



**Economic Commission for Africa**

**Workshop for the African Group Countries on:  
WTO NAMA Negotiations on Non-Tariff Barriers (NTBs)**

Organised by the African Trade Policy Centre

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**Concept Note**

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**April 12<sup>th</sup>-14<sup>th</sup> 2010  
Nairobi**

## I. CONTEXT

### **Relevant Background**

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A non-tariff barrier (NTB) is defined as “any regulation of trade other than a tariff or other discretionary policy that restrict(s) international trade”, for example export prohibitions; export quotas; export licensing; export duties and levies; and minimum export prices. The Uruguay Round consisted of far reaching agreements on trade liberalization measures, which among other things envisaged the lowering of tariffs and non-tariff barriers to global trade. The WTO guidelines and classification of NTBs underpins current analysis on NTBs.

Many NTBs may exist for legitimate reasons such as consumer protection or as a component of the business methods necessary for doing trade. These are sometimes referred to as legitimate “trade measures”. These measures only become genuine NTBs when they are implemented in such a manner as to unnecessarily add to costs or inhibit trade, or are applied in an illegitimate manner.

There are the following three broad categories of non-tariff barriers:

- Health, safety and environment NTBs: these barriers include exports bans, SPS requirements, standards and conformance requirements;
- Trade policy NTBs: these barriers include broader policy measures including public export assistance, export taxes, import licenses, import quotas, production subsidies, state trading and import monopolies, tax concessions, trade remedy practices (such as anti-dumping, safeguard and countervailing measures);
- Administrative NTBs: these barriers include customs clearance delays, lack of transparency and consistency in customs procedures, overly bureaucratic and often arbitrary processing and documentation requirements for consignments, high freight and transport charges, and generally, services that are not user-friendly.

Africa has been the beneficiary of market access either at MFN level or in the context of preferential trade Agreements. However, it is on record that utilization rates are minimal owing to various non-tariff barriers.

Ongoing negotiations on Non Tariff Barriers (NTBs) have for the past year focused on 13 NTB proposals, currently annexed to the Non Agricultural Market Access (NAMA) draft modalities of 14th December 2008. The African group in Geneva has only been active on two proposals; namely the Horizontal Mechanism for resolving NTBs for which it is a co-sponsor, and the Elimination Of Export Taxes proposal by the European Union(due

to the proposals' implications for the Economic Partnership Agreement (EPA) process. Africa has not tabled a proposal of its own. The remaining 11 proposals have not been discussed within the African group.

That said, there are a few African countries that have direct individual interest in some NTB proposals such as Mauritius (co-sponsoring the NTB proposal on Textile Labeling).

Africa needs to get more specific on its NTB specific issues. It needs to start by subjecting existing proposals to a thorough examination aimed at the following:

- Assessing whether these sufficiently cover African issues
- Whether there is a need to co-sponsor any other proposals
- Whether there are any gaps and how these can be filled, including through Africa specific proposals.

### **ECA Current Work on Trade and International Negotiations**

The ECA's current work in the area of trade and international negotiations falls under four main components: (1) Trade mainstreaming; (2) Trade negotiations; (3) Implementation of trade policies and international trade agreements; and (4) Aid for Trade.

- 1) Mainstreaming and integration of trade policies in national and regional development strategies to achieve faster growth for poverty reduction and sustainable development

Mainstreaming of trade in national and regional trade strategies is important if trade is to play its role as an engine of growth. But for mainstreaming to be successful, the appropriate trade policies and how they link to the various sectors in the national and global economy must be identified. As a result, ECA's work in the area of trade mainstreaming starts with a focus on the formulations of trade policies, which involves enhancing the analytical and institutional capacity of African countries and RECs for trade policy formulation.

- 2) Trade negotiations for effective integration into the global economy

The formulated trade policies at national and regional level need to be coherent with bilateral, regional and multilateral trade agreements for them to be implementable and effective. Consequently, the ECA focuses on improving the capacity of African countries through their Capitals, Representatives in Geneva and Brussels, and RECs to participate effectively in bilateral, regional and multilateral trade negotiations. The Economic Partnership Agreements, the Doha Round of the WTO

negotiations, and the rationalisation and harmonisation of the RECs trade protocols is the current focus with respect to trade negotiations activities.

### 3) Implementation of trade policies and international trade agreements.

Integrating the commitments of African countries to make into their national and regional policy frameworks is an important step in realising the intended objectives of trade agreements. The ECA, therefore, helps the African countries meet their commitments by strengthening their institutional capacity for implementation of trade policies and international trade agreements. This requires the unpacking of the trade agreements and helping African countries formulate their schedules that must be deposited with the relevant authorities for monitoring implementation of trade agreements commitments.

