

Table 10 - Share of ECOWAS LDCs’ extra-ECOWAS imports from selected African countries and customs unions

ECOWAS Import from..	ECOWAS total	ECOWAS non LDCs	ECOWAS LDCs	Share LDCs
Morocco	708,216	383,550	324,666	46%
Egypt	240,954	171,261	69,693	29%
EAC	47,472	41,334	6,138	13%
SACU	1,393,176	963,937	429,239	31%

Source: calculations based on import data from ITC TradeMap, average 2015-2017 (USD Thousands)

Table 11 – Share of EAC LDCs’ extra-EAC imports from Africa

EAC imports from	EAC total	EAC non LDC (Kenya)	EAC LDCs	Share LDCs
Africa	4,690,385	1,614,284	3,076,101	66%
EAC	2,309,484	442,041	1,867,442	81%
Extra-EAC imports	2,380,901	1,172,243	1,208,659	51%

Source: calculations based on import data from ITC TradeMap, average 2015-2017 (USD Thousands)

case of the EAC, the share of LDC imports from African countries in total imports from African countries (excluding EAC trade) was 51%. (See Table 11.)

• *Allow a longer implementation period for some but not all tariff lines for countries in the customs union, for tariff lines of particular interest to LDCs.* A midway solution between either the short non-LDC vs the longer LDC implementation period for all tariff lines is to allow the longer LDC implementation periods for some tariff lines. These tariff lines should be of particular interest to LDCs in the customs union. The challenge is how to objectively identify which tariff lines are ‘of particular interest to LDCs’ as well as achieving agreement on the number of tariff lines and/or trade involved for which the longer implementation period would apply.

• *Allow for certain carve-outs that apply to LDCs within the customs union.* LDCs could agree to a shorter transition period (i.e. 5 years for Non-Sensitive Products) provided that they receive something in return. For instance, several LDCs within ECOWAS maintain charges equivalent to import tariffs on oil imports, which should be eliminated pursuant to the AfCFTA Agreement. However, agreement could be reached for them to maintain such charges.

• *Allowing reciprocity in timeframes for implementation between negotiating partners.* For instance if ECOWAS offers a 10 year implementation period for Non-Sensitive Products, negotiating partners (e.g. SACU or Egypt) could offer the same to ECOWAS (10 years instead of 5). This option might lead to implementation issues if the other negotiation partner would continue to apply a 5 year implementation period for imports from other African origins. At the same time, it could be argued that some negotiating partners have gained some experience in the application of other preferential trade agreements, within and outside the continent.

5.3 The process of negotiations

At present, there are some aspects relating to the pro-

cess of negotiations that would need to be considered:

• To whom initial offers are made. Offers could be made with respect to

♦ All African countries (other than the countries belonging to the customs union, if the offer is made by a customs union)

♦ All African countries that have ratified the AfCFTA

♦ All African countries with whom there is no existing preferential agreement

♦ Differentiated offers by customs unions / regions or countries, depending on the sensitivities involved. For instance, sugar from a country with competitive producers might be sensitive and could be excluded from liberalization. Nonetheless, sugar could be liberalized for countries with less competitive producers, or having no or limited sugar production.

• The extent to which offers should be made public and/or timing of offers. For instance, in bilateral negotiations, the initial offers might be exchanged at (around) the same time.

• Whether tariff preferences agreed in bilateral negotiations after tabling the initial offer should be offered to all within the AfCFTA? For instance, if Kenya (EAC) requests South Africa (SACU) to move a product from the exclusion list to the non-sensitive or sensitive list (i.e. tariff will be eliminated for that product) and South Africa (SACU) would agree, could other African countries enjoy such preference? The MFN clause contained in Article 18 of the Agreement establishing the AfCFTA (see Section 4 above) suggests that this is not the case. This implies that the final tariff offer will apply between SACU and EAC, not between SACU and all other African countries, or between EAC and all other African countries.

• How to measure the compliance with the modalities.

