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**TENTH MEETING OF THE AFRICAN CONTINENTAL FREE TRADE
AREA AU MINISTERS OF TRADE (AMOT)**

**14th December 2019
Accra, Ghana**

**AU/TI/AfCFTA/AMOT/10/FINAL/REPORT
Original: English**

**FINAL REPORT OF THE TENTH MEETING OF THE AFRICAN
CONTINENTAL FREE TRADE AREA (AfCFTA)
AU MINISTERS OF TRADE (AMOT)**

INTRODUCTION

1. The 10th meeting of the African Continental Free Trade Area AU Ministers of Trade (**AMOT**) was held on 14th December 2019, at the Accra International Conference Centre, Ghana. The purpose of the meeting was to consider the Report of the 10th meeting of the Senior Trade Official (STO), which took place on 13th December 2019. In addition, the meeting considered other trade and trade-related matters directly associated with the processes of the AfCFTA.
2. The meeting was attended by delegates from Algeria, Angola, Botswana, Burkina Faso, Democratic Republic of Congo, Cote d'Ivoire, Djibouti, Equatorial Guinea, Egypt, Ethiopia, Eswatini, Gabon, The Gambia, Ghana, Guinea, Kenya, Libya, Malawi, Mali, Mauritania, Mauritius, Morocco, Namibia, Niger, Nigeria, Rwanda, Saharawi Republic, Senegal, Seychelles, Sierra Leone, South Africa, Sudan, United Republic of Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe. The meeting was also attended by officials from the African Union Commission (AUC), East African Community (EAC) Economic Community of West African States (ECOWAS) and Common Market for Eastern and Southern Africa (COMESA). Representatives from the AUC's Strategic Partners; African Development Bank (AfDB), and the UN Economic Commission for Africa (UNECA) attended the meeting. The list of participants is attached as **Annex I**.

A- OPENING OF THE MEETING (*Agenda Item 1*)

3. There was a joint opening session of the 10th meeting of the African Continental Free Trade Area AU Ministers of Trade (AMOT) and the 2nd meeting of the AfCFTA Council of Ministers. The opening session was graced by His Excellency Nana Addo Dankwa Akufo-Addo, the President of the Republic of Ghana. Minister of Trade and Industry of the Republic of Ghana, Honourable Mr. Alan Kyerematen and H.E. Ambassador Albert Muchanga the Commissioner for Trade and Industry of the African Union Commission, made remarks during the opening session.

Opening Remarks by H.E. Ambassador Albert Muchanga, Commissioner for Trade and Industry

4. In his opening remarks, the Commissioner of Trade and Industry, H.E. Ambassador Albert Muchanga, thanked The President of Ghana, H.E. Nana Addo Dankwa Akufo-Addo for addressing the joint meetings of African Ministers of Trade and the AfCFTA Council of Ministers. He reaffirmed his gratitude to the President for his commitment to the implementation of the AfCFTA. The Commissioner informed the Ministers that they were at the meeting to continue preparations for the start of trading set for July 2020 as well as facilitate the preparations to establish the AfCFTA secretariat. In conclusion, he emphasized the need for project

financing and recommended that the presentation by Afro champions be considered. The full speech is attached as ***Annex II***.

Opening Remarks by Honourable Minister of Trade and Industry of the Republic of Ghana, Honourable Mr Alan Kyerematen

5. In his welcoming remarks, Honourable Alan Kyerematen welcomed his peers to Accra, Ghana. He expressed his gratitude to the Ministers for supporting the bid of Ghana to host the AfCFTA Secretariat. He recalled the various decisions and milestones leading to the establishment of the AfCFTA including the signing of the Agreement in Kigali Rwanda in March 2018, as well as the launching of the operational phase of the Agreement in Niamey, Niger. The Honourable Minister concluded his welcoming remarks by encouraging the Meeting to finalise outstanding work leading to the establishment of the AfCFTA Permanent Secretariat as well as ensuring that the Continent is ready to start trading under the AfCFTA regime by July 2020 as per the Decision of the Assembly of the African Union Heads of State and Government. The full speech is attached as ***Annex III***.

