

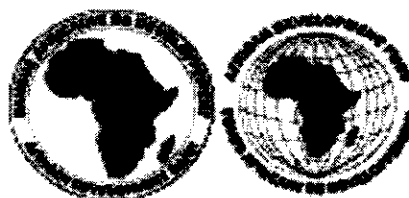


**African Economic Conference 2007**

***"Opportunities and Challenges of Development for Africa in the Global Arena"***  
15-17 November 2007, Addis Ababa, Ethiopia

**Preparing African Countries to benefit from Continuous  
International Trade Negotiations and Complex Agreements**

Bonapas Onguglo, Aime Murigande and  
Emily Nburu, UNCTAD



**African Development Bank Group**



**Economic Commission for Africa**

# PREPARING AFRICAN COUNTRIES TO BENEFIT FROM CONTINUOUS INTERNATIONAL TRADE NEGOTIATIONS AND COMPLEX AGREEMENTS

Bonapas Onguglo, Aimé Murigandé and Emily Mburu\*

12 July 2007

Chapter	Page
INTRODUCTION.....	2
I: DEMAND GENERATING FACTORS .....	3
II: AREAS OF NEED FOR TRADE ASSISTANCE.....	8
III: SUPPLYING TRADE CAPACITY BUILDING ASSISTANCE.....	11
(a) Awareness and Coalition Building for Trade Negotiations and Agreements.....	11
(b) Building institutional capacity for trade negotiation – the Joint Integrated Technical Assistance Programme for African Countries (JITAP).....	14
CONCLUDING REMARKS .....	19

## Summary

Negotiations of trade agreements, their implementation and the attendant policy and structural adjustment to benefit from the agreements have become a permanent feature of the international trading system since the mid-1990s. The creation of the WTO and parallel proliferation, widening and deepening of regional trade agreements has meant that African countries with weak institutional, human, financial and business capacities need an equally permanent and comprehensive form of aid for trade support dedicated to trade negotiations, implementation and adjustment to help them participate effectively in shaping trade negotiations and in taking advantage of the resulting agreements in a manner that can bring tangible gains in terms of trade growth and welfare improvement, including poverty reduction and achievement of national development goals as well as the Millennium Development Goals. Yet capacity building support focussed on trade negotiations, implementation and adjustment or bilateral, regional and interregional trade agreements is a relatively novel area in trade development. It is expanding with the rise in demand by African countries for support for negotiating a flurry of trade agreements, implementing them, and adjusting to the opportunities (and minimizing costs) arising from trade reforms. The aid for trade initiative has added further stimulus to the demand for and supply of trade-related support for trade development. Such capacity building trade programmes would need to be substantially augmented in all aspects – financial, coverage (soft and deep end), delivery mechanism (global, regional, national), country coverage, regional dimension – and implemented over several years on a permanent basis to adequately address the demands and problems faced in continuous and complex parallel trade negotiations and agreements. Aid for trade assistance must build on existing mechanisms and experiences to avoid unnecessary start up costs and duplication of activities. This includes mechanisms for Africa-focused programmes such as the Trade Capacity Building Programme for Sub-Saharan African Countries and the Joint Integrated Technical Assistance Programme (JITAP) for African countries. These are practical, useful and proven multilateral vehicles for the implementation of the aid for trade and development in Africa.

---

\*Bonapas Onguglo, Senior Economic Affairs Officer, Aimé Murigandé, Economic Affairs Officer, and Emily Mburu, Trade Expert, work with the United Nations Conference on Trade and Development (UNCTAD), Geneva, Switzerland. The views expressed in this article are those of the authors and do not necessarily represent those of the UNCTAD secretariat and its member States. The authors can be contacted by email at respectively [bonapas.onguglo@unctad.org](mailto:bonapas.onguglo@unctad.org), [aimé.murigandé@unctad.org](mailto:aimé.murigandé@unctad.org) and [emily.mburu@unctad.org](mailto:emily.mburu@unctad.org)

## INTRODUCTION

Capacity building support for multilateral trade negotiations, implementation and adjustment under the World Trade Organization (WTO) or bilateral, regional and interregional trade agreements is a novel area in trade development. While traditional trade related technical and capacity building activities are key components of programmes of many international trade-oriented agencies and beneficiary developing countries, trade negotiations support per se was a domain of a few agencies. This has changed as trade negotiations gained momentum following the creation of the WTO in 1995 with the single undertaking principle, the launch of the WTO Doha Round in 2001 under a single undertaking framework, the growing developing country membership of the WTO, the increasing number of developing countries seeking to accede to the WTO, and the parallel proliferation of negotiations of bilateral, regional and interregional trade agreements (RTAs). African countries' participation in trade agreements and negotiations is a central plank of their wider development strategies to alleviate poverty, provide jobs, improve livelihoods and enhance access of citizens to basic and better goods and services. It must involve effective and beneficial integration into the international trading system involving the various facets of intra-African integration, South-South trade and economic cooperation, North-South trade arrangements, and the multilateral trading system.

This paper discusses the demand for, and supply of, trade assistance for international trade negotiations and agreements support from the perspective of African countries. Section I covers issues related to trade negotiations and agreements which have become a permanent feature of the international trading system and have increased in complexities. African countries are parties to many of these trade negotiations and agreements with the expectation of achieving tangible development gains. Demands in this regard have been continually expressed and emphasized by African countries jointly and individually. The areas of need for technical assistance for African countries and their identification are taken into consideration in section II. It considers a number of both soft and hard aspects of trade development. In respect of supply of trade assistance, the experience of two concrete regional programmes of trade-related capacity building for African countries, namely the African Trade Capacity Development Programme and the Joint Integrated Technical Assistance Programme for African Countries (JITAP) are discussed in sections III. They show the complexity of building trade-related human, institutional and entrepreneurial capacities of African countries. The concluding section of the paper advocates that the continuous supply of trade assistance to African countries, phased over the longer term, must be a key feature of international development cooperation, including through the evolving aid for trade initiative. The initiative is one significant consensus reached by the international community (see Box 1). The immediate challenge and opportunity for the international community is for serious implementation of the initiative for as many African countries as possible and encompassing key areas of capacity building needs and through a mixture of financing and delivery mechanisms involving both countries (national and regional delivery) and international development agencies (multilateral mode), building on existing mechanisms and experiences.

### **Box 1: Aid for Trade: 2005 World Summit Outcome and 6<sup>th</sup> WTO Ministerial Conference Outcome**

"We are committed to supporting and promoting increased aid to build productive and trade capacities of developing countries and take further steps in that regard, while welcoming the substantial support already provided." (2005 World Summit Outcome, paragraph 30).

"...Aid for Trade should aim to help developing countries, particularly LDCs, to build the supply-side capacity and trade-related infrastructure that they need to assist them to implement and benefit from WTO Agreements and more broadly to expand their trade. Aid for Trade cannot be a substitute for the development benefits that will result from a successful conclusion to the DDA, particularly on market access. However, it can be a valuable complement to the DDA.... (WTO 6<sup>th</sup> Ministerial Conference Declaration, paragraph 57).

## I: DEMAND GENERATING FACTORS

The demand for and provision of trade related assistance has flourished and proliferated since the mid-1990s into a major industry globally for purposes of trade negotiations and agreements implementation, WTO accession, use of trade defence instruments (like anti-dumping measures) and use of the WTO dispute settlement mechanism (as complainants or defendants). It is a direct result of a situation of *permanent trade negotiations and trade agreements on complex trade issues*, both the traditional on the border issues (like tariffs) and increasingly within-the-border issues (like intellectual property, investment, subsidies). This phenomenon of permanent trade negotiations arises from *parallel negotiations and agreements at multilateral level of the WTO and at regional and bilateral levels*, and the *growing maturity and experience with implementation of existing trade agreements* by developing countries which have given rise to further problems (leading, for example, to trade disputes or to non-implementation of agreements owing to lack of resources).

This state of continuous international trade negotiations emerged from *the conclusion of the Uruguay Round of multilateral trade negotiations, the formation of the WTO in 1995 and subsequent negotiations within that organization*, with the parallel intensification of bilateral and regional reciprocal trade negotiations, including on a North-South basis. African countries' participation in and contribution to the outcome of the Uruguay Round of trade talks would at best be considered negligible due mainly to capacity constraints. However, since the establishment of the WTO, Africa's participation has been gradually improving. Most African countries and their citizens now fully appreciate and recognise the need for integrating into the global economy and the multilateral trading system especially through effective involvement in WTO Agreements and negotiations.

The creation of the WTO as a forum for continuous trade negotiations brought about even more challenges for African countries, especially those that were not represented in Geneva. As mentioned by a former UNCTAD Secretary General, Mr. Rubens Ricupero<sup>1</sup>, *"the scope of multilateral obligations, the technical complexity and sheer volume of the issues covered, the extraordinary work load on Geneva-based delegations and the administrative burden on capitals have placed most developing countries in a situation where participation in the system, let alone shaping its future course, is almost beyond their means"*. Immediately following the creation of the WTO and commencement of the implementation of WTO Agreements, WTO members continued negotiations on the built-in agendas of agriculture and services. These were integrated into the comprehensive Doha Round of trade negotiations launched in 2001, now involving some 150 WTO members.

The Doha Round has faced major difficulties owing to difficulties in reaching consensus among countries on liberalization modalities and special and differential treatment (for developing countries) in agriculture and non-agricultural market access, as well as in services. Equally important are differences over development issues and rules-related negotiations. The ongoing Doha negotiations constitute a major source of demand for trade-related assistance by African countries to effectively manage and enhance their involvement. Moreover, there is emerging uncertainty as to the anticipated conclusion of the negotiations by December 2007 as expected and that the negotiations might continue into the end of the decade.<sup>2</sup> During this period in the possibly penultimate phase of the negotiations, there has been and will continue to be heightened burst of negotiations among members both formally and informally among a few selected members or the general membership to unblock the logjam. These further fuels African countries' need and demand for trade negotiations assistance to have their interests captured in the rushed negotiations and not leftover. Whatever way forward is brokered among WTO members on the Doha negotiations (see Box 2), African countries need to continue their

---

<sup>1</sup> Forward by the Secretary-General of UNCTAD Mr. Rubens Ricupero, Positive Agenda and Future Trade Negotiations, United Nations, 2000.

<sup>2</sup> UNCTAD has prepared a report detailing the key issues in the Doha negotiations flowing from the 6<sup>th</sup> WTO Ministerial Conference. See UNCTAD report "Developments and issues in the post-Doha work programme of particular concern to developing countries" (TD/B/53/5, 2 August 2006). See also UNCTAD's Trade and Development Report 2006 (Chapter IV): UNCTAD/TDR/2006, Sales no.: E.06.II.D.6.

preparations for and participation in negotiations and implementation of new agreements. Their need for trade negotiations support (negotiations, implementation and adjustment) continues.

#### **Box 2. Possible options for completing the Doha Round**

Available options to conclude the Doha negotiations could include:

- (1) Use the Geneva multilateral process more intensively and extensively for members to drive the entire Doha agenda negotiations towards results and ambitions reflecting the outcomes that respond to main interests of all members, especially developing countries as mandated by the 2001 Doha Ministerial Declaration.
- (2) Few WTO members, like the major players (G-6, G-4 or some other configuration), comprising especially Brazil, EU, India, Japan and US, could continue to attempt to broker a consensus deal on agriculture and non-agricultural market access that will then pave the way to salvage the entire Doha round and conclude it with the level of ambition as mandated in the 2001 Doha Ministerial Declaration.
- (3) Limit the negotiations agenda to a few areas, primarily focused on market access, so as achieve a so-called Doha-light result in those areas and wherein the level of ambition is calibrated downwards. This would be accompanied by a built-in agenda for negotiations on other issues (rules etc) to be addressed through the regular work programme of the WTO after negotiations have been closed.
- (4) The WTO Director General could be requested by the WTO membership to draft a compromise proposal on the entire Doha work programme or the Doha-light scenario under his own authority for members' consideration.
- (5) Prolong the entire negotiations for several more years to allow for fuller treatment of all negotiation issues included in the Doha development agenda.
- (6) Suspend the negotiations indefinitely until a more propitious environment evolves and in the meanwhile focus on implementing current WTO Agreements and dealing with other pressing issues such as institutions reform of the WTO.

The *implementation of the resultant agreements* from these multiplying trade negotiations, such as the current WTO Agreements and existing RTAs such as programmes for free trade and customs unions has become a major concern for many African countries, and another source of demand for trade-related assistance. In the WTO, implementation-related issues and concerns were raised in particular by African countries and remain to be effectively addressed in the Doha negotiations. These included issues arising from a lack of capacity to implement trade agreements and to take advantage of them, as well as the non-binding nature of provisions in existing WTO agreements relating to provision of technical assistance and hence a lack of implementation of these provisions. African countries thus sought trade-related assistance that would be specifically directed towards implementing trade agreements, some of which were capital intensive like the TRIPS Agreement. They also sought to identify and correct anomalies within the WTO Agreements that did not facilitate implementation of trade agreements by developing countries.

These implementation-related issues and concerns were raised at the first WTO Ministerial in Singapore in 1996, and contributed to the failure of the WTO Seattle conference in 1999. They were subsequently prominently featured in the Doha negotiations and emphasized by developing countries in all trade negotiations. The African, Caribbean and Pacific (ACP) Group of States have, for example, identified trade adjustment support as an essential aspect of future economic partnership agreements (EPAs) they are negotiating with the EU and that such support should be specific to the EPAs and additional to EU development aid.

At the same time, WTO accession negotiations continued for those countries seeking to accede to the organization. By mid 2006, 21 countries or custom territories had joined the WTO and 30 are at various stages of accession negotiations.<sup>3</sup> Their requirement for trade negotiations support will continue to be important, giving rise to demands for trade-related assistance. Several of these are African countries, like Algeria, Cape Verde, Ethiopia, Libyan Arab Jamahiriya and Sudan with trade assistance needs relating to various aspects of WTO accession. These countries, following their accession would require assistance in implementing WTO Agreements, as the experiences of recently

<sup>3</sup>UNCTAD's Least Developed Country report 1998 (UNCTAD/LDC/1998, Sales no.: E.98.II.D.2) provides useful analyse on implementation requirements and WTO-accession related issues affecting LDCs.

acceded countries have shown. Their needs and demand for post-accession support will arise. Recently acceded countries to the WTO have requested post-accession support.

At the bilateral, regional and interregional levels, some 200 reciprocal trade agreements are operational (with 180 of them notified to the WTO and several other operational ones not yet notified),<sup>4</sup> and many more are being negotiated with the expectation that the number of operational RTAs could double to some 400 agreements by 2010.<sup>5</sup> This implies an intensified phase of trade negotiations among countries at the bilateral, regional and interregional levels, providing a major platform of demand for trade-related assistance. Once these agreements are concluded, there will be the requirements of implementation and adjustment necessary to honour obligations and benefit from the opportunities. African countries are parties to many of these RTA negotiations and agreements. Within Africa, trade negotiations are taking place within regional economic communities to consolidated free trade agreements in goods and customs unions, to negotiate services agreements, and to negotiate harmonization of regulatory policies such as those relating to investment and competition. Such negotiations are being undertaken by ECOWAS, UEMOA, SADC, COMESA, EAC and ECCAS. At the continental level, the African Union has been nurturing the formation of the continental African Economic Community mandated by African Heads of State and Government. Apart from negotiating the terms of this continental community, ensuring complementarity with existing regional economic communities is a major preoccupation and area of continued negotiations.

Outside the continent, African countries are involved in the ongoing comprehensive EPA negotiations. These negotiations are comprehensive in scope, coverage, depth of commitments and number of countries. They cover trade in goods, services and regulatory aspects; they are envisaged as reciprocal trade agreements; and they involve the 25 EU members States and the 78 African, Caribbean and Pacific (ACP) States. The African countries would make the largest contribution in terms of the possible EPAs to be negotiated. From among the formation of possibly six regional EPAs contemplated, four will be from Africa. The EPA negotiations were launched in September 2002 and are scheduled for completion at the end of 2007 and entry into force in early 2008. Once the agreements are operational, African countries would be seized with implementing the agreements and seeking to benefit from them. African countries are also faced with proposals to negotiate free trade agreements with the United States under the AGOA (African Growth and Opportunity Act) scheme. The beneficiaries of AGOA make use of preferential market access to the US for their products, and could be invited to negotiate more binding and reciprocal trade relations with the US.

African countries are also among developing countries that are negotiating the third round of negotiations under the Global System of Trade Preferences among Developing Countries (GSTP) since 2004. The Sao Paulo negotiations are due to be completed by end 2007, and expected to widen and deepen trade preferences and membership. Some inter-group negotiations on free trade have also been ongoing, such as between India, Brazil and South Africa (IBSA) on trilateral trade cooperation and between the different groupings to which they are members namely SAARC, MERCOSUR and SADC. These South-South trade agreements and negotiations provide another front on which African countries' negotiating capital needs to focus.

With the establishment of the WTO and its continuous trade negotiations function, the Doha Round, the negotiations of EPAs, and interregional South-South trade cooperation juxtaposed against revamped African regional and continental integration processes under the newly established African Union, means that the number of trade negotiations and agreements that African countries participate in has significantly increased. This has led to a concomitant increase in the complexities and stakes in the negotiations and agreements, extending beyond progressive reduction and elimination of border barriers such as tariffs barriers in goods, towards a "behind-the-border" regulatory issues regulating trade in services, intellectual property rights, product standards or environmental regulations and trade

---

<sup>4</sup> WTO website ([www.wto.org](http://www.wto.org)), regional trade agreements: facts and figures.

<sup>5</sup> Prediction made in a statement by Mr. Pascal Lamy, WTO Director General, to Confederation of Indian Industries in Bangalore on 17 January 2007.

facilitation including non-tariff barriers. New trade-related areas such as competition and investment and government procurement are also being taken up under the EPAs.

The explosion of negotiations on RTAs has also given rise to *complex issues regarding coherence and complementarity between regionalism and multilateralism* so that they are mutually supportive and enhancing, rather than conflicting.<sup>6</sup> This conundrum has several facets. At one level, it concerns the compatibility of emerging RTAs with the WTO and the multilateral trading system. WTO rules provide that members can participate in RTAs as long as they meet certain (ambiguous) conditions specified in GATT Article XXIV for agreements involving developed countries, and in the 1979 Enabling Clause for agreements involving developing countries. Adherence to these conditions would assure the compatibility of RTAs with WTO and thus secure complementarity of RTAs with the multilateral trading system. The need for such provisions has existed since the formation of GATT in 1947 but it has become even more pressing in the aftermath of the WTO and the parallel proliferation of RTAs. The Doha agenda negotiations have a window of opportunity to improve rules affecting RTAs to strengthen the superiority of rules of the multilateral trading system over RTAs, while strengthening their development dimension. Such negotiations have also given rise to demands for trade-related assistance by African that are active in RTAs.

Another facet of RTA coherence relates to the increasing phenomena of multiple memberships in RTAs. Within Africa, for example, the issue of multiple memberships in more than one RTA often with overlapping functions is becoming a matter of concern that some countries are seeking to address and resolve. Multiple membership in RTAs increases financial burden (membership fees, financing of secretariats, self financing of participation in meetings), administrative burdens (multiple trade regimes and rules of origins), and heavy implementation obligations which can confuse peoples and traders who are supposed to take advantage of trade and economic opportunities in these agreements. There is need for rationalization within the framework of establishing the African Economic Community. Rationalization is also needed for negotiating EPAs with the EU in that one country cannot take part in two different EPAs and for that purpose it has to confirm its membership in one existing African regional economic community, or one EPA configuration.

Table 1: GDP and exports of goods and services, 1995 and 2004 (US\$ millions)							
GDP		Total Exports		Exports of Goods		Exports of Services	
Africa							
1995	2004	1995	2004	1995	2004	1995	2004
512,284	792,978	133,314	284,905	107,701	231,332	25,613	53,573
Developing countries							
5,648,604	8,407,575	1,710,593	3,598,982	1,425,588	3,090,696	285,005	508,286
Developed countries							
23,169,039	31,618,131	4,540,175	7,401,395	3,607,752	5,716,155	932,423	1,685,240
World							
29,418,298	40,960,425	6,406,904	11,416,838	5,168,506	9,167,120	1,238,398	2,249,718

Source: UNCTAD statistics

The demand for trade negotiations support by African countries also arises from the growing importance of international trade as an engine of growth and development, accounting for an important and, in some countries, increasing share of their domestic wealth creation. In 2004 for example, the share of exports of goods and services in gross domestic product (GDP) was about 28% for the world as a whole, 23% for developed countries, and 43% for developing countries. This ratio was 36% in the case of African countries in 2004 as compared to 26% in 1995 (See Table 1). International trade's contribution to domestic wealth creation in Africa has increased strongly in the past years since 1995, as it has for other developing countries. African countries' participation in international trade, despite recent important growth fuelled in part by the recent boom in commodity prices, however remains substantially low with their aggregate share of world trade in goods and

<sup>6</sup> For a comprehensive analysis of such issues, see Mina Mashayekhi and Taisuke Ito (editors), "Multilateralism and regionalism: The new interface", Geneva, 2005 (UNCTAD/DITC/TNCD/2004/7).

services at about 2.5% in 2004. Thus efforts to facilitate trade integration including through trade liberalization and reform which reflects Africa's interests constitute important elements of wider strategies for development and poverty reduction in Africa. This also means that mainstreaming trade into national development strategies including poverty reduction strategies must be a key goal that African countries should put into effect and implement.

The emphasis on trade's role in development permeates, for example, the 2000 UN Millennium Summit outcome<sup>7</sup> and its translation into the Millennium Development Goals, the Outcome of the 2005 World Summit,<sup>8</sup> the 2001 WTO Doha Ministerial Declaration<sup>9</sup> as well as the Monterrey Consensus on Financing for Development. Despite this recognition of the importance of trade in development, national efforts among many African countries to deliberately elaborate enabling policies and instruments to enhance their capacities to produce and export competitively in the international markets have been lacking. Trade mainstreaming at the national level is thus becoming a major area of trade-related support, such as within the framework of poverty reduction strategies or designing of medium term national development strategies.

The proliferating, complex, permanent and parallel trade negotiations and attendant implementation and adjustment requirements of trade agreements has inserted tremendous demands on African countries' negotiating and implementing capacities and the ability to take advantage of new opportunities and transform them into development gains. Most African countries are not well equipped to deal effectively with the trade negotiations and implementation and adjustment requirements of trade agreements owing to their weak human, institutional, administrative and financial resources, especially those directly related to trade negotiations and trade policy. In many Africa countries for example, the Ministry of Trade and Industry which is endowed with the trade negotiating authority is often not accorded an important status in the echelon of Government nor is it part of central government coordinating mechanisms. Accordingly, it tends to have a low budget, is poorly staffed and maintained, lacks expertise on trade negotiations, and faces sizeable difficulties in promoting its priorities within overall Government policy and planning processes. It may not even have the mandate over tariff policy (being the preserve of the internal revenue authority). Such Ministries also cannot afford to provide officials to effectively focus on backstopping international negotiations capitals (Geneva, Brussels etc.) – such officials tend to be assigned with many other assignments as well. There also tends to be a high rate of mobility among such few officials, moving on to other functions or organizations. Trade mainstreaming is supposed to address such lacunas.

In addition, in many African countries, international trade negotiations and trade agreements are relatively novel areas that local academic and research institutions are just beginning to address and integrate into their academic and research programmes. For example awareness and understanding of services liberalization and trade is weak in many developing countries. In most African countries, they are just beginning to carry out services assessment studies to determine the specific contribution of services, services regulations in place and areas for future development and possible liberalization to stimulate competition and increase access to especially essential services (like education, health, water) by the population.<sup>10</sup> Thus there are also weak endogenous analytical capacities at national or regional levels focused on trade agreements and negotiations that need strengthening to develop a cadre of human resources knowledgeable and trained in trade negotiations and trade negotiation skills and techniques, and trade policy formulation, implementation and adjustment.

---

<sup>7</sup> UN General Assembly document A/RES/55/2.

<sup>8</sup> UN General Assembly document A/RES/60/1.

<sup>9</sup> WTO document WT/MIN(01)/DEC/1.

<sup>10</sup> For a discussion see A. Pallangyo, "Capacity Building Needs of African Countries in the Area of Trade in Services" in Trade Capacity Development for Africa: Trade negotiations and Africa Series No.2, 2005 (UNCTAD/DITC/TNCD/2005/1).



## **II: AREAS OF NEED FOR TRADE ASSISTANCE**

Against this backdrop of complex negotiations of multiple trade agreements, implementation and adjustment put adjacent to weak human, institutional, analytical, financial, and administrative capacities of African countries, it was evident that they would rely heavily on technical assistance from international organizations to create and strengthen their capacities to take a proactive part in trade negotiations and shape the agenda and results to reflect their trade and development interests. Indeed, in the Doha negotiations the provision of technical assistance is seen as a 'development' deliverable and a prerequisite for the several negotiations (e.g. in services negotiations) or agreements. Similar provisions for technical assistance including for impact assessment of trade agreements have been incorporated into negotiations within RTAs such as in the