

**UNITED STATES – AFRICAN GROWTH AND OPPORTUNITY ACT**

Report of the Government of the United States for the Year 2009  
under the Decision of 27 May 2009<sup>1</sup>

The following communication, dated 31 May 2010, is being circulated at the request of the Delegation of the United States.

**1. Introduction**

1. On 27 May 2009, the United States was granted a waiver (WT/L/754) of its obligations under paragraph 1 of Article I and paragraphs 1 and 2 of Article XIII of the GATT 1994 to the extent necessary to permit the United States Government to provide duty-free treatment to eligible products of certain sub-Saharan African countries as authorized by the provisions of the African Growth and Opportunity Act (AGOA) without being required to extend the same duty-free treatment to like products of any other Member. This waiver expires 30 September 2015.

2. Under the terms of this waiver, the United States is required to submit to the General Council an annual report on the implementation of the trade-related provisions of AGOA with a view to facilitating the annual review provided for in paragraph 4 of Article IX of the WTO Agreement. This report covers calendar year 2009.

**2. Duty Free Treatment under AGOA**

3. AGOA was enacted on 18 May 2000. Section 506A of the Trade Act of 1974, as added by section 111 of AGOA, authorizes the President of the United States to provide duty-free treatment to certain products from eligible sub-Saharan African beneficiary countries, in addition to the products designated for duty-free treatment for these countries under the US Generalized System of Preferences (GSP). The President exercised this authority on 18 December 2000, when he designated 1,835 products as eligible for duty-free treatment in the United States when originating from an AGOA beneficiary country. Section 506B of the Trade Act of 1974, as added by section 114 of AGOA, as amended, extends preferences for these products and for GSP products to AGOA beneficiary countries through 30 September 2015.<sup>2</sup>

4. Section 506A of the Trade Act of 1974 also authorizes the President of the United States to designate certain sub-Saharan African countries as eligible for benefits under AGOA.

<sup>1</sup> WT/L/754

<sup>2</sup> US GSP preferences for other developing countries are currently set to terminate on 31 December 2010

On 23 December 2009, the President designated Mauritania as an AGOA beneficiary country and terminated, effective 1 January 2010, the designations of Guinea, Madagascar, and Niger as AGOA beneficiary countries. As of 8 May 2010, 38 sub-Saharan African countries were eligible for AGOA trade benefits. These countries are: Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Comoros, Democratic Republic of Congo, Republic of Congo, Djibouti, Ethiopia, Gabon, The Gambia, Ghana, Guinea-Bissau, Kenya, Lesotho, Liberia, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, South Africa, Swaziland, Tanzania, Togo, Uganda, and Zambia.

5. Section 112(a) of AGOA provides duty-free treatment for certain textile and apparel products from beneficiary countries that adopt certain procedures to prevent illegal transshipment.<sup>3</sup> Through 30 September 2012, section 112(c) of AGOA provides duty-free treatment for apparel made in “lesser developed” beneficiary countries regardless of the source of the fabric or yarn, subject to an annual quantitative limit.<sup>4</sup>

### **3. AGOA Performance**

6. Since its inception in 2000, the AGOA program has helped African beneficiary countries to expand and diversify their exports to the United States. By providing new market opportunities for African exports – especially of non-traditional and higher-value products – AGOA has helped African firms become more competitive internationally, thereby bolstering African economic growth and helping to alleviate poverty in one of the poorest regions of the world. In 2009, over 95 per cent of US imports from AGOA-eligible countries entered the United States duty-free, under AGOA, GSP, or other zero-tariff provisions.

7. From 2001, the first full year of AGOA, to 2008, US imports under AGOA (not including its related GSP provisions) increased from \$7.6 billion to \$56.4 billion. Although AGOA imports decreased by 50 per cent from 2008 to 2009, due in large part to the global financial crisis, the first quarter of 2010 witnessed a significant rebound in AGOA imports, led by increased imports of oil under AGOA.