Opening remarks by the President of the Republic of Ghana, H.E. Nana Addo Dankwa Akufo-Addo

6. In his opening remarks, **H.E. Nana Addo Dankwa Akufo-Addo** welcomed the African Union Ministers of Trade to Accra, Ghana. He informed the meeting that Ghana is honored to host the AfCFTA Secretariat and that it is working with the highest sense of urgency, dedication and excellency to ensure that the Secretariat is established within the timelines provided by the AU Heads of State and Government. He sighted that the low levels of Intra African trade is worrying as it cannot bring meaningful prosperity to the African people. In this regard, **H.E. Nana Addo Dankwa Akufo-Addo** emphasized the need to implement the AfCFTA as it provides an opportunity for African countries to trade more amongst themselves. He highlighted other various benefits associated with implementation of the AfCFTA which could include, poverty eradication, and job creation.
7. The President then emphasized the need for African Union member states to mainstream trade in their development policies and ensure that there is policy coherence so as to create an enabling environment for the private sector to take advantage of the opportunities being availed. He called upon the meeting to ensure that the structures supporting the operationalization of the AfCFTA are earnestly put in place and stressed the need to implement other continental programs such as the BIAT Action Plan, AIDA and PIDA and to ensure that there are synergies among them. He concluded by reaffirming Ghana's commitment to implement the AfCFTA and encouraging the Ministers to resolve all outstanding

issues so as to meet the deadline to start trading by July 2020. The full speech is attached as **Annex IV**.

B- CONSTITUTION OF THE BUREAU (*Agenda Item 2*)

8. In line with the Rules and Procedures of the AfCFTA Negotiating Institutions, the bureau of the 10th meeting of the AfCFTA AMOT was constituted as follows;

Chairperson: Democratic Republic of Congo (Central Region)
1st Vice Chairperson: Namibia (Southern Region)
2nd Vice Chairperson: Morocco (Northern Region)
3rd Vice Chairperson: Sierra Leone (Western Region)
Rapporteur: Kenya (Eastern Region)

9. The Session was chaired by Hon. Mr. Jean-Lucien Bussa Tongba Minister for Foreign Trade, DRC, while the Rapporteur was Dr. Chris Kiptoo, Principal Secretary, State Department for Trade, Kenya.

C- ADOPTION OF THE AGENDA AND ORGANISATION OF WORK (*Agenda Item 3*)

10. AMOT considered and adopted the Agenda as follows:

Agenda Item 1: Opening of the Meeting

Agenda Item 2: Constitution of the Bureau

Agenda item 3: Adoption of the Agenda and Organization of Work

Agenda Item 4: Consideration of the Report of the 10th Meeting of the STO

Agenda Item 5: International Trade Issues

5.1 State of play in WTO negotiations and consideration of the Draft Declaration on WTO Issues;

5.2 Updates from the 2019 AGOA Forum and consideration of an African position for Post 2025.

Agenda Item 6: Any Other Business

Agenda Item 7: Adoption of the Report of the Meeting

Agenda Item 8: Date and Venue of the Next Meeting

Agenda Item 9: Closure of the Meeting

D- CONSIDERATION OF THE REPORT OF THE 10TH MEETING OF THE STO (*Agenda Item 4*)

11. Mr. Kiese-A-Ngunda, the Chairperson of the meeting of the AfCFTA Senior Trade Officials presented the report to the meeting. The discussions, observations, recommendations and decisions are captured below.

