

Rapporteur's Report



OECD Regional Forum on **Trade Facilitation**

Challenges and Opportunities for Eastern and Southern Africa

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ABSTRACT

This report summarises the key conclusions, proceedings and evaluation of the OECD Regional Forum on Trade Facilitation which took place in Cape Town on 11 and 12 June 2008. The Forum was organised in collaboration with the South Africa Revenue Service, back-to-back with the bi-annual meeting of the Global Facilitation Partnership for Transportation and Trade.

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I. EXECUTIVE SUMMARY

1. The OECD has engaged in the organisation of a series of Global and Regional Forums on Trade Facilitation, to facilitate information-sharing on reform experiences; disseminate relevant OECD analysis; promote confidence-building amongst stakeholders from developed and developing countries; and ultimately encourage a successful conclusion and implementation of a future World Trade Organisation (WTO) agreement on trade facilitation. This year's *OECD Regional Forum on Trade Facilitation* focussed on challenges and opportunities for Eastern and Southern Africa. It was organised in collaboration with the South Africa Revenue Service (SARS), with the financial support of the European Commission (EC). The Forum spurred a constructive dialogue between 65 stakeholders involved in trade facilitation in Eastern and Southern Africa (including WTO negotiators, trade officials, customs officers and experts, private sector representatives, representatives from regional organisations, bilateral and multilateral donors and academics).

2. Trade facilitation reform is high on the agenda of OECD and non-OECD policymakers not just because of the WTO negotiations on that subject, but also because of its strategic importance for a country's international competitiveness and its potential contribution to economic development. Trade facilitation measures can significantly reduce trade transaction costs for importers and exporters (thus contributing to increased trade volumes), improve the overall business environment (and thus the attractiveness for foreign investors), enhance government revenue collection, and reduce the incidence of corruption, smuggling and informal cross-border trade at borders, hence bringing benefits to various stakeholders, on many fronts. The rapid increase in international trade flows and the fragmentation of global production and supply chains have put greater pressure on border agencies, and the emergence of a multitude of bilateral and regional trade agreements has made the trading environment more complex. As a result, the private sector has called for enhanced predictability and transparency and greater standardisation of trade-related regulatory requirements.

1.1 Lessons learnt from national and regional experiences with trade facilitation reform

3. Against this background, several countries of the region have already conducted trade facilitation reforms. Kenya, for example, has automated its customs data and customs clearance systems and is in the process of setting up a single window enabling the automated processing of all trade-related documents and formalities across all border agencies of the country. Its experience illustrates well the advantages such measures can bring, namely, shorter clearance times (and thus savings for traders); enhanced attractiveness of Kenya's ports and facilitated exchanges of information and documentation across different border agencies. These benefits are maximised particularly when such measures are implemented alongside institutional and governance reforms (e.g., change management in border agencies). Likewise, in Uganda, several measures, including the introduction of a risk management system and a one-stop clearance office, have helped facilitate trade and reduce the extent of informal cross-border flows.

4. A number of Eastern and Southern African countries have also engaged in regional trade facilitation initiatives (e.g., the introduction of simplified certificates of origin for certain low-value goods originating from the East African Community). Regional reforms often enable to foster deeper political engagement; are easier to finance; enable greater consistency of reforms across neighbouring countries; and may often be more cost-effective than national reforms. Yet, they are often also more complex and time-consuming to manage; they sometimes overlook national needs and do not always suit donors' aid modalities.

1.2 Challenges in Eastern and Southern Africa

5. Generally, while the costs of implementing trade facilitation reforms can seem important, they are usually offset by savings and improvements in other areas (e.g., generating enhanced revenue collection). In addition, several measures –such as enhanced transparency of regulations and procedures— are not necessarily costly yet can bring important benefits to traders. The main challenges with the implementation of reforms are therefore not necessarily the costs associated with them but the wide-ranging institutional changes they imply. In Eastern and Southern Africa, policymakers have been confronted with a number of challenges:

- The region has numerous borders and has been afflicted by several border conflicts in the past, which have hindered trade facilitation efforts.
- Trade facilitation reform requires a high level political commitment throughout the reform process, in order to push for institutional adjustments and overcome resistance to change. Yet some countries suffer from political instability and weak public sector management.
- Reformers have to ensure that an agency (e.g., the customs authority) leads the reform process and co-ordinates and engages with many different stakeholders involved in project design and implementation, i.e., border agencies (which often mistrust one another), private sector stakeholders (which are not always knowledgeable about the WTO process), and neighbouring countries' border agencies (which might have differing capacity levels).
- Policymakers have also to impress on customs administrations that they are not just a revenue-generating agency but also a trade-facilitating body. Some marketing and communication efforts may be needed to explain the likely benefits of trade facilitation reform.
- A number of trade facilitation measures require prior legal adjustments (e.g., to allow for the recognition of electronic transactions) and additional investments as ICT, transport and logistics infrastructure are often weak in low-income countries.
- It is not always easy to sustain the reform process (which can span over several years) and take account of operating and maintenance costs at the reform design stage.

1.3 Factors for successful reform

6. Against this background, participants identified key elements for successful trade facilitation reform (Box 1).

Box 1. Key elements for successful trade facilitation reforms

- Conduct adequate (and regular) diagnoses: identify where the bottlenecks for traders lie, what has caused them, to what degree the country is compliant with existing WTO proposals, why there is resistance to change and what could be done to overcome constraints (including how to deal with prospective “losers” from the reforms).
- Allow a wide range of stakeholders (e.g., border agency staff, trade officials, representatives from chambers of commerce, transport associations and freight forwarders) to participate in needs assessments.
- Develop a clear vision and strategy for implementation and ensure that there is wide buy-in (“ownership”). Engage into a gradual reform process to secure the confidence of all stakeholders over time. Ensure the reform programme is linked to, and consistent with the national development or poverty reduction strategy.
- Adopt a coherent, well-sequenced and prioritised approach to implementation: some measures cannot be implemented before others have been introduced and some measures might be more cost-efficient than others.
- Conduct awareness-raising campaigns on the potential benefits of trade facilitation reform and provide training to government officials and private sector stakeholders in the context of the reform programme.
- Base the reforms on international best practices and standards (e.g., developed by the World Customs Organisation and UN/CEFACT).

Box 1. Key elements for successful trade facilitation reforms (continued)

- Consult and take account of the views of private sector organizations to ensure the proposed reforms meet their needs. Private sector groups should, in turn, be more pro-active in the reform process.
- Enhance co-ordination between the customs authority and other border agencies to ensure their support and encourage improvements in these administrations too (as they are often less advanced in streamlining their procedures).
- Improve regional co-operation: e.g., exchange data across countries' customs authorities; coordinate physical border controls and ensure interconnectivity between differing (automated) customs systems.
- Set clear performance indicators for customs and other agencies (e.g., clearance times) to facilitate the monitoring of progress and the evaluation of reforms and technical assistance and capacity building (TA/CB).
- Ensure donor support is aligned to country reform strategies, coordinated, and also targeted at regional reforms and organisations. The *Integrated Framework for Trade-Related Assistance to LDCs* could be a useful tool to improve donor coordination.

1.4 The WTO negotiations on trade facilitation

7. While the WTO has taken a relatively narrow approach to trade facilitation reform, mainly calling Members to clarify and improve relevant aspects of Articles V, VIII and X of the GATT 1994, reform programmes have in practice usually been broader in scope. In addition, they have often been a component of larger public sector modernisation or economic development programmes, enabling synergies with other reforms. Measures proposed in the current WTO negotiations, and reforms which will arise as a result of a future WTO agreement on trade facilitation, therefore need to be viewed as components of the (more comprehensive) trade facilitation reform agenda. The WTO negotiations nevertheless represent an excellent opportunity to lock-in existing reforms and define mandatory international standards for international trade procedures. In addition, the negotiations have helped put greater (political) emphasis on trade facilitation reform. An important problem of miscommunication between WTO negotiators in Geneva and border agency officials located in capital however remains.

8. Finally, a number of concerns remain regarding the special and differential treatment mechanism of a future WTO agreement on trade facilitation. The negotiation modalities (Annex D of the 2004 WTO July Package) are quite unique, as for the first time, the extent and timing of future WTO obligations for developing countries will depend on their implementation capacities. Existing negotiation proposals have suggested to define three distinct categories of obligations: (a) those that can be implemented upon entry into force of a future agreement (or that have already been implemented); (b) those that require additional time for implementation; and (c) those that require TA/CB. Yet the two latter categories have triggered a number of questions (Box 2). Further work is thus needed on these issues in view of reaching convergence amongst WTO Members. The OECD can support this work by continuing to participate in WTO needs assessments, analysing the cost-efficiency of different measures, conducting additional case studies on the cost implications of different trade facilitation reforms and monitoring TA/CB for trade facilitation.

Box 2. Developing country concerns regarding the implementation mechanism of a future WTO agreement

- Category (b) obligations: Several developing countries are reluctant to commit to a specific deadline for implementing these measures, as they do not know what they will entail in terms of capacities and costs.
- Category (c) obligations: Some countries are worried that TA/CB will not be delivered in a timely or effective manner. Moreover, they would like to ensure that donor support falling outside the scope of TA/CB for trade facilitation and the negotiation modalities (e.g., infrastructure support) will be delivered through the Aid for Trade Initiative or other donor programmes.
- It is not clear yet who will define whether a country has acquired the necessary capacity to implement category (c) obligations, which criteria will be used for such assessments and who will evaluate whether technical assistance and capacity building has been delivered effectively.

II. BACKGROUND

2.1 Why does trade facilitation matter?

9. Trade facilitation can have a significant impact on economic development and poverty reduction. More efficient international trade procedures and customs operations can significantly reduce border-related trade transaction costs, which results in increased volumes of trade and welfare gains, particularly for developing countries. Moreover, they can increase a country's competitiveness and attractiveness for foreign investors, enhance its tax collection and help prevent corruption and smuggling. Reforms in that policy area can thus bring valuable benefits to businesses, governments and consumers alike.

10. However, trade facilitation reforms may, in some cases, be complex to design and implement. In addition, their cost implications have been a significant concern for developing countries in the framework of the WTO negotiations on trade facilitation. While the 2004 WTO General Council Decision (the "July Package") acknowledges that trade facilitation is important to make the process of trading smoother and to strengthen the participation of developing countries in the global economy, some countries argued that the disproportionate costs of trade facilitation reform may be difficult to justify in the light of other development priorities. Accordingly, Annex D of the July Package indicates that negotiations on trade facilitation "*shall also address the concerns of developing and least-developed countries related to cost implications of proposed measures*". Annex D also invites the OECD and other international organisations to "*assist Members in (the) process ... of identifying individual Members' trade facilitation needs and priorities and the cost implications of possible measures*" and to ensure that "*technical assistance and capacity building for trade facilitation is effective, operational and coherent*".

2.2 What is the OECD doing in the area of trade facilitation?

11. To respond to this invitation and support the work of the WTO negotiating group on trade facilitation, the OECD has produced various *analytical studies* that examine the costs and benefits of introducing trade facilitation measures, identify good practices and approaches for implementing such measures at national and regional levels, and provide practical recommendations to increase the effectiveness of technical assistance and capacity building in this area. The latest OECD work include the following papers and publications, which can all be downloaded free of charge at www.oecd.org/trade/facilitation/workingpapers : "Examining the trade effect of certain customs and administrative procedures"; "Logistics and time as a trade barrier"; "A review of technical assistance and capacity building initiatives for trade facilitation", "Special and differential treatment in the area of trade facilitation"; "The role of automation in trade facilitation"; and "The cost of introducing and implementing trade facilitation measures".

12. In addition, the OECD has regularly participated in the delivery of *technical assistance* to help developing countries assess their needs and priorities in the area of trade facilitation in the context of the current negotiations, and has engaged in the *organisation of Global and Regional Forums*, in view of generating discussions between member and non-member countries. The primary objectives of those Forums are to enhance members' and non-members' understanding of the issues at stake in the current WTO negotiations and to promote an informal dialogue and confidence-building amongst all relevant stakeholders (i.e., governments, businesses and civil society), in view of promoting a successful conclusion and implementation of a future WTO agreement on trade facilitation. The first of those events was organised in Colombo, Sri Lanka in October 2005 and gathered stakeholders from all regions; the second was organised in Yaoundé, Cameroon, in September 2006 and mainly gathered stakeholders from Western and Central Africa. This year's Forum is again regional in nature, targeting Eastern and Southern Africa.

III. REPORT OF THE DISCUSSIONS¹

3.1 Welcome and opening remarks

13. The event was opened by **Mr. Leonard Radebe**, Manager of Operations of the South African Revenue Service (SARS). He noted that the expansion of international trade flows and the advent of more integrated markets have been important drivers of economic growth, yet more intense international trade volumes have also brought new risks and challenges for government authorities. The multiplication of regional trade agreements, with differing rules of origin (ROO), in particular, has created greater complexity in the trading environment, and triggered new pressures on trade and customs administrations. Against this background, the private sector has pleaded for greater predictability and transparency of the trading environment, enhanced standardization and harmonisation of regulatory requirements (including customs formalities), and reduced corruption and fraud, through improved trade facilitation measures. The successful implementation of such measures however requires increased interaction between customs authorities and the private sector and enhanced co-ordination between the various border agencies working within one country, as well as across countries. In addition, in poorer countries with weak institutional capacities, the introduction of such measures will need to be supported by technical assistance and capacity building. A strong partnership between developed and developing countries can help make trade facilitation reform work in low-income countries. In this light, Mr. Radebe welcomed the organisation of the OECD Forum, and indicated that it would contribute to advancing the reform agenda, by helping participants better understand the issues that are on the negotiation table.

14. **Mr. Tangermann**, Director of the OECD Trade and Agriculture Directorate, welcomed the audience. He also warmly thanked SARS for its hospitality and excellent logistical support, and the European Commission (EC) for its generous financial support. He noted that this year's Regional Forum was the 3rd event of its kind (the 1st event took place in Sri Lanka in 2005 and was global in nature; the 2nd event took place in Cameroon in 2006 and focussed on trade facilitation issues pertaining to Western and Central Africa). The OECD Secretariat organises these events for two key reasons:

- *First*, because trade facilitation can have a significant impact on economic development and poverty reduction. In recent years, trade facilitation has grown further in importance, as the volume of international trade flows has increased significantly (and has grown more rapidly than GDP). With the fragmentation of production and supply chains globally, leading to increasing flows of intermediate inputs going through customs, trade facilitation has become a key issue for traders and policymakers alike, in both OECD and non-OECD countries. Complex border procedures not only contribute to increasing trade transaction costs (TTCs), but also raise risks of smuggling and corruption, and can deter potential foreign investors.
- *Second*, because trade facilitation is one of the negotiation issues at the World Trade Organisation (WTO). In July 2004, WTO members decided to launch negotiations on this subject. Annex D of 2004 July Package outlines the modalities for the negotiations: it calls WTO Members to improve and clarify GATT Articles V, VIII and X, step up technical assistance and capacity building in that area, and enhance border agency cooperation. The OECD is one of the five international organisations that was mandated to help developing countries strengthen their capacities in this area. It does so by facilitating developing countries' needs assessments vis-à-vis current WTO proposals, in close collaboration with the World Customs Organisation (WCO), the World Bank, the IMF and UNCTAD.

1. To encourage a frank and open dialogue, the Forum was conducted according to Chatham House rules. The identity and the affiliation of the speakers in the open discussions are therefore not revealed.

15. **Mr. John Malone**, Customs Expert in Directorate-General (DG) Taxud, EC, highlighted that trade facilitation is a broader issue than what had been defined at the WTO (it is in fact both a bilateral/regional and a multilateral policy issue). In contrast to more “controversial” or sensitive negotiation areas, trade facilitation is not about exchanging concessions, but about improvements that would benefit all countries, and lead to a win-win situation. He also noted that the modalities for the negotiations outlined in Annex D referred to special and differential treatment as an important component of the negotiations, since the extent of reforms in developing countries would depend on their implementation capacities. Finally, he updated participants on the substantial progress achieved so far in the trade facilitation negotiations in Geneva, despite the difficulties WTO members faced in other negotiation groups. Members have recently put forward new proposals on advance clearance, single window, regional aspects and transit and have started working on text-based proposals. More work is however needed on the issue of special and differential treatment and the related implementation mechanism of a future WTO agreement on trade facilitation in view of reaching convergence amongst WTO Members. This OECD Forum provides an excellent opportunity to exchange views on such issues and advance the negotiations.

3.2 Session 1: The Economics of Trade Facilitation

16. This session set the stage by presenting key findings of recent studies on the benefits and costs of trade facilitation reform for governments, businesses and consumers. It also provided the opportunity to discuss concrete country experiences and lessons learned with trade facilitation reform in Eastern and Southern Africa.

17. The session started with a presentation by **Mr. James Ng’ang’a**, Project Manager of the Port Community Based System (PCBS) in Kenya. He outlined the *benefits and challenges of implementing trade facilitation reforms* in his country, focussing more specifically on the PCBS (which was designed with the support of the World Bank East Africa Trade and Transport Project). Before the reforms, the customs environment in Kenya was paper-based and trade-related documents were processed manually, thus being prone to mistakes and delays. This situation was detrimental both to businesses and public authorities. In 2005, the Government of Kenya introduced SIMBA 2005, an automated cargo clearance system for customs, which became fully operational in Mombasa in July 2008. It also recently decided to launch a port community based system (PCBS), which will act as a single window enabling the automated processing of all trade-related documents and formalities across *all border agencies* of the country.

18. The key benefit of such a system will be the reduction of clearance times for authorised economic operators first (from 10 days to 3 days at seaports) and ultimately for all traders. This, in turn, is estimated to translate into a cost reduction of USD 42 million a year for traders importing or exporting from Kenya (estimation based on a USD 20 saving per container per day). The system is therefore likely to significantly enhance the attractiveness and competitiveness of Kenya’s ports. While the cost of implementing the PCBS is relatively significant (USD 3.2 million), it is expected to be recouped after a few years of operation thanks to charges imposed on consignments benefiting from it. In addition, when the PCBS or a similar automated system will be implemented in neighbouring countries, government authorities across the region will be able to exchange information more easily with each other, which will further reduce clearance times and facilitate cross-border trade, and ultimately strengthen regional integration.

19. In the meantime, Kenya has implemented other trade facilitation measures such as the integration of (manual) control processes at the Mombasa port; the streamlining of procedures through enhanced sharing of information between the Kenyan and Rwandan revenue authorities; and legislative changes to allow for pre-arrival clearance (post-clearance audits are also in place). The key challenges with the implementation of the PCBS are (1) the difficulty to co-ordinate many stakeholders from the private and public sectors which are involved in project design and implementation; (2) the low information

technology (IT) capacities of many border agencies; and (3) the lack of full legal recognition of electronic transactions (though this might change in the near future). Mr. Ng'ang'a also indicated that a number of factors were crucial to the successful implementation of the PCBS (see Box 3).

Box 3. Success factors for the implementation of the Port Community Based System in Kenya

- High-level political commitment in order to push through administrative challenges and resistance to change.
- Structured and gradual reform process to secure the confidence of all stakeholders over time.
- Consultations with the private sector to ensure the new system meets their needs; and collaboration with all relevant government agencies to ensure their support for implementation.
- Co-ordination with neighbouring countries, which also stand to benefit from this system.

Source : Presentation by Mr. Ng'anga, June 2008

20. Ms. *Evdokia Moisé-Leeman*, Senior Trade Policy Analyst at the OECD, then examined more closely the *cost implications of implementing trade facilitation measures*, as this issue is still of major concern to some developing countries. Annex D indeed specifies that the WTO negotiations should address developing country concerns arising from the cost implications of proposed measures. The cost study conducted by the OECD² examines the cost implications of specific proposed measures (as opposed to estimating the total cost arising from implementing a future WTO agreement on trade facilitation). It does so by looking at the costs of past reforms conducted in 15 non-OECD countries (6 of which are least developed countries (LDCs)). It has however sometimes been difficult to isolate the expenses associated with the implementation of individual measures since reviewed reform programmes often involved a combination of measures implemented through the same budget. Moreover, it has been challenging to assess cost-efficiency, as the advantages brought about by some measures are often spread over a long time period and performance indicators are not systematically available.

21. The OECD cost study highlights four general observations/ lessons learnt (Box 4). In addition, the study identifies four elements of success with the implementation of trade facilitation reforms: (1) need of high level political will, which is crucial to sustain reforms. Moreover, policymakers should take account of operating and maintenance costs (and not just installation costs) when introducing trade facilitation measures; (2) improved public-private dialogue and a higher degree of trust between these parties; (3) enhanced co-operation between border agencies (which often have different operating philosophies and motivations); and (4) regional co-operation: ensure interconnectivity of differing (automated) customs systems and improve co-ordination of border controls across neighbouring countries. Finally, the OECD study finds that the most costly measures are the implementation of a risk management system, audit-based controls and an authorised traders' scheme (which all require substantive staff training, long implementation periods and new investments in ICT equipment); and the introduction of measures allowing advance lodgement and processing of data (which often requires some degree of automation). At the same time, those measures generally bring significant benefits in terms of cost-efficiency. In contrast, measures aimed at ensuring the timely publication and availability of information regarding trade-related procedures are relatively inexpensive to put in place (while they can also bring important benefits, such as enhanced predictability of the trading environment).

2. OECD (2005), *The Cost of Introducing and Implementing Trade Facilitation Measures*, OECD, Paris. TD/TC/WP(2005)27/FINAL.

Box 4. Key observations arising from the OECD cost study

- Trade facilitation reform is generally a component of larger customs and public sector modernisation programmes, which implies that its cost is often absorbed by normal operating budgets.
- Enhanced efficiency of customs operations (achieved through modernisation programmes) not only leads to more a more efficient collection of government revenues but also facilitates trade.
- The “starting point” of the reform country (i.e., its customs environment) affects the level of costs and impact of new measures.
- Coherent implementation is critical. There are strong linkages between different trade facilitation measures, and policymakers need to pay attention to the adequate sequencing of measures.
- Costs of implementation are offset by staff savings and revenue collection improvements.

Source : Presentation by Ms. Moisé-Leeman, June 2008

22. The final speaker of session 1, **Mr. Richard Morgan**, Corporate Relations and Communications Director at Unilever, shared some thoughts on the *business perspective on trade facilitation*. He explained that trade facilitation was a major issue for Unilever in light of the increasing importance of the company’s operations and sales in overseas markets (especially in emerging countries in Asian and African regions). Trade facilitation is key to improving businesses’ supply chain and operational effectiveness, which is in turn crucial to maintain their competitiveness in international markets. Securing relatively low production costs thanks to economies of scale contributes to Unilever’s competitiveness, yet this benefit is likely to be offset if freight costs and border charges are high. Moreover, with the rapid increase in the number and extent of regional trade agreements (RTAs), each with its own “mini-trade regime”, the international trading environment has become more complex. The various blocs (and their rules) need to be consolidated in order to enable companies such as Unilever to reach economies of scale and implement effective sourcing strategies. In Mr. Morgan’s view, three barriers to trade are particularly significant in Eastern and Southern Africa (Box 5).

Box 5. Barriers to trading in Eastern and Southern Africa for Unilever

- Low or partial implementation of certain (bilateral/regional) trade agreements (e.g., ECOWAS, COMESA and SADC), which implies that imported products are sometimes subject to bans or duties that are not consistent with what is defined in those agreements.
- Disruption of cross-border flows of goods due to complex and costly border procedures.
- Poor infrastructure: overloaded or inefficient ports (e.g., it takes about four weeks to clear goods in Abidjan) and a poor rail system.

Source : Presentation by Mr. Morgan, June 2008

23. To address these obstacles, businesses need to get involved in trade facilitation reform, and continuously advocate for freer and simpler international trade procedures, in view of improving the business environment in which they operate. Larger companies can help strengthen the capacities of smaller firms in this area. Furthermore, firms could help create output-based processes (such as the Investment Climate Facility) and bring process management skills in the (developing) countries in which they do business, in view of triggering knowledge spillovers. In any case, it is important to regularly conduct benchmark studies, such as the World Bank Doing Business Survey, to know where each country stands and to monitor progress with trade facilitation reforms.

24. The *open discussion* started with a frank exchange of views regarding the role of logistics service providers, which often act as middlemen between the trader and customs authorities. Such firms do not always have the necessary capacities to contribute to trade facilitation. In addition, sometimes, customs clearance is delayed at their level—either because their services are not subject to much scrutiny or because their client, the trader, has not communicated adequately all the necessary trade-related information. Training of staff in both logistics service providers and traders could help alleviate this constraint.

25. Participants widely acknowledged the importance of facilitated trade for doing business internationally, and for enhancing a country's economic development. Some even noted that it would make economic sense for developing countries to finance (part of) such reforms themselves (e.g., Kenya, which financed the implementation of its single window/PCBS) instead of waiting for donor support. Yet, some “marketing” efforts might be needed in some countries to convince customs authorities of the benefits of reforming. Trade facilitation could, for example, be marketed to them as a tool to enhance the quality of border control and increase efficiency.

26. Some participants however voiced concerns regarding the implementation mechanism of a future WTO agreement on trade facilitation. Some were worried that they would be subject to the WTO dispute settlement body in the context of a future agreement. Others indicated that, in regards to measures to be implemented after a transition period, developing countries would have difficulties to commit to such measures upon signature of the agreement as they don't always know what they entail in terms of capacities and costs. Another concern related to infrastructure support (since effectively facilitating trade on the ground also requires improved transport and ICT infrastructure although this is not covered by the negotiations on trade facilitation): it was not clear to what extent donors would support this aspect through the WTO Aid for Trade Initiative. Furthermore, some participants pinpointed the difficulty to define whether a country has acquired the necessary capacity (e.g., after benefitting from technical assistance and capacity building support (TA/CB)), to implement a certain set of measures.

27. The six case studies examining the cost of implementation of trade facilitation measures conducted by the World Bank, the WCO and the IMF, in part answers some of these concerns. First, it indicates that the risks of being brought to formal WTO dispute settlement are relatively low (as such measures are not easily subject to legal disputes); second, the costs of trade facilitation reforms are usually compensated by fast returns on investments; and finally, many of the measures proposed do not require extensive financial support to be implemented, but rather strong political will (e.g., publication of trade-related regulations and formalities).

3.3 Session 2: Challenges for Eastern and Southern Africa

28. This session outlined the main challenges countries face when implementing trade facilitation reforms at national and regional levels. Discussions focussed more specifically on the impact of informal cross-border trade and weak logistics infrastructure and services on trade facilitation endeavours, and identified key political and institutional features necessary for successful reform.

29. *Mr. Creck Buyonge*, Head of the Africa Office of the Centre for Customs and Excise Control, presented the *particular challenges Eastern and Southern African countries face* in the area of trade facilitation. He started by emphasising that trade facilitation meant different things depending on the context in which it was referred to. The WTO, for example, has adopted a rather narrow definition of trade facilitation, focussing mainly on institutional and regulatory improvements; landlocked countries (which are numerous in the region) have often referred to trade facilitation as a means to reduce transport costs; while reforms on the ground have often been more comprehensive in nature, including both regulatory and infrastructure improvements (e.g., in the area of ports, roads, storage facilities and ICT equipment). In

order to significantly improve the business environment, a broader approach to trade facilitation is indeed warranted.

30. Mr. Buyonge identified four key challenges to trade facilitation improvements in the region. First, the existence of border conflicts in the region (e.g., between Ethiopia and Somalia). When two countries are in conflict regarding a border, they usually focus more on how to maintain security along the borders, instead of attempting to facilitate trade. Second, border crossing points often lack the necessary equipment to ensure effective border operations (e.g., terminal and ICT facilities). Third, genuine progress in trade facilitation relies on several actors: progress is needed in all border agencies (and not just customs) and requires the active involvement of private sector federations and the efficient operation of transport corridor management organisations (such as those managing the Walvis Bay and Northern Corridors). Finally, the legal framework for trade facilitation reform is somewhat complex as legal instruments exist at the international level (e.g., WCO revised Kyoto Convention), the regional level (e.g., COMESA and SADC treaties), and the national level (e.g., customs laws).

31. Despite these challenges, a number of positive developments regarding customs reform and modernisation have taken place in the region in recent years. For example:

- A number of countries have upgraded their ICT capabilities, which enabled them to introduce automated processing of documents, single windows and electronic exchange of information (e.g., Kenya).
- Border post infrastructure has improved, e.g. through collaborative projects such as the East African Trade and Transport Facilitation Project (supported by the World Bank), undertaken by the East African Community (EAC) members and Rwanda in view of facilitating the provision and maintenance of quality infrastructure, including joint border posts.
- A number of countries of the region have also conducted time release studies which have helped establish a clearer picture (diagnosis) of the situation, and have adopted a revenue-plus approach, considering trade facilitation as an important means to improve revenue collection.
- Enhanced training opportunities for customs officials are now available.
- Many border disputes have been resolved; public-private co-operation has improved and some reforms are based on the adoption of international best practices.

32. Four key lessons can be learnt from the experiences of Eastern and Southern Africa with trade facilitation (see Box 6).

Box 6. Lessons learnt from trade facilitation reforms in Eastern and Southern Africa

- The numerous borders in the region constitute a serious challenge to reform yet also mean that the gains from facilitating trade across these borders are likely to be significant.
- Trade facilitation reform programmes need to be anchored in international best practice (as defined by e.g., the WCO or UN/CEFACT).
- If reforms are not well sequenced they can be counter-productive.
- Trade facilitation reform needs to go beyond customs reform.

Source : Presentation by Mr. Buyonge, June 2008

33. The second intervention, by **Mr. Peter Malinga** from the Uganda Revenue Authority, focused on *informal cross-border trade in Eastern and Southern Africa* (i.e., trade between neighbouring countries which is not captured by official statistics). In Uganda, the phenomenon became significant in 1970s and then again in the late 1980s. More recently, the Ugandan Government has conducted surveys on informal cross-border trade with its neighbouring countries to estimate the extent (i.e., volume and value) of the phenomenon and its nature (i.e., its key characteristics; the motivations behind it and its implications). It is essential to gain a better understanding of these two aspects in view of reducing the incidence of informal cross-border trade. In Uganda, this type of trade is mainly conducted by uneducated or low-educated people, carrying small quantities of goods on their heads, in their hands, on bicycles, on carts or in cars. People resort to such a practice as it can generate quick cash returns in locally exchanged currencies (this is a significant motivation particularly when formal trade is obstructed by trade and foreign exchange restrictions, like in the 1970s) and does not involve any paper work nor the payment of duties. Informal cross-border trade is more easily conducted when traders have “good” relationships with customs officers (and when they are ready to pay bribes). However, since such trading relations are not contract-based, they rely only on the good will of the people involved.

34. In Uganda, the government has attempted to reduce the incidence of informal trade by facilitating formal trade, through (1) general trade and fiscal policies that aim to improve the overall quality of the trading environment (e.g., liberalization of the foreign exchange market, replacement of import/export requirements with certificates of origin, and reduction of taxes); and through (2) the establishment of specific, trade-related institutions which can further promote formal trade (e.g., the Uganda Revenue Authority and the Uganda Investment Authority). The Uganda Revenue Authority (URA), which has been restructured in the early 1990s, has introduced a number of measures meant to facilitate trade, such as: automated customs management systems, risk management techniques in all of its operations, joint verification services and a one-stop clearance office.³ In addition, the URA has also engaged in regional initiatives to enhance collaboration with its counterparts in neighbouring countries (EAC member countries), e.g., through the harmonisation of charges for the issuance of certificates of origin within EAC; the introduction of simplified certificates of origin; the elimination of tariffs for intra-EAC trade and the establishment of a Northern (Transport) Corridor. Finally, Uganda has also benefitted from donor support in the area of trade facilitation, e.g., through the One Stop Border Post Project, co-sponsored by the World Bank, the IMF, the EU, Japan’s International Cooperation Agency (JICA) and the East African Development Bank (EADB). So far, a one-stop border post has been established in Chirundu.

35. All these initiatives, and the revamping of the Ugandan economy, have enabled to reduce the incidence of informal cross-border trade, especially the one originating from Kenya. Yet, the volume of informal exports of agricultural products from Uganda to Kenya remains high. There are still a number of challenges that need to be overcome in view of better integrating informal with formal trade, such as the political instability in the region (which often contributes to weak law enforcement at the borders); the imbalanced level of development across countries of the region (meaning that reforms in one country are not always complemented by reforms in a neighbouring country); the difficulty to mobilise and co-ordinate all relevant stakeholders (e.g., there are no intergovernmental meetings on informal cross-border trade); the mistrust between border agencies; the incidence of corruption at the borders (which allows informal traders to “get away with it”); and the heterogeneity of informal traders, with some being illiterate and thus not capable of complying with official document requirements and formalities.

36. The lessons learnt by Uganda in attempting to lower informal cross-border trade can be summarised as follows: (1) government authorities first need to understand the extent and nature of

3. It has also established desks in market places for customs officers; prolonged customs’ working hours; allowed cash payments outside its working hours; abolished 24 hours road blocks; and conducted “tax clinics” to train formal and informal traders on tax matters.

informal cross-border trade; (2) lowering the incidence of such trade requires regional political stability and improved regional co-ordination to facilitate a more integrated approach to formal trade promotion and enhance infrastructure facilities; and (3) it also requires enhanced in-country coordination amongst government agencies working on trade-related matters.

37. The final speaker of session 2, **Mr. Gerard McLinden**, Senior Trade Facilitation Specialist at the International Trade Department of the World Bank, focussed his intervention on *institutional factors for successful trade facilitation reform in the region*. He started by sharing new insights on trade facilitation, which is a complex issue, going beyond customs. To know where the bottlenecks are, a correct and precise diagnosis is necessary in each country, and clear performance indicators are required to monitor progress with the reform process. Furthermore, in reality, customs formalities often account for only about a third of clearance time, meaning that reforms and new investments are also needed in other agencies present at the border (which often lag behind in their reforms when compared to customs authorities). Unfortunately, donors are also sometimes part of the problem, when they design projects (e.g., in the area of infrastructure) that are not in line with the country's trade facilitation needs and priorities.

38. A number of elements are likely to contribute to successful trade facilitation reform. These same elements are however difficult to achieve (Box 7).

Box 7. Institutional and political prerequisites for successful trade facilitation reform

- Widely shared view that reform is necessary and a clear and long-term vision of what success will look like (e.g., paperless trading environment where all required documents can be lodged electronically; a risk management system leading to more focused targeting of high risk shipments and less systematic physical inspections of cargo, and a merit-based human resources management approach in border agencies).
- Honest assessment of barriers to reform, e.g., inadequate pay and promotion systems; resistance to reforms that are likely to reduce bribes for officials; and lack of public awareness and interest in the reforms.
- Well-developed implementation plan: prioritise the introduction of trade facilitation measures according to their implementation difficulty/costs and their expected benefits; decide on the sequencing (e.g., introducing IT can sometimes trigger or facilitate the introduction of other reforms); identify adequate performance indicators (e.g., in terms of clearance time). Take account of regional priorities for trade facilitation in the (national) implementation plan (e.g., regional commitments in the area of trade facilitation).
- Access to sufficient financial and institutional resources and knowledge.
- Commitment and buy-in from all key stakeholders, including from private sector representatives.
- Leadership: beyond high-level political support, there is a need for "champion" for change (i.e., an agency that will take the lead in the reform process).
- Identify and deal with the prospective winners and losers from reform.

Source : Presentation by Mr. McLinden, June 2008

39. The *open discussion* that followed the presentations revolved around five key themes: (1) regional co-operation; (2) wide "ownership" of reforms; (3) implementation; (4) international standards and good practices; and (5) informal cross-border trade.

40. Participants noted that while regional co-operation was crucial to facilitate trade, secretariats of regional organisations often lacked the capacity to get involved in trade facilitation reforms or encourage improved regional co-operation between countries' border agencies. Furthermore, while harmonisation of national trade-related laws, regulations and formalities (towards international standards) within an RTA is an important element for facilitating cross-border trade, it is not always easy to achieve in practice due to

the lack of uniform interpretation of international standards. Beyond co-operation between RTA members, greater coordination is also needed across regional blocs (e.g., SADC, COMESA, EAC). Donors could support regional secretariats in view of strengthening regional co-operation in the area of trade facilitation. Some donors are however better placed than others to support regional institutions and programmes (e.g., the EC and DFID, in contrast to the World Bank, which mainly works with national governments). In any case, to enhance the effectiveness of donors in the field, the recipient(s) should take the lead in coordinating them.

41. Participants also highlighted that wide buy-in and ownership of reforms from a broad range of actors was crucial. Customs authorities need to strengthen partnerships with businesses to understand the constraints they face when trading across borders, ensure the relevance of newly introduced trade facilitation measures and allow for co-financing of reform programmes. Thus, the private sector should not just be informed of new regulations and formalities in a timely manner, but also be consulted in the reform design stage. The difficulty is that the private sector is often fragmented and does not understand what is at stake in the WTO negotiations. Private sector representatives should nevertheless provide input regarding the priority areas which should, in their view, be reformed first and participate in the WTO-related needs assessments. Subsequently, government authorities discussing the terms and conditions of trade facilitation reform and related development assistance, need to ensure that training for business people and trade associations (and not just government officials) is being delivered, to raise their awareness of the WTO negotiations and train them to use new border formalities and systems. In addition, customs officials working in capital and their country's delegates at the WTO negotiations on trade facilitation need to be better co-ordinated and share a common view of the country's priorities in the area of trade facilitation (so far, there has been an important disconnect between the Geneva process and reforms on the ground). Finally, customs authorities need to involve other border agencies in their reform agenda (e.g., sanitary agencies) to ensure genuine trade facilitation on the ground. The WTO negotiations on trade facilitation actually have the potential to give a new impetus to border agency co-operation on the ground.

42. In regards to the *implementation* of reforms, participants noted that there is sometimes a gap between the vision for reform and its actual execution. The real problem is often not the vision but its application in practice due to institutional weaknesses in low-income countries. Government authorities and donors should therefore also aim to strengthen the managerial and change management capacities of key institutions in the longer term. In some cases, the introduction of ICT can be a catalyst for change. The set-up of a single window for the lodgement of all documents required for import/export can, for example, encourage border agencies to improve cooperation; and the automation of customs data management will simplify and standardise documentation requirements. Nowadays, various international standards, good practices and recommendations for the implementation of trade facilitation reform are available (cf. WCO, UN/CEFACT, UNCTAD, World Bank and OECD), which can be confusing. Moreover, it is not always clear how to best apply these standards to specific country situations.

43. Finally, some participants highlighted that informal trade brought some advantages to traders (e.g., duty evasion) yet bore costs too (e.g., goods are not insured and traders often need to pay facilitation payments). To lower the incidence of informal trade, a simplified trade regime for low value consignments could be introduced as has been the case in COMESA members. In addition, COMESA has also set up cross-border trade associations and support for formal trading in popular market places. To ensure these initiatives have a real impact, reforms are however also needed in other border agencies.

3.4 Session 3: Preparing the Ground for Successful Implementation

44. This session focussed on key aspects for the successful implementation of trade facilitation reform. It considered the tools designed to help developing countries assess their needs and capacity gaps in relation to trade facilitation measures proposed in the context of the WTO negotiations (i.e., WTO needs assessment); and how donors can best support developing countries in their endeavours, at both national

and regional levels. The session also assessed the likely implications these issues might have on the design of an implementation mechanism for a future WTO agreement on trade facilitation.

45. The first speaker, **Ms. Elisabeth Tamale**, Principal Commercial Officer in the Ministry of Tourism, Trade and Industry of Uganda, shared the *lessons learnt from Uganda's experience with the WTO self-assessment workshop* that took place in December 2007. This five-day workshop was conducted to assess Uganda's trade facilitation needs and priorities vis-à-vis the proposals tabled at the WTO negotiations. The exercise enabled to (1) take stock of trade facilitation reforms already implemented in Uganda; (2) assess capacity gaps in relation to the proposed trade facilitation measures (including barriers to meet these standards); (3) identify measures which have been proposed at the WTO but have not been implemented yet in Uganda; (4) pinpoint the local actions needed to implement the remaining measures, and identify the lead agency and the stakeholders that need to be involved in such actions; and (5) identify measures where TA/CB is required before they can be implemented, and prioritise TA/CB needs.

46. A total of 51 proposals were analysed during the workshop. Out of those, Uganda was already fully compliant with 14 of them and partially compliant with 31, non-compliant with 4 and 2 proposals were not applicable. The key barriers to further trade facilitation reform were: the lack of coordination among agencies (which have differing interests); limited financial and human resources; poor (ICT and physical) infrastructure; non-adapted legislative framework; inconsistent application of laws; resistance to change; lack of awareness of the importance of trade facilitation; and political instability at the borders. As a result, workshop participants agreed that further action was needed as follows: (1) increase the awareness of the private sector of the importance of trade facilitation, in view of enhancing its involvement in the reform process; (2) conduct consultations to determine how to strengthen capacities of border agencies (e.g., sanitary agency) and enhance inter-agency coordination (initiative led by the Ministry of Tourism, Industry and Trade); and (3) improve infrastructure as a pre-requisite for further trade facilitation reform. In terms of TA/CB, the following areas were selected as high priority: single window; harmonisation of border procedures; risk management; improved ICT; authorised traders; pre-arrival clearance; and establishment of clearance and release times. Furthermore, the workshop helped identify negotiation priorities, which were subsequently shared with other stakeholders through a high-level task force meeting. Box 8 summarises the lessons learnt from this exercise.

Box 8. Lessons learnt from the WTO needs assessment in Uganda

- Success of the needs assessment exercise depends entirely on the preparatory process (i.e. selecting adequate participants, with the necessary expertise).
- As the situation is constantly evolving and the reform process is ongoing, needs assessments should be conducted regularly (even after the signature of a WTO agreement).
- Its results should be shared with Geneva delegates and with neighbouring countries, as some of the reforms and TA/CB are best implemented at the regional level.
- Trade facilitation reform should also feature in more comprehensive national development plans, poverty reduction strategy papers or diagnostic trade integration studies, to ensure it is conducted in conjunction with other complementary reforms at the national level and receives the necessary attention from high level policy makers and donors.
- While the needs assessment was deemed extremely useful for identifying needs and priorities at the country level and at the negotiation table in Geneva, it did not allow to determine the likely costs of introducing additional measures, nor the necessary timeframe required for their full implementation. This is an area where further work may be warranted.

Source : Presentation by Ms. Tamale, June 2008

47. The second speaker, **Mr. Joe Kelly**, Deputy Director of the WCO Columbus Programme, provided some insights into the *benefits and challenges of conducting reforms and delivering TA/CB at the regional level*. The Columbus Programme, initiated in 2006, supports developing country governments in conducting trade facilitation reforms by providing support for the diagnostics phase, strategic reform planning, project planning, funding acquisition and implementation. It is currently active in 109 countries.

48. Regional trade facilitation projects can bring benefits but also challenges. Examples pertaining to six particular areas/aspects are included below:

- *Political support*: Political support and commitment for regional trade facilitation reform might be more robust since it involves government authorities across several countries. Yet, such support might also take more time to secure.
- *Local ownership*: Regional projects provide a broader range of skills and people to choose from for implementation; they might trigger “positive rivalry” between authorities; and can facilitate harmonisation of national regulations towards common, international standards. However, such projects might also overlook some national issues. Moreover, they require a longer term commitment.
- *Funding source*: Regional projects are often popular with recipient governments and donors, meaning that financial support for their implementation might be easier to secure. Yet, they might require more investments in donor co-ordination (as several donors may be active in the countries concerned). Such coordination should be led by the recipient countries.
- *Adequate advice at the right time*: Regional projects help ensure that a consistent message (and programme) is transmitted to a group of countries concerned by trade facilitation. Moreover, it can help avoid duplication of overlapping projects undertaken in individual countries. The challenge is to remain involved in the region and provide consistent advice over the longer term.
- *Adequate project/programme management*: Regional projects are often more cost-effective (thanks to economies of scale) and more coherent, yet they can also be more complex to manage due to their multi-national nature and the number of authorities/counterparts involved.
- *Integrity of border authorities*: Regional projects can trigger “positive rivalry” between the administrations of the different countries involved and as such encourage greater integrity in those agencies. Yet such projects also require the introduction of more complex risk management systems to encourage integrity across all countries involved.

Box 9. Benefits and challenges of delivering technical assistance at the regional level

Benefits of regional trade facilitation projects or programmes:

- Often foster deeper political engagement.
- Generally more easy to fund.
- Enable greater consistency of reforms across the region.
- More cost-effective.

Challenges:

- More complex and time-consuming to manage and implement.
- Sometimes overlook national needs and issues.
- Do not always suit donors’ aid modalities.

Source : Presentation by Mr. Kelly, June 2008

49. Finally, to conclude this session, **Mr. Vishnu Bassant**, Deputy Director General of the Ministry of Finance and Economic Development of Mauritius, talked about the *links between the aid for trade and trade facilitation agendas*, referring both to their treatment at the WTO and their implementation on the ground. He reminded participants that even in the absence of WTO negotiations, trade facilitation reforms were crucial to make bilateral and regional trade agreements fully effective, to enhance service delivery for traders and to support broader economic development goals, such as industry competitiveness, FDI attractiveness, enhanced integration in the world economy, improved revenue collection and public sector efficiency. In practice, trade facilitation reforms therefore need to be more comprehensive in nature than the narrow scope adopted by the WTO Negotiation Group on Trade Facilitation (NGTF), including also infrastructure-related improvements. Moreover, in the past, many successful trade facilitation reforms have been undertaken as part of wider economic development or structural reform programmes to ensure synergy and adequate sequencing with other reforms aimed at enhancing the integration of African countries in the world economy (e.g., SPS/TBT-related reforms; tariff reforms, reforms to improve the business and investment climate). A comprehensive approach to reform is thus warranted to ensure a sustainable impact on a country's development.

50. Aid for Trade – which includes, e.g., support for formulating effective trade policies consistent with overall development strategies; negotiating (multilateral, regional and bilateral) trade agreements; enhancing productive capacities and export competitiveness; strengthening trade-related infrastructure and coping with trade-related adjustment costs—can complement trade facilitation reform and TA/CB for trade facilitation, and enable developing countries to raise the level of ambition and pace of their reform programmes, ensuring a greater contribution to national development endeavours. Box 10 summarises the key actions needed to ensure synergies between these issues.

Box 10. Synergies between the trade facilitation agenda and the Aid for Trade Initiative

To ensure synergies between trade facilitation reform and aid for trade, the WTO Negotiation Group on Trade Facilitation should take the WTO Aid for Trade Initiative better into account and make reference to it, to ensure that issues falling outside the trade facilitation negotiations mandate, such as infrastructure deficits and related donor support, are addressed.

The donor community should, in turn, quickly operationalise the WTO Aid for Trade initiative by:

1. Explaining what is on offer and putting in place a flexible aid delivery mechanism.
2. Finalising the eligibility criteria and accessibility rules for beneficiary countries.
3. Mobilising additional funding, including to ease adjustments emerging from trade liberalisation or structural changes.
4. Aligning donor interventions to country reform programmes and harmonise donor procedures and requirements (cf. Paris Declaration on Aid Effectiveness).
5. Supporting regional integration endeavours (e.g., through regional delivery mechanisms).

Source : Presentation by Mr. Bassant, June 2008

51. The *open discussion* that followed highlighted four key issues: (1) the need to follow-up after the WTO needs assessment workshop, for example by maintaining a national trade facilitation consultative group that can discuss WTO proposals and future reforms; (2) the necessity to improve communications between Geneva-based delegates and capital-based officials; (3) the role of international standards in trade facilitation reform; and (4) the link between trade facilitation and aid for trade and the role of donors.

52. On the first issue, participants indicated that the team that had been involved in the WTO needs assessment in Uganda had met again on two occasions to discuss the needs assessment results and new

proposals tabled at the WTO. They emphasised that it was important to sustain such meetings to provide consolidated feedback on the Geneva process. Furthermore, participants highlighted that adequate communication between capital-based experts and Geneva-based delegates was often lacking. Some pointed out that this was due to weak coordination (i.e., delayed or inadequate exchange of information between the two sides) or due to the volume of information and requests transmitted from Geneva to capitals. Others emphasised that experts in capital did not always send feedback in time to enable Geneva negotiators to coordinate their position with other developing countries (e.g., the Least Developed Countries Group). Some donors (such as Norway) have financed the participation of capital-based (customs) experts in the WTO negotiating meetings to try to remedy to this problem.

53. On the 3rd point, participants acknowledged that a multitude of international standards and recommendations on trade facilitation were already available (sometimes even too many!) yet in many instances those were voluntary in nature (e.g., UN/CEFACT recommendations). A future WTO agreement on trade facilitation would be legally binding, and thus make agreed-upon standards and practices mandatory, helping lock-in trade facilitation reforms.

54. Finally, participants supported the ideas outlined in the presentation regarding the links between trade facilitation and aid for trade. They emphasised that policymakers should adopt a holistic view to trade reform and consider the national trade strategy as a whole (trade facilitation being only a part of it). Yet, there is a lot of fragmentation in practice, with many needs assessments and strategies developed for individual aspects of the trade strategy (e.g., trade facilitation, sanitary and phytosanitary standards, export promotion). The difficulty lies in linking and combining all these thematic strategies, plans and associated donor support, and integrating them under the umbrella of the national trade strategy. Another challenge is to ensure timely implementation of the action plans emerging from these needs assessments and diagnostic studies.

55. To improve coordination of donor support for trade facilitation and trade reforms more generally, and better link these initiatives to national development strategies or poverty reduction strategy papers, donors have set up the *Integrated Framework for Trade-Related Assistance to Least Developed Countries* (IF, www.integratedframework.org). In addition, the OECD Development Assistance Committee has reviewed lessons learnt from past TA/CB for trade facilitation and provided recommendations for making such assistance, and aid for trade more generally, more effective (and consistent with the Paris Declaration on Aid Effectiveness).⁴ A number of developing countries are however concerned that Aid for Trade -- and particularly support to ease trade- and structural adjustment and assistance to help countries identify new economic activities—is not forthcoming.

3.5 Session 4: Concluding Roundtable: The Way Forward

56. This session offered the opportunity to reflect on the Forum's two-day discussions and their implications for the ongoing WTO negotiations, and consider the possible challenges following an eventual conclusion of a WTO agreement on trade facilitation. Five discussants provided final observations, which were followed by comments from the floor and final remarks. The roundtable discussion revolved around five key themes: (1) the implementation of a future WTO agreement; (2) the reform process in-country; (3) donor support; (4) private sector involvement; and (5) regional reforms and assistance.

57. On the first theme, the discussions made clear that there was a broad consensus on the need to facilitate trade to further promote economic development. Governments, traders and consumers in developed and developing countries alike want to advance this agenda, which is also key to boost regional

4. OECD (2006), "A Review of Technical Assistance and Capacity Building Initiatives for Trade Facilitation" in OECD (2006), *OECD Papers*, Vol. 6, No. 2, 2006, OECD, Paris.

trade and integration. Most countries (and regional organisations) have indeed already engaged in some kind of trade facilitation reform, independently from the WTO process. A future WTO agreement in this area would help lock-in existing or ongoing reforms, and identify those international good practices and recommendations which should be mandatory in all countries. Interestingly, developing and developed countries have often had similar interests in the current negotiations as they have often co-sponsored WTO proposals. A number of developing country representatives however emphasised that progress in the WTO trade facilitation negotiations should be accompanied by progress in other negotiation areas covered by the Doha Development Round to ensure their exports gain greater access to developed country markets.

58. The main concern in the current negotiations on trade facilitation in fact relates to the implementation mechanism of a future WTO agreement, and more particularly, to the special and differential treatment mechanism for developing countries and least-developed countries (LDCs). First, some countries expressed concern over the possibility to be brought to dispute settlement once an agreement would be in place, in case of non-compliance. Yet, one participant reminded the audience that GATT Articles V, VIII and X exist since many years and no dispute regarding the non-respect of these articles has been raised so far. Furthermore, as one discussant suggested, a mechanism could be set up in the context of a future agreement to enable Members to deal with potential conflicts outside the WTO Dispute Settlement Body (a similar proposal has been made in the context of the NAMA negotiations). In any case, the negotiation modalities for trade facilitation include (quite unique) flexibilities for developing countries (cf. Annex D of the 2004 July Package) and existing negotiation proposals suggest three types of obligations: (a) those that can be complied with upon entry into force of the agreement; (b) those that require additional time for implementation; and (c) those that require TA/CB.

59. Some developing countries are nevertheless reluctant to commit to a specific timeframe for the implementation of category (b) measures at this point in time (or upon signature of the agreement), as they do not know how much time and how much financing certain measures might require. Some participants explained that specific timeframes for such measures could only be committed upon once needs assessments (self-assessments) had been conducted and reform action plans been crafted. At this point in time, it would be extremely useful if all countries that already underwent a WTO needs assessment could disclose the results of this exercise to the Negotiation Group. This would enable all Members to get a better idea of the current degree of compliance of developing countries with existing proposals.

60. Similarly, in regards to category (c) measures, some developing countries want to be assured that TA/CB for trade facilitation will indeed be delivered in a timely and effective manner. It is however not clear yet who among TA/CB providers, recipients or the general WTO membership will assess whether TA/CB has been effectively supplied and whether the beneficiary country has “acquired capacity” for implementing these measures; and on the basis of what criteria this will be done. It is essential that negotiators further clarify those points. Participants pointed out that the OECD could support the negotiations in this regard (Box 11).

Box 11. Future role of the OECD

The OECD could:

- Help identify where gaps and stumbling blocks lie for future trade facilitation reform and pinpoint the actions that should be undertaken (e.g., by supporting developing countries’ needs assessments).
- Conduct additional case studies to illustrate how (developing) countries have conducted trade facilitation reform and what cost it bore.
- Help monitor the effective delivery of TA/CB for trade facilitation and aid for trade more generally.

61. Regarding the reform process in-country, participants recalled that conducting comprehensive trade facilitation reform (sometimes going beyond the scope of the WTO agenda) takes time. It is essential to design a sound implementation plan and identify a champion for reform (e.g., the customs authority) which can lead the process. The discussions made clear that lack of financing wasn't the main obstacle to implementation (although measures involving important infrastructure investments and recurring costs, such as automation of customs systems, did often require financial support). Instead, trade facilitation reforms bear challenges of an institutional nature, e.g., they require inter-agency coordination, involvement of many stakeholders (including from the private sector), prior legal reforms, change management and human resources reform, and thus strong political will from top government levels. At this point, it is therefore important not only to focus on the design of multilateral (WTO) rules in the area of trade facilitation, but also to think of ways to overcome such implementation challenges.

62. Furthermore, donors should ensure recipient countries "own" and are committed to proposed assistance programmes, by aligning their support around country priorities. In addition, they should step up their coordination efforts to avoid duplication and enhance the collective impact of their assistance programmes. Many participants also called for greater clarity of the WTO Aid for Trade Initiative (e.g., in terms of eligibility criteria, financing means, etc.), as it could support the implementation of complementary trade reforms and investments (falling outside the scope of the WTO negotiations on trade facilitation).

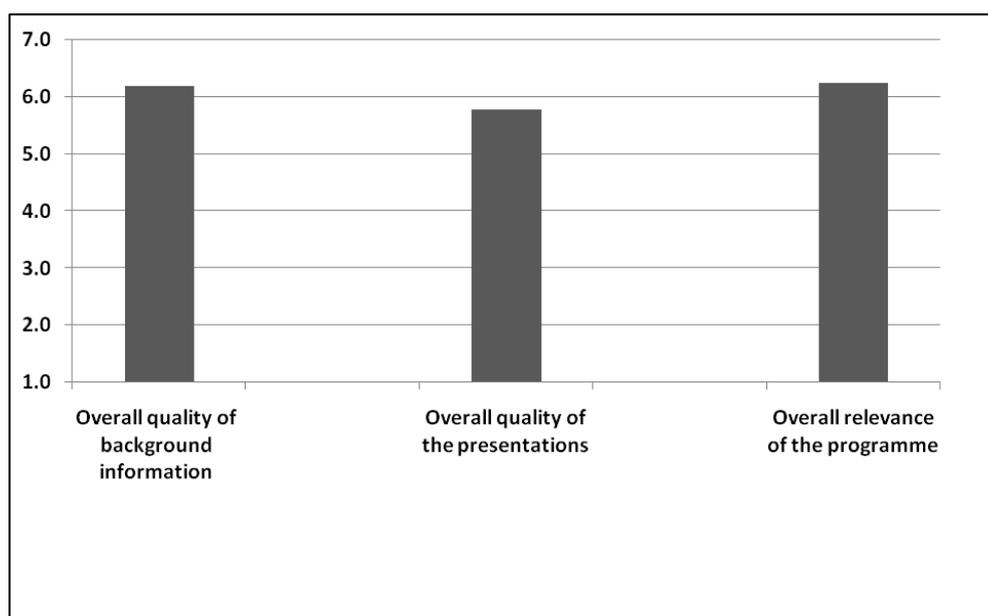
63. On private sector involvement, participants recalled that it was not sufficient to inform businesses of planned reforms. Government authorities need to engage in a structured dialogue with traders to understand the constraints they face, and take their views into account when designing reform programmes. Finally, more emphasis should be given to regional organizations, which are expected to align their trade facilitation programmes with national country needs as well as with the international standards and frameworks. Donors could provide more support to regional secretariats.

ANNEX 1: EVALUATION OF THE OECD REGIONAL FORUM

Feedback on the content

64. The OECD Secretariat distributed an evaluation questionnaire to all participants at the end of the Forum. It received 33 forms back. Overall, participants were very satisfied with this event, and all consider attending similar OECD events in the future. They rated the *quality of the background information* the Secretariat provided in preparation of the meeting at an average 6.2 on a scale going from 1 (being the least positive) to 7 (being the most positive). Many found the OECD papers on the subject quite useful. In addition, the audience found most *presentations* of very high quality. Participants particularly appreciated the mix of interventions given by public and private sector stakeholders, as they covered various relevant topics, ranging from the benefits and challenges with the introduction of trade facilitation reform to ways to best prepare their implementation on the ground (Figure 1). Furthermore, most participants thought the *programme of the Forum* was very relevant (average score of 6.2). They thought that it was well-balanced and structured, very relevant to the current WTO negotiations on the subject and provided plenty of opportunities to discuss practical country experiences with trade facilitation reform. Participants appreciated the fact that they could talk freely (under Chatham House rules) and interact with the speakers and the audience on numerous occasions.

Figure 1. Feedback on the content of the Forum

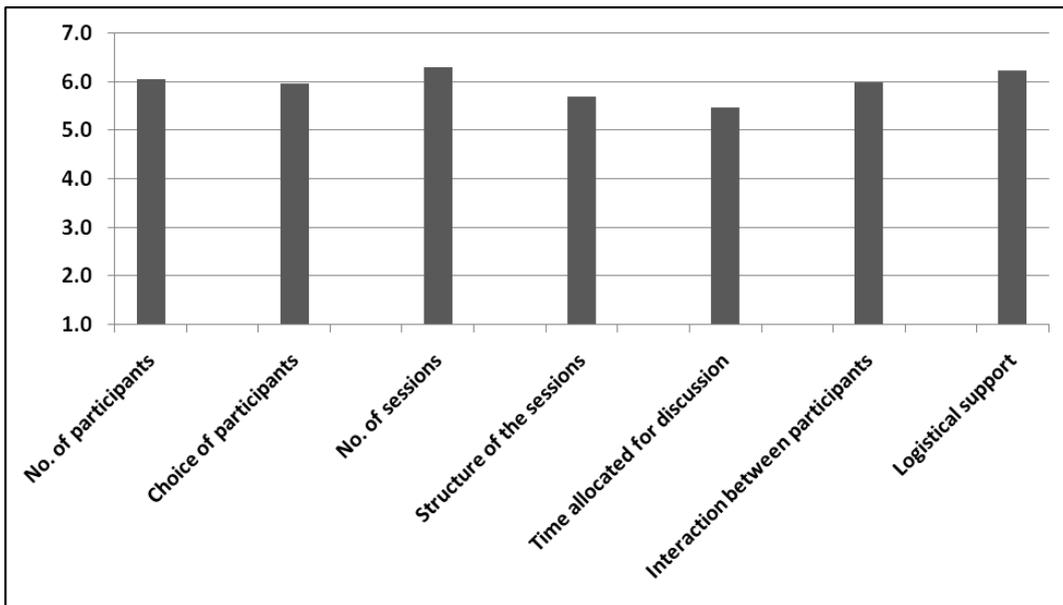


Source: Evaluation questionnaires

Feedback on the organisation

65. In regards to the organisation of the event, participants rated the *number and choice of participants* at 6; they thought the sessions were relatively well-structured (average score of 5.7) and rated the interaction between all participants relatively high too, at a score of 6. Finally, the audience appreciated the logistical support that was provided before and during the meeting. There is of course still room for improvement. When organising future events, the Secretariat might consider *allocating additional time for discussion* as this seems to be the aspect of the event that participants enjoyed most. Moreover, it should do greater efforts to attract representatives from regional organisations.

Figure 2. Feedback on the organisation of the Forum



Source: Evaluation questionnaires

ANNEX 2: PROGRAMME

DAY 1, Wednesday 11 June 2008

WELCOME	
8:30-9:00	Registration
9:00-9:30	Opening Remarks Mr. Leonard Radebe , Manager Operations, South Africa Revenue Service Mr. Stefan Tangermann , Director, OECD Trade and Agriculture Directorate
9.30-9.45	Update on the WTO negotiations on trade facilitation Mr. John Malone , DG Taxud, European Commission
SESSION 1: THE ECONOMICS OF TRADE FACILITATION	
9:45-10:45	<p>This session will set the stage by presenting key findings of recent studies on the benefits and costs of trade facilitation reform for governments, businesses and consumers. It will also provide the opportunity to discuss concrete country experiences and lessons learned.</p> <p>Questions to consider include:</p> <ul style="list-style-type: none">• What is the potential impact of trade facilitation measures on countries' trade and investment flows, productivity, export competitiveness and regional integration efforts?• What are the cost implications and the challenges of trade facilitation measures for developing and least-developed countries?• What is the perspective of the private sector seeking to benefit from facilitated trade and improved market access opportunities for their products?

Chair: Mr. Tom Butterly, Trade Facilitation Branch, UNCTAD

Lead speakers:

- Mr. James Ng'ang'a, Port Community Based System, Kenya, *The Benefits of Trade Facilitation for Trade Flows, FDI and Governance*
- Ms. Evdokia Moise, OECD Trade and Agriculture Directorate, *The Costs of Trade Facilitation Measures*
- Mr. Richard Morgan, Unilever plc Africa, *The Business Perspective*
- Ms. Emma Wanjiru Ng'ang'a-Gichuhi, SDV Transami/ Bolloré, Kenya, *Comments on the Business Perspective on Trade Facilitation*

10:45-11:00 Coffee break

11:00-12:30 Open discussion

12:30-14:00 Lunch

SESSION 2: CHALLENGES FOR EASTERN AND SOUTHERN AFRICA

14:00-15:15 This session will outline the main trade facilitation related challenges countries face at national and regional levels. Discussions will focus more specifically on the impact of informal cross-border trade and weak transport infrastructure and services on trade facilitation. The session will also identify key political and institutional features necessary for successful reform (e.g., public-private collaboration, government agency coordination and sustained political will).

Questions to consider include:

- What are the particular challenges facing Eastern and Southern Africa?
- Does informal cross-border trade get in the way of trade facilitation reforms, and can such reforms help firms switch from informal to formal trade?
- How do institutional and political factors affect the design and implementation of trade facilitation reforms?

Chair: Mr. Anthony Kleitz, OECD Trade and Agriculture Directorate

Lead speakers:

- Mr. Creck Buyonge, Centre for Customs and Excise Studies, Africa Office, *Trade Facilitation in a Regional Context*
- Mr. Peter Malinga, Uganda Revenue Authority, *Informal Cross-Border Trade and Trade Facilitation in Eastern and Southern Africa*
- Mr. Gerard McLinden, World Bank Trade Department, *Key Institutional Factors for Successful Trade Facilitation Reform in Eastern and Southern Africa*

15:15-15:30 Coffee break

15:30-17:00 Open discussion

18:30 COCKTAIL

DAY 2, THURSDAY 12 JUNE 2008

SESSION 3: PREPARING THE GROUND FOR SUCCESSFUL IMPLEMENTATION OF TRADE FACILITATION REFORMS

9:30-10:45 This session will focus on key aspects for the successful implementation of trade facilitation reforms. It will consider the tools designed to help developing countries assess their needs and capacity gaps in relation to trade facilitation reforms; it will examine how domestic and regional capacities for the implementation of trade facilitation reforms can be strengthened; and how donors can best support developing countries in their endeavours. The session will also assess the likely implications these issues might have for the implementation of a future WTO Agreement on Trade Facilitation.

Questions to consider include:

- How can we take account of the particular circumstances, needs and capacity gaps of reforming countries so as to ensure ownership and sustainability of reforms?
- What are the benefits and difficulties of designing and delivering technical assistance and capacity building support for trade facilitation on a regional basis?
- How can developing countries address capacity gaps in their administrations? And what is the role of donors in this regard?

Chair: Ms. Christina Rahlén, Ministry of Foreign Affairs, Sweden

Lead speakers:

- Ms. Elisabeth Tamale, Ministry of Tourism, Trade and Industry, Uganda, *Experience with the WTO Self-Assessment Tool*
- Joe Kelly, World Customs Organisation, *Benefits and Challenges of Regional Capacity Building*
- Mr. Vishnu Bassant, Ministry of Finance and Economic Development, Mauritius, *Aid for Trade and Trade Facilitation*

10:45-11:00 **Coffee break**

11:00-12:30 **Open discussion**

12:30-14:00 **Lunch**

SESSION 4: CONCLUDING ROUNDTABLE: THE WAY FORWARD

14.00-16:30 This session will offer the opportunity to reflect on the Forum discussions and their implications for the ongoing WTO negotiations and consider the possible challenges following an eventual conclusion of a WTO Agreement on Trade Facilitation.

Questions to consider include:

- Taking into account the cost implications and challenges of trade facilitation measures, how can future commitments be best linked to the implementation capacities of WTO Members?
- What provisions for special and differential treatment can best ensure that the potential benefits from a trade facilitation agreement will be fully reaped by all WTO Members?
- What are the main challenges of trade facilitation in the aftermath of a possible conclusion of a WTO agreement?

Chair: Mr. Stefan Tangermann, Director, OECD Trade and Agriculture Directorate

Discussants:

- Mr. John Malone, DG Taxud, European Commission
- Mr. Tom Oommen, Department of Foreign Affairs and International Trade, Canada
- Mr. Erich Kieck, Customs Strategic Policy Dept., South Africa Revenue Authority
- Mr. Lucas Saronga, Minister Plenipotentiary, Tanzania Mission to the WTO
- H.E. Mr. Arsene Balihuta, Ambassador, Uganda Mission to the WTO

Open discussion

16:30-17:30 **Summing up**

Mr. Stefan Tangermann, Director, OECD Trade and Agriculture Directorate

Closing Remarks

Mr. Erich Kieck, Customs Strategic Policy Dept., South Africa Revenue Authority

ANNEX 3: FINAL LIST OF PARTICIPANTS

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