes for technical cooperation, including in amount of resources and coverage of African countries. We expect efficiency and effectiveness in the management and delivery of and access to the resources.

19. We recognize the role and comparative advantage of UNCTAD in matters of assistance to African countries in their capacity building efforts. We are concerned by recent proposals from some developed countries to reduce its mandate and jeopardise the institutional continuity of UNCTAD in the context of the reform of the United Nations system. The process of reform should strengthen rather than diminish the role and activities of UNCTAD as focal point within the United Nations system for the integrated treatment of trade, development and related issues. UNCTAD should continue its assistance to African countries with regard to trade negotiations and development policies.

20. We recall the decision taken in Hong Kong regarding duty free and quota free (DFQF) market access and other S & D provisions for the LDCs and call upon WTO developed, and developing members in a position to do so, to operationalize the decision as part of the single undertaking.

21. We stress the importance of preserving the flexibilities of individual developing and least developed countries as contained in the GATS and LDCs modalities and reaffirmed in the Hong Kong Declaration. The negotiations in Services should ensure that sectors and modes of supply of interest to African countries are given special consideration. In this respect, we note that Mode 4 is of crucial importance to many African countries. Further, we call upon WTO Members to be committed to fully implementing the Modalities for Special Treatment of LDCs in line with Article IV: 3 of the GATS. It is recognized that LDCs are not expected to undertake new commitments.

22. Considering the flexibilities provided for individual developing country Members in accordance with Article XIX: 2 of the GATS, we reaffirm that the collective request is intended to complement and not supersede the bilateral request /offer negotiations and the specificity of bilateral requests.

23. We reaffirm that the negotiations in Trade Facilitation should take into account the need to provide technical and financial assistance, and appropriate S & D provisions to the developing countries, and particularly to the LDCs, to help them in their efforts to accomplish the institutional reforms in this sector. African countries should also be assisted in addressing their physical infrastructures and trading capacity constraints. We urge WTO Members to put in place an appropriate mechanism of addressing the needs and priorities of African countries in Trade Facilitation before moving to text-based negotiations.

24. We recognize the contribution and potential of AGOA for the economic and social development in Africa. Consequently, we urge the WTO members to speed up the process for the granting of the waiver on AGOA and to have this process completed by the next session of the General Council of WTO in May 2006.

25. It is noted with concern that no African countries have acceded to the WTO since its establishment. We reaffirm our solidarity to all our Members that are in the process of WTO accession. In this respect we call upon all WTO Members to facilitate and accelerate the accession of African countries to the WTO. We also call upon development partners to intensify the provision of technical assistance and capacity building support to acceding African countries at all stages of the accession process.

26. Furthermore, we underscore the urgent need to effectively implement the accession guidelines for LDCs adopted by the General Council in December 2002. We stress that acceding countries must neither be compelled to negotiate concessions going beyond generally accepted WTO rules nor subscribe to some exigencies about the clauses still under discussion within the framework of the Doha Round.

27. We stress that the negotiations should proceed in a transparent and inclusive manner, especially at this late stage. Only a transparent and inclusive process can ensure political ownership and a consensus on the outcome of the negotiations. There should not be any pressure on African countries particularly as they are constrained in terms of human and financial resources and institutional capacity. We are further concerned that a number of issues of vital interest for Africa have not been addressed yet. We therefore urge that the Geneva process remains the centre of the multilateral negotiations.

28. We thank the Government and people of the Republic of Kenya for their generous and warm hospitality and the excellent facilities put at our disposal

Done in Nairobi, Kenya on 14 April 2006