I. Consideration of tariff offers

12. The meeting requested the AUC to redouble their efforts in organising a series of meetings for tariff offers to be completed. The Ministers pointed out that there are three critical elements that need to be concluded and these are RoO, tariff offers and specific commitments on Trade in Services. Further, bearing in mind that negotiations on RoO and market access on trade in goods are interlinked and negotiations go hand in hand and negotiations on the three areas must be expedited and prioritised.
13. The meeting unanimously emphasised that the deadlines set by Heads of State and Governments must be respected and that RoO, tariff offers and specific commitments on trade in services are critical for trading and are a part of a single undertaking. As such new timelines are required to conclude all these areas on Phase 1 Negotiations.
14. AUC was directed to come up with a credible and realistic working plan to ensure that for trading to begin on 1st July 2020, a series of meetings are organised. It was recognised that the AUC would require adequate resources to organise these series of meetings. These meetings should take place from 10 February to 10 May 2020 culminating in an Extra-Ordinary Summit on 30 May 2020 honouring the coming into force of the AfCFTA Agreement.
15. The 10th AMOT made the following decisions:

Decisions:

16. AMOT:

- (i) Decided that preparatory process as agreed by the 8th AMOT be respected;
- (ii) Directed the AUC to organise a series of technical meetings of AfCFTA negotiating institutions from 10 February to 10 May 2020;
- (iii) Directed the AUC to come up with a detailed, sequenced and realistic work-plan;
- (iv) Recommended an extra-ordinary session be held on 30th May 2020 to adopt the remaining issues on Rules of Origin, Goods and services offers; and
- (v) Recommended that the AUC Chairperson makes available necessary resources to ensure that experts meet to conclude negotiations on the three specific areas, RoO, offers on trade in goods and services.

II. Demonstration of the Online Negotiating Portal

17. The meeting took note of discussions and recommendations of STO under this item. The AUC assured the meeting that it will take over the ownership and protection of the data. The meeting also noted the need for mobilization of resources necessary to ensure that Member States are adequately trained in the use of the Portal.

Decisions:

18. AMOT adopted the recommendations from STO and directed AUC to:

- (i) Ensure a hand-over of the tool by ITC to AUC as soon as it is finalised with a view to enabling its effective application;
- (ii) Ensure full ownership of the portal and uploaded data is protect as per AUC policies; and
- (iii) Organise training by experts on the use of the tool to Member States.

III. Consideration of outstanding issues on Rules of Origin

19. The meeting took note of discussions and recommendations of STO on Rules of Origin and adopted the recommendations proposed.

Decisions:

20. AMOT directed that the outstanding issues on RoO be concluded as soon as possible to facilitate the finalisation of tariff offers and requested the AUC to:

- (i) Make a distinction of outstanding issues on RoO issues as follows:
 - a) Issues that need policy notes (Clothing and Textiles, Sugar, Edible Oils, and Automotive sectors);
 - b) Issues to be discussed without policy notes as this are viewed as low hanging fruits that can be considered by NF; and
 - c) Issues that one or two Member States had bracketed on product specific rules.
- (ii) Convene a workshop of Chief Negotiators, RoO Experts, and the Private sector by February 2020 to consider the policy notes;
- (iii) Convene a TWG meeting to deal with all outstanding issues after the workshops on policy notes have been conducted by no later than 15 March 2020;
- (iv) Circulate all policy notes to Member States for National consultation by 31 December 2019; and
- (v) Circulate the draft regulations by 31 December 2019 and facilitate the finalisation of the regulations, criteria and outstanding issues on the Special Economic Zones.

IV. Consideration of the Report of the 7th TWG on Trade in Services

21. The meeting took note of the discussions and recommendations of the 10th meeting of STO regarding negotiations on trade in services. Following discussions on the issues of minimum threshold; timeline for submission of initial offers and provision of technical assistance. They then made the following recommendations and decisions:

Decisions:

22. AMOT approved;

- (i) The matrix developed by the AUC as an effective monitoring mechanism for the submission of initial offers attached to this report as **Annex V**; and
- (ii) The work plan for the finalisation of the TiS attached to this report as **Annex VI**.

23. AMOT decided that:

- (i) Member States submit their initial offers for trade in services at the latest as agreed by 31st January 2020, including those Member States submitting their autonomous liberalization;
- (ii) Member States respect the timelines indicated in the roadmap for negotiation of trade in services;
- (iii) For purposes of submission of the initial offers, Member States use the current classification and format of services of the WTO; and
- (iv) Negotiations on final concessions be conducted on the basis of reciprocity.

24. Recalling the Modalities and guidelines of Trade in Services, AMOT agreed that Member States submit commercially meaningful market access offers to meet the objectives of the Protocol on Trade in Services and substantive levels for liberalization for trade in services in order to meet the minimum threshold requirement.

25. AMOT directed the AUC to:

- (i) Prioritize the negotiation of TiS and avail adequate resource to undertake and deliver on the activities/work program developed to negotiate trade in services; and
- (ii) Provide technical assistance to the Member States where required to prepare the offers to advance negotiations on trade in services without affecting the agreed timelines for submission of initial offers.

V. Consideration of TORs of TWG's on Phase 2 Issues

26. The meeting took note of the discussions and recommendations of the 10th meeting of STO on the TORs for the establishment of TWGs of Investment, Competition Policy and Intellectual Property Rights. AUC explained the urgency to establish the

above TWGs to undertake work on Phase 2 negotiations. It was noted that the TWGs have the mandate from AMOT to undertake work on Phase 2, however, there was need to validate the recommendations from the NF and STO due to the fact that the meetings of NF and STO were transformed into consultative fora.

Decisions:

27. AMOT approved the recommendations to establish TWGs on Investment, Competition Policy and Intellectual Property Rights; and directed that;
- (i) Member States send to AUC comments on the shared draft ToRs by 15th January 2020 for consideration at the next meeting of NF; and
 - (ii) AUC convenes a meeting of NF immediately after the 2020 Summit to consider the ToRs of the TWGs.

VI. Consideration of the G6 Issues

28. Vide Decision **Ext/Assembly/AU/Dec.1(XII)** adopted by the Assembly at its 12th extraordinary session held in July 2019 in Niamey, the Assembly, “ decides to further discuss the submission of the G6 Countries (Ethiopia, Madagascar, Malawi, Sudan, Zambia and Zimbabwe) to undertake liberalization of the 90% of total tariff lines over a period of fifteen (15) years, subject to reciprocity, with the view to reach consensus and to report to the upcoming session of the Assembly of the AU in February 2020”.

29. The meeting was informed that the matter was forwarded to AMOT for further guidance on the implementation of the above Summit Decision. Some Member States observed that it was necessary to discuss the matter before presenting it to the Heads of State, noting that the best place to discuss this was at the AMOT, while some noting that this was a Summit matter and thus not a subject of discussion at AMOT. The OLC was requested to provide a written legal interpretation of the above decision.

Decisions:

30. AMOT took note of the divergent views of Member States on this matter and requested AUC to include these in the report of the AfCFTA Champion for his discussion with peers and provide the way forward.
31. AMOT requested a legal opinion to advise whether the matter should go directly to the Summit or to give it to lower organs.

VII. The e-Commerce

32. The meeting noted the increasing importance of e-Commerce in business and agreed to explore the subject after receiving and comprehensive brief on this matter by AUC.

Decision:

33. AMOT directed the AUC to develop a brief on e-Commerce and present it to Member States for consideration.

VIII. AfCFTA Adjustment Facility

34. The meeting took note of the report made by the STO on the status of utilisation of AfCFTA adjustment facilities put in place by Afreximbank. The report observed that the Afreximbank has availed US\$ 1 billion line of credit to all African Union Member States to be used to meet adjustment costs. In addition, the Bank has availed US\$ 2.5 billion for the African private sector that may require funds to scale up operations in the AfCFTA. In addition, there was need for the NF for start work to develop the AfCFTA long-term adjustment facility on the basis of the feasibility study and building on the seed capital provided by the Afreximbank through the two lines of credit referred to above.

Decisions:

35. AMOT adopted the recommendations that:

- (i) More detailed and comprehensive information on the terms and conditions of the AfCFTA adjustment facilities be provided; and
- (ii) Work on development of AfCFTA long term adjustment facilities be undertaken by NF on the basis of the feasibility study and building on the seed capital provided by Afreximbank.

E- International Trade Issues (Agenda Item 5)**5.1 State of play in WTO negotiations and consideration of the Draft Declaration on WTO Issues**

36. AUC introduced the Draft Declaration on WTO Issues prepared by the African Group of Ambassadors in Geneva. The Meeting was informed that the Draft Declaration emanated from the Annual Retreat of the African Group of Ambassadors and Experts Retreat held on 23 November 2019 in Geneva. The draft Declaration covers issues related to the election process in the WTO, the importance of regional integration, in particular the launch of the operational phase of the AfCFTA and the renewed application by the AUC for the status of permanent observer to the African Union in all WTO bodies. The draft Declaration is attached as **Annex VII**.
37. The meeting considered the issues in the Draft Declaration on WTO issues. The Ministers commented the African Group of Ambassadors based in Geneva for the good work they are doing in Geneva. The meeting observed that the WTO Court

is not fully constituted, therefore the African Union need to be cognizant of this fact. The meeting observed that this document was circulated in English and French only and requested AUC to attach it to the report of AMOT in all AU working languages.

Decisions:

38. AMOT:

- (i) Adopted the declaration on WTO issues as proposed, and mandated the AU Group of Ambassadors in Geneva to come up with an African position on Reforms of the WTO System; and
- (ii) Directed AUC to ensure that any discussion papers or documents that need consideration of the AMOT be translated in all AU working languages.

5.2 Updates from the 2019 AGOA Forum and consideration of an African position for Post 2025

39. AUC presented a Concept Note for a proposal for a Ministerial Meeting to deliberate on Africa-US Trade and Investment relations post AGOA 2025. The Commission emphasized the need for such a meeting so as to ensure that Africa continues to speak with one voice especially with third parties given the AfCFTA.

40. The Meeting took note of the Concept Note and indicated the need to be availed more time to review the same. The Meeting emphasized the need to have a united approach in dealing with the United States of America and ensure that the proposals for post AGOA are inclusive of all African Union Member States. The meeting also emphasized the need to prioritize the AfCFTA on its Agenda.

Decisions:

41. AMOT agreed to consider this matter at a later stage when urgent work on the AfCFTA is finalized.

F- ANY OTHER BUSINESS (*Agenda Item 6*)

42. The meeting took note of the statement from the Honorable Minister of Djibouti and Head of delegation of Nigeria. The Honourable Minister from Djibouti informed the meeting that:

- (i) Djibouti organized a Forum on the AfCFTA for the private sector from 3 - 5 December, 2019 which was attended by representatives from countries in the region, as well as AUC and UNECA; and
- (ii) Djibouti has presented a candidature for the post of non-permanent member of the UN Security Council for the period 2021-2022, and the Honourable Minister requested all the Ministers present to support Djibouti's bid.

43. AMOT took note of the statement.

44. The Commission briefed AMOT that this matter is being processed through the AU Committee of Candidature

45. The Head of delegation of Nigeria informed the meeting that Nigeria will present a candidate for the position of the next World Trade Organization (WTO) Director-General, and requested the meeting to support the first African candidate.

G- DATE AND VENUE OF NEXT MEETING (*Agenda Item 7*)

46. The date and venue of the next meeting will be advised in due course.

H- ADOPTION OF THE REPORT OF THE MEETING (*Agenda Item 8*)

47. The meeting considered and adopted their report.

I- CLOSURE OF THE MEETING (*Agenda Item 9*)

48. The Chair closed the meeting by thanking all delegates for their participation and wished them safe travels back to their homes.

Signed on this 15th day of December 2019 by the Chairperson and Rapporteur as follows:

.....
Mr. Jean-Lucien Bussa Tongba

Democratic Republic of Congo

CHAIRPERSON

.....
Dr. Chris Kiptoo, CBS

Republic of Kenya

RAPPORTEUR