表10 - 西非国家经济共同体最不发达国家从部分非洲国家及关税同盟的西非国家经济共同体外进口份额

ECOWAS Import from..	ECOWAS total	西非国家经济共同体非最不发达国家	西非国家经济共同体最不发达国家	最不发达国家份额
摩洛哥	708,216	383,550	324,666	46%
埃及	240,954	171,261	69,693	29%
EAC	47,472	41,334	6,138	13%
SACU	1,393,176	963,937	429,239	31%

来源: 根据国际贸易中心贸易地图进口数据计算，2015-2017年平均值（千美元）

表11 – 东非共同体最不发达国家自非洲进口的份额

东非共同体进口自	东非共同体总计	东非共同体非最不发达国家 (肯尼亚)	东非共同体最不发达国家	最不发达国家份额
非洲	4,690,385	1,614,284	3,076,101	66%
EAC	2,309,484	442,041	1,867,442	81%
东非共同体外进口	2,380,901	1,172,243	1,208,659	51%

来源: 基于国际贸易中心贸易地图进口数据的计算，2015-2017年平均值（千美元）

以东非共同体为例，最不发达国家从非洲国家进口的商品占从非洲国家进口总额（不包括东非共同体内部贸易）的比例为51%。（见表11。）

• 对关税同盟中国家的一些而非所有关税税目，特别是最不发达国家特别关注的关税税目，允许更长的实施期。介于对所有关税税目采用较短的非最不发达国家实施期与较长的最不发达国家实施期之间的折中方案是，允许对部分关税税目采用较长的最不发达国家实施期。这些关税税目应是关税同盟中最不发达国家特别关注的。挑战在于如何客观地确定哪些关税税目‘对最不发达国家特别重要’，并就适用较长实施期的关税税目数量和/或涉及的贸易达成一致。

• 允许对关税同盟内的最不发达国家实行某些例外规定。最不发达国家可以同意较短的过渡期（即非敏感产品5年），前提是它们能得到相应的回报。例如，西非国家经济共同体内的几个最不发达国家对石油进口维持相当于进口关税的费用，根据非洲大陆自由贸易区协定，这些费用应被取消。然而，可以达成协议允许它们维持这些费用。

• 允许谈判伙伴之间在实施时间框架上互惠。例如，如果西非国家经济共同体为非敏感产品提供10年实施期，谈判伙伴（如南部非洲关税同盟或埃及）也可对西非国家经济共同体提供相同期限（10年而非5年）。若其他谈判方对来自非洲其他地区的进口商品继续适用5年实施期，这一选择可能导致实施问题。同时，有观点认为部分谈判伙伴在非洲内外其他优惠贸易协定的应用方面已积累了一定经验。

5.3 谈判进程

目前，关于该进程存在若干相关问题——

需要考量的谈判过程包括：

• 初始报价对象。报价可针对

♦ 所有非洲国家（若报价方为关税同盟，则不包括该关税同盟成员国）

♦ 所有已批准非洲大陆自由贸易区的非洲国家

♦ 所有未与之签订现行优惠协议的非洲国家

♦ 关税同盟/地区或国家根据敏感度差异提供差异化报价。例如，来自具有竞争力生产国的糖可能较为敏感，可被排除在自由化范围外。但对于竞争力较弱或无糖/低糖产量的国家，糖仍可实现自由化。

• 出价应公开的程度和/或出价的时机。例如，在双边谈判中，初始出价可能（大约）在同一时间交换。

• 双边谈判中在提交初始出价后达成的关税优惠是否应向非洲大陆自由贸易区（AfCFTA）内所有成员提供？例如，如果肯尼亚（东非共同体，EAC）要求南非（南部非洲关税同盟，SACU）将某产品从排除清单移至非敏感或敏感清单（即对该产品取消关税）且南非（SACU）同意，其他非洲国家能否享受此类优惠？非洲大陆自由贸易区协定第18条（见上文第4节）中的最惠国条款表明情况并非如此。这意味着最终关税优惠仅适用于SACU与EAC之间，而非SACU与所有其他非洲国家之间，或EAC与所有其他非洲国家之间。

• 如何衡量对模式的遵守情况。