8. Mineral fuels (HTS chapter 27) accounted for 91 per cent of US imports under AGOA in 2009. Other leading categories of US imports include apparel (HTS chapters 61 and 62), vehicles (HTS chapter 87), iron and steel products (HTS chapter 72), edible fruits and nuts (HTS chapter 8), beverages and spirits (HTS chapter 22), chemicals (HTS chapter 38), and processed agricultural products (HTS chapters 20 and 21). Non-oil imports under AGOA more than tripled from 2001 to 2009, rising from \$752 million in 2001 to \$2.6 billion in 2009.

9. Apparel was the leading AGOA non-oil product sector for most of the period 2001-2009. Apparel represented 32 per cent to 69 per cent of total non-oil AGOA imports during this period. Imports of apparel under AGOA rose from \$356 million in 2001 to \$914 million in 2009. AGOA apparel imports have decreased in recent years, reflecting sharpening global competition in this sector. Eighteen AGOA beneficiary countries have shipped apparel products to the United States under AGOA since 2001, led by Lesotho, Madagascar, Kenya, Mauritius, and Swaziland.

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<sup>3</sup> As of 1 May 2010, the beneficiary countries eligible for duty-free treatment of certain textile and apparel products were: Benin, Botswana, Burkina Faso, Cameroon, Cape Verde, Chad, Ethiopia, The Gambia, Ghana, Kenya, Lesotho, Malawi, Mali, Mauritius, Mozambique, Namibia, Nigeria, Rwanda, Senegal, Sierra Leone, South Africa, Swaziland, Tanzania, Uganda, and Zambia.

<sup>4</sup> Of the countries listed in footnote 3, only South Africa has not been designated a “lesser developed” beneficiary country for the purposes of AGOA.

10. The second leading non-oil sector for the period 2001-2009 was vehicles and vehicles parts. Imports under AGOA in this product sector reached a high of \$1.8 billion in 2008, and totalled \$1.4 billion in 2009.

11. Among other AGOA imports, the following are among the products that witnessed significant growth from 2006 to 2009: pineapple and citrus juices, some varieties of fresh fruit, some footwear, certain cereals, edible ice, shelled macadamia and other nuts, skin-care preparations, certain hides and skins, some types of grape wine, essential oils of lemon, sport fishing supplies, and sweetheart roses.

12. The US Government has provided substantial trade-related technical assistance to AGOA beneficiary countries to help them make the most of the trade opportunities available under AGOA. For example, under the five-year, \$200 million African Global Competitiveness Initiative, the US Agency for International Development operates four Regional Hubs for Global Competitiveness – in Botswana, Kenya, Ghana, and Senegal – that assist African governments and businesses to identify and develop market opportunities in the United States for African products, especially value-added and non-traditional products such as those covered under AGOA and GSP. In 2009 alone, the Hubs facilitated over \$71 million in transactions in the textile and apparel, specialty food, cut flowers, and other product categories.

13. Statistical annexes are provided to present a detailed description of the trade aspects of the AGOA program from 2001 to 2009.

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**Table 1** provides summary information on US imports for consumption under AGOA from 2001 to 2009.

**Table 2** provides information on leading US imports for consumption under AGOA provisions from 2007 to 2009.

**Table 3** provides information on US trade with AGOA countries from 2001 to 2009.

**TABLE 1**  
**US Imports for Consumption under AGOA Provisions, by Sources, 2001-2009<sup>5</sup>**

Source	2001	2002	2003	2004	2005	2006	2007	2008	2009
	<i>Value (1,000 dollars)</i>								
Nigeria	5,688,102	5,409,176	9,353,914	15,415,913	22,460,052	25,823,091	30,137,133	35,366,204	17,228,232
Angola	0	0	0	1,249,211	4,216,469	4,532,941	4,767,934	9,794,965	4,225,139
South Africa	417,256	789,552	998,420	832,441	455,316	717,439	1,076,985	2,427,690	1,642,893
Rep.of Congo	128,746	103,808	337,899	342,248	571,419	774,536	1,604,868	2,639,141	1,471,657
Gabon	938,695	1,145,478	1,177,431	1,919,407	2,487,326	1,290,031	1,673,605	2,143,355	1,210,007
Chad	0	0	14,438	293,801	1,028,954	1,531,433	1,487,552	2,309,230	1,190,403
Lesotho	129,523	317,803	372,544	447,622	388,344	384,452	379,592	338,797	277,046
Madagascar	92,145	75,838	186,187	314,842	273,193	229,541	281,443	277,051	210,004
Kenya	55,090	124,337	180,599	279,898	272,131	265,051	250,352	252,243	204,982
Mauritius	38,899	106,528	135,111	147,816	146,807	145,843	112,347	97,291	98,747
Cameroon	36,731	115,542	146,746	242,725	100,910	152,394	169,173	441,316	96,750
Swaziland	8,314	74,312	127,005	175,927	160,462	135,425	135,838	125,387	94,718
Malawi	12,057	41,320	35,837	35,052	32,375	29,901	27,568	26,680	39,734
Dem. Rep. of Congo	0	0	0	0	0	0	39,478	65,234	35,652
Botswana	0	3,707	6,324	20,138	30,044	28,225	31,331	15,803	12,362
Ethiopia	215	1,319	1,772	3,532	3,646	5,000	4,741	9,392	6,723
Ghana	33,092	23,001	29,156	63,170	49,927	34,874	56,151	31,494	2,303
Senegal	0	0	11	7	9	14,239	14	10,229	1,585
Tanzania	16	639	1,110	2,984	2,812	3,022	2,815	1,527	1,006
Uganda	0	13	1,442	4,022	4,854	1,490	1,189	473	222
Rwanda	265	0	0	0	1	0	0	5	63

<sup>5</sup> The following countries were not eligible for AGOA benefits in the corresponding years: Angola (2000-2003), Burkina Faso (2000-2004), Burundi (2000-2002), Central African Republic (2000-2009), Comoros (2000-2007), Congo (DROC) (2000-2002), Cote d'Ivoire (2000-2002 & 2005-2009), Eritrea (2004-2009), Gambia (2000-2002), Liberia (2000-2006), Mauritania (2006 & 2009), and Togo (2000-2007).

Note: The following countries that were eligible for AGOA for at least part of the period 2001-2009 did not register any trade under AGOA provisions during this period: Benin, Burundi, Comoros, Eritrea, The Gambia, Liberia, Mauritania, Sao Tome and Principe, Seychelles, and Togo.

Source	2001	2002	2003	2004	2005	2006	2007	2008	2009
	<i>Value (1,000 dollars)</i>								
Mali	0	1	0	3	0	3	9	4	62
Djibouti	0	0	0	0	0	0	0	0	17
Zambia	10	52	0	22	0	8	73	5	7
Niger	0	0	2	0	24	1	27	1	3
Guinea	0	0	0	0	0	0	27	1	1
Mozambique	0	186	2,516	2,151	2,828	940	825	129	0
Namibia	0	1,543	32,132	75,904	53,058	33,019	28,579	6	0
Cape Verde	0	0	2,452	2,902	2,115	85	0	0	0
Burkina Faso	0	0	0	0	0	6	0	0	0
Cote d'Ivoire	0	27,265	46,361	88,601	0	0	0	0	0
Guinea-Bissau	0	0	0	26,131	0	0	0	0	0
Sierra Leone	0	0	0	3	0	0	0	0	0
Total	7,579,158	8,361,422	13,189,410	21,986,472	32,743,077	36,132,990	42,269,649	56,373,651	28,050,318

