

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

RESTRICTED
MTN.GNS/W/179
8 November 1993
Special Distribution

(UR-93-0089)

Group of Negotiations on Services

Original: English

COMMUNICATION FROM NAMIBIA

Conditional Offer of Namibia Concerning
Initial Commitments on Trade in Services

The following communication is circulated at the request of Namibia to the members of the Group of Negotiations on Services.

Namibia presents below its preliminary offer concerning initial commitments on trade in services. This offer is conditional upon a satisfactory conclusion of negotiations aimed at establishing a General Agreement on Trade in Services and the achievement of a balanced global result in the Uruguay Round.

For Namibia, a satisfactory conclusion in the negotiations on services implies the adoption of an Agreement in services and sectoral annexes within the context of a balanced Uruguay Round package which promotes the interest of all developing countries and which provides adequate opportunity for the export of services from Namibia.

This offer is subject to the applicable Namibian laws, regulations and guidelines governing the sectors included in the offer.

It is understood that this offer is purely conditional and is subject to revision, modification, refinement and withdrawal.

The terms, limitations and conditions on market access as well as the conditions and qualifications on national treatment are specified according to the following interpretation of the four relevant modes of delivery:

Cross-border trade

Tradeable services in the strict sense, where neither capital nor labour mobility is involved.

Consumption abroad

Consumption of services abroad.

Presence of juridical persons (commercial presence)

Supply of a service by a services providing entity of a party from an establishment in the territory of another party (commitments do not by themselves include movement of personnel).

Presence of natural persons

Natural persons from one party providing services in the territory of another party, whether operating from a local establishment or not.

HORIZONTAL MEASURES

1. Cross-border trade

The regulations governing international trade in services are similar to those governing the goods concerned. For specific reasons, services may be subjected to restrictions or control measures. Such reasons may include, inter alia, temporary quantitative restrictions or customs surcharges due to balance of payment difficulties, safeguard measures, protection of health and life of persons, plants and environment, national security, etc.

2. Consumption abroad

Namibian consumers could freely travel abroad to buy services but the transfer of funds into and out of Namibia for commercial purposes is regulated by provisions of the Currency and Exchange Act of 1993.

3. Presence of juridical persons

Commercial presence requires that foreign service providers incorporate or establish the business locally in accordance with the provision of Namibian laws (Companies Act 61 of 1973).

Enterprises with foreign investment in Namibia have the same rights and responsibilities as domestic enterprises.

4. Presence of natural persons

In Namibia, the entry and residence of foreign natural persons (service providers) are subject to Namibia's Immigrations Control Act of 1993 and labour laws. In accordance with Namibian legislation, the employment of foreign natural persons for implementation of the foreign investment shall be agreed upon by the contracting parties and be subject to approval by the Namibian Government, and such personnel shall be employed in management and expert jobs only.

DEFINITION OF TERMS

Full commitment

Full commitment, i.e. Namibia undertakes not to maintain or introduce measures, conditions, qualifications which are inconsistent with Article XVI and Article XVII with respect to limitations on market access and limitations on national treatment respectively other than horizontal measures.

Not applicable

This mode of delivery is not feasible.

Commitment with limitations

This means that Namibia undertakes a commitment not to become more restrictive or more inconsistent with market access and national treatment provisions of the General Agreement on Trade in Services than provided for in existing measures set out in the schedule.

No commitment

This means that Namibia has not undertaken any commitment to bind existing laws and regulations affecting the conditions of market access or national treatment.

SCHEDULE OF INITIAL COMMITMENTS IN THE URUGUAY ROUND NEGOTIATIONS ON TRADE IN SERVICES

- Mode of delivery:
1. Cross-border delivery
 2. Consumption abroad
 3. Presence of juridical person
 4. Presence of natural person

SECTOR OR SUB-SECTOR	MODE OF DELIVERY	LIMITATIONS ON MARKET ACCESS	LIMITATIONS ON NATIONAL TREATMENT
Off-shore Petroleum Exploration	1. 2. 3. 4.	None None None None	None None None None
Tourism and Travel Related Services	1. 2. 3. 4.	None None None None	None None None None