### 4) Aid for Trade

The ability of the trade policies and implementation of trade commitments to realise improved performance of the African countries from trade depends to a large extent on how the internal and external trade challenges are dealt with. The Aid for Trade implementation focuses on dealing with these challenges. The ECA supports countries and RECs in identifying the priority areas for Aid for Trade implementation. The ECA also builds the capacity of African countries and RECs to monitor the implementation of the Aid for Trade.

This workshop falls under Component 2.

## **II. OBJECTIVES OF THE WORKSHOP AND EXPECTED RESULTS**

### **Overall objective(s)**

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To get together the wealth of expertise sitting in various African regional economic communities on NTB issues to analyse these proposals, working closely with Geneva based negotiators, and keeping capitals fully briefed, so as to come up with a strategy for Africa's more effective participation in the NTB negotiations.<sup>1</sup>

To disseminate existing proposals on NTBs to the RECs with guidelines on specific questions that need to be answered.

A workshop bringing all together to develop a strategy for Africa on the NTB issues. (The workshop will also provide a platform for dialogue between the business community and public authorities regarding necessary improvements on trade regulations and procedures).

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<sup>1</sup> Consultants could be retained to assist in preparatory work if deemed appropriate.

### **Specific objective(s)**

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The specific objectives resulting from the workshop are to obtain:

1. African group perspectives on all existing NTB proposals
2. Potential textual proposals for improvement of these proposals
3. New African group NTB proposals

### **Expected Results**

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The expected results would be to enhance the knowledge of the African negotiators and Senior Officials on NTBs in the context of the WTO NAMA negotiations, especially on aspects where there is lack of clarity in terms of the impact and implications certain measures may have on African countries, and which may impede them of benefiting from the final Doha Round agreement.

### **III. ASSUMPTIONS AND RISKS**

The global financial crisis of 2008 translated into an economic recession in the major African markets. As countries have grappled with the implications of the crisis during 2009, an increase protectionist measures was also witnessed. This environment has called for a revision of the rules governing finance at a global and national level, which is likely to have significant implications on the WTO. Furthermore, as there has been a considerable delay in the completion of the Doha Round, several efforts to rekindle negotiations have been necessary in order to break the stalemate and regain momentum. This workshop assumes that the mandate for the Doha Round remains the same and the draft modalities where so far there has been consensus will form part of final modalities. The workshop further assumes that there is a political commitment to conclude the Doha Round and the Multilateral Trade Rules developed under the auspices of the WTO will remain relevant, even as a new international financial architecture and a new template for global governance of international financial institutions is being sought.

The workshop will be a good opportunity to take into account any deviations in the assumptions and risks above with respect to the Common African positions in the different areas of NAMA negotiations on NTBs.

### **IV. ORGANISATION AND METHODOLOGY**

#### **Organisation of the workshop**

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The Trade and International Negotiations Section will organize the workshop in collaboration with the Geneva Inter-Regional Advisory

Services, the African Group and the African Trade Policy Centre. The ECA staff; consultant(s); and the African Group NAMA focal point will prepare the materials for discussions during the workshop.

Workshop facilitation expenses: The ECA will be responsible for making available all the workshop documents and the necessary resources for the delivery of the presentations. Workshop expenses, including coffee breaks, consumables, etc., will be met, as per the programme and budget.

Cost of participation: The ECA will pay for **economy class round air tickets** and **applicable per diem rates** to sponsored participants.

### **Language**

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The working languages during the workshop will be English and French.

### **V. REQUIRED EXPERTISE:**

The terms of reference for the consultants of the workshop will be prepared by the ECA in conjunction with the Geneva Inter-Regional Advisory Services, the Geneva-based African Group NAMA Focal Point and the African Trade Policy Centre. The experts to be sponsored to attend and participate in the workshop must be: NTB experts from RECs in Africa; Geneva based NAMA experts; NTB experts from the WTO Secretariat; Business community representatives, and consultants on Non Trade Barriers.

### **VI. LOCATION, DATE AND DURATION OF THE WORKSHOP**

#### **Starting date**

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The workshop is envisaged as a two-day workshop to be held from 12 to 14 April 2010.

#### **Location**

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The venue for the workshop will be Nairobi.

#### **Milestones and Reports**

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- (a) A report of the Workshop will be prepared and submitted before 31 April 2010.
- (b) A summary of consensus positions in the areas under negotiations in which Africa has common interests will be prepared and submitted before 31 April 2010.