**TABLE 1 - CONTINUED**  
**US Imports for Consumption under AGOA Provisions, by Sources, 2001-2009**

Source	2001	2002	2003	2004	2005	2006	2007	2008	2009
<i>Per cent of total</i>									
Nigeria	75.05	64.69	70.92	70.12	68.59	71.47	71.30	62.74	61.42
Angola	0.00	0.00	0.00	5.68	12.88	12.55	11.28	17.38	15.06
South Africa	5.51	9.44	7.57	3.79	1.39	1.99	2.55	4.31	5.86
Congo (ROC)	1.70	1.24	2.56	1.56	1.75	2.14	3.80	4.68	5.25
Gabon	12.39	13.70	8.93	8.73	7.60	3.57	3.96	3.80	4.31
Chad	0.00	0.00	0.11	1.34	3.14	4.24	3.52	4.10	4.24
Lesotho	1.71	3.80	2.82	2.04	1.19	1.06	0.90	0.60	0.99
Madagascar	1.22	0.91	1.41	1.43	0.83	0.64	0.67	0.49	0.75
Kenya	0.73	1.49	1.37	1.27	0.83	0.73	0.59	0.45	0.73
Mauritius	0.51	1.27	1.02	0.67	0.45	0.40	0.27	0.17	0.35
Cameroon	0.48	1.38	1.11	1.10	0.31	0.42	0.40	0.78	0.34
Swaziland	0.11	0.89	0.96	0.80	0.49	0.37	0.32	0.22	0.34
Malawi	0.16	0.49	0.27	0.16	0.10	0.08	0.07	0.05	0.14
Congo (DROC)	0.00	0.00	0.00	0.00	0.00	0.00	0.09	0.12	0.13
Botswana	0.00	0.04	0.05	0.09	0.09	0.08	0.07	0.03	0.04
Ethiopia	<sup>(6)</sup>	0.02	0.01	0.02	0.01	0.01	0.01	0.02	0.02
Ghana	0.44	0.28	0.22	0.29	0.15	0.10	0.13	0.06	0.01
Senegal	0.00	<sup>(6)</sup>	<sup>(6)</sup>	<sup>(6)</sup>	<sup>(6)</sup>	0.04	<sup>(6)</sup>	0.02	0.01
Tanzania	<sup>(6)</sup>	0.01	0.01	0.01	0.01	0.01	0.01	<sup>(6)</sup>	<sup>(6)</sup>
Uganda	0.00	<sup>(6)</sup>	0.01	0.02	0.01	<sup>(6)</sup>	<sup>(6)</sup>	<sup>(6)</sup>	<sup>(6)</sup>
Rwanda	<sup>(6)</sup>	0.00	0.00	0.00	<sup>(6)</sup>	0.00	0.00	<sup>(6)</sup>	<sup>(6)</sup>
Mali	0.00	<sup>(6)</sup>	<sup>(6)</sup>	<sup>(6)</sup>	0.00	<sup>(6)</sup>	<sup>(6)</sup>	<sup>(6)</sup>	<sup>(6)</sup>
Djibouti	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	<sup>(6)</sup>
Zambia	<sup>(6)</sup>	<sup>(6)</sup>	0.00	<sup>(6)</sup>	0.00	<sup>(6)</sup>	<sup>(6)</sup>	<sup>(6)</sup>	<sup>(6)</sup>
Niger	0.00	<sup>(6)</sup>	<sup>(6)</sup>	0.00	<sup>(6)</sup>	<sup>(6)</sup>	<sup>(6)</sup>	<sup>(6)</sup>	<sup>(6)</sup>
Guinea	0.00	0.00	0.00	0.00	0.00	0.00	<sup>(6)</sup>	<sup>(6)</sup>	<sup>(6)</sup>
Mozambique	0.00	<sup>(6)</sup>	0.02	0.01	0.01	<sup>(6)</sup>	<sup>(6)</sup>	<sup>(6)</sup>	0.00
Namibia	0.00	0.02	0.24	0.35	0.16	0.09	0.07	<sup>(6)</sup>	0.00

<sup>6</sup> Less than 0.005 per cent.

Source	2001	2002	2003	2004	2005	2006	2007	2008	2009
	<i>Per cent of total</i>								
Cape Verde	0.00	0.00	0.02	0.01	0.01	( <sup>6</sup> )	0.00	0.00	0.00
Burkina Faso	0.00	0.00	0.00	0.00	0.00	( <sup>6</sup> )	0.00	0.00	0.00
Cote d'Ivoire	0.00	0.33	0.35	0.40	0.00	0.00	0.00	0.00	0.00
Guinea-Bissau	0.00	0.00	0.00	0.12	0.00	0.00	0.00	0.00	0.00
Sierra Leone	0.00	0.00	0.00	( <sup>6</sup> )	0.00	0.00	0.00	0.00	0.00
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

Note: Because of rounding, figures may not add to totals given.

Source: Compiled from official statistics of the US International Trade Commission.

**TABLE 2**  
Leading US Imports for Consumption under AGOA Provisions, 2007-2009

HTS number	Description	2007	2008	2009	Change
		Value (millions of dollars)			2008-2009 Per cent
<b>Mineral fuels and oils (HTS chapter 27)</b>					
2709.00.20	Petroleum oils and oils from bituminous minerals, crude, testing 25 degrees A.P.I. or more	37,117	48,518	23,395	-51.8
2709.00.10	Petroleum oils and oils from bituminous minerals, crude, testing under 25 degrees A.P.I.	1,772	2,732	1,550	-43.3
2710.11.25	Naphthas (exc. motor fuel/mtr fuel blend. stock) fr petroleum oils & bitumin minerals (o/than crude) or preps 70%+ by wt. fr petroleum oils	493	659	261	-60.4
2710.19.05	Distillate and residual fuel oil (including blends) derived from petroleum or oils from bituminous minerals, testing under 25 degrees A.P.I.	665	751	165	-78.0
2710.11.45	Light oil mixt. of hydrocarbons fr petro oils & bitum min(o/than crude) or prep 70%+ wt. fr petro oils, nesoi,n/o 50% any single hydrocarbon	20	50	87	72.1
	Total of above	40,067	52,710	25,458	-51.7
	All other	101	90	1	-99.0
	Total for mineral fuels and oils	40,168	52,800	25,459	-51.8
<b>Textiles and apparel (HTS chapters 50-63)</b>					
6204.62.40	Women's or girls' trousers, breeches and shorts, not knitted or crocheted, of cotton, nesoi	254	257	191	-25.5
6203.42.40	Men's or boys' trousers and shorts, not bibs, not knitted or crocheted, of cotton, not containing 15% or more by weight of down, etc	201	153	118	-22.8
6110.20.20	Sweaters, pullovers and similar articles, knitted or crocheted, of cotton, nesoi	225	162	111	-31.0
6205.20.20	Men's or boys' shirts, not knitted or crocheted, of cotton, nesoi	80	81	70	-13.8
6110.30.30	Sweaters, pullovers and similar articles, knitted or crocheted, of manmade fibers, nesoi	66	76	69	-8.3
6104.62.20	Women's or girls' trousers, breeches and shorts, knitted or crocheted, of cotton	71	74	67	-9.9
6105.10.00	Men's or boys' shirts, knitted or crocheted, of cotton	66	46	38	-17.9
6103.43.15	Men's or boys' trousers, breeches and shorts, knitted or crocheted, of synthetic fibers, nesoi	21	24	30	24.6
6204.63.35	Women's or girls' trousers, breeches and shorts, not knitted or crocheted, of synthetic fibers, nesoi	24	25	26	2.6
6109.10.00	T-shirts, singlets, tank tops and similar garments, knitted or crocheted, of cotton	50	33	19	-42.3
	Total of above	1,059	931	740	-20.5
	All other	208	206	174	-15.6
	Total for textiles and apparel	1,267	1,137	914	-19.6
<b>Agriculture (HTS chapters 1-24)</b>					
0805.10.00	Oranges, fresh or dried	38	34	31	-8.6
2401.20.85	Tobacco, partly or wholly stemmed/stripped, threshed or similarly processed, not from cigar leaf, described in addl US note 5 to chap 24	4	6	25	291.6
2204.21.50	Wine other than Tokay (not carbonated), not over 14% alcohol, in containers not over 2 liters	28	25	23	-8.7
2207.10.60	Undenatured ethyl alcohol of 80 per cent vol. alcohol or higher, for nonbeverage purposes	26	23	17	-26.0
0802.60.80	Macadamia nuts, shelled	12	15	17	14.1



HTS number	Description	2007	2008	2009	Change
		Value (millions of dollars)			2008-2009 Per cent
2105.00.50	Edible ice, except ice cream, not described in add US note 1 to Ch. 4, nesoi	3	6	8	31.9
0805.20.00	Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids, fresh or dried	6	6	7	17.5
2009.31.60	Citrus juice of any single citrus fruit (other than orange, grapefruit or lime), of a Brix value not exceeding 20, concentrated, unfermented	2	5	7	25.8
2401.20.83	Tobacco, partly or wholly stemmed/stripped, threshed or similarly processed, not from cigar leaf, not oriental or turkish, not for cigarett	3	6	4	-28.2
2009.49.40	Pineapple juice, of a Brix value exceeding 20, concentrated (in degree of concentration greater than 3.5)	0	2	4	151.9
	Total of above	121	127	142	11.5
	All other	33	34	26	-25.4
	Total for agriculture	154	162	168	3.7
All other products (HTS chapters 25-26, 28-49, and 64-99)					
8703.23.00	Mtr cars & o/mtr. vehicles for transport of persons, w/spark-ign. int. combust. recip. piston engine w/cyl. cap. o/1500 cc n/o 3000 cc	438	1,553	1,310	-15.7
7202.11.50	Ferromanganese containing by weight more than 4 per cent of carbon	150	367	87	-76.2
8703.24.00	Mtr cars & o/mtr. vehicles for transport of persons, w/spark-ign. int. combust. recip. piston engine w/cyl. cap. o/ 3000 cc	0	251	53	-78.9
3823.70.60	Industrial fatty alcohols other than derived from fatty substances of animal or vegetable origin	48	74	38	-48.4
8111.00.47	Unwrought manganese flake containing at least 99.5 per cent by weight manganese	3	3	6	119.1
8707.10.00	Bodies (including cabs), for mtr. vehicles for transport of persons of heading 8703	13	7	3	-52.9
8708.92.50	Pts. & access. of mtr. vehic. of 8701, nesoi, and 8702-8705, mufflers & exhaust pipes	16	10	3	-69.3
2616.90.00	Precious metal (other than silver) ores and concentrates	0	0	2	N/A
3301.13.00	Essential oils of lemon	2	3	2	-41.9
9507.90.70	Artificial baits and flies	1	1	1	-2.7
	Total of above	672	2,269	1,505	-33.7
	All other	9	6	5	-21.0
	Total for all other products	680	2,275	1,510	-33.6
Grand total		42,270	56,374	28,050	-50.2

Note: Because of rounding, figures may not add to totals given. The abbreviation "nesoi" stands for "not elsewhere specified or otherwise included."

Source: Compiled from official statistics of the US International Trade Commission.

**TABLE 3**  
**US Goods Trade with AGOA Beneficiary Countries, 2001-2009<sup>7</sup>**

Year	US exports <sup>8</sup>	Share of US exports to the world	US imports <sup>9</sup>	Share of US imports from the world	US trade balance
	<i>Million dollars</i>	<i>Per cent</i>	<i>Million dollars</i>	<i>Per cent</i>	<i>Million dollars</i>
2001	6,615.7	1.0	20,570.6	1.8	-13,954.9
2002	5,717.9	0.9	17,534.6	1.5	-11,816.7
2003	6,254.7	1.0	24,482.2	2.0	-18,227.5
2004	7,897.2	1.1	34,522.2	2.4	-26,625.0
2005	9,514.8	1.2	48,253.9	2.9	-38,739.0
2006	11,014.8	1.2	56,934.1	3.1	-45,919.3
2007	13,434.7	1.3	65,126.5	3.4	-51,691.9
2008	17,524.4	1.5	82,521.7	3.9	-64,997.3
2009	14,167.3	1.5	44,735.5	2.9	-30,568.2

*Source:* Compiled from official statistics of the US International Trade Commission.

<sup>7</sup> Includes US imports for 2001 to 2009 for all countries that were eligible for AGOA for one or more years during that period.

<sup>8</sup> Domestic exports, f.a.s. basis.

<sup>9</sup> Imports for consumption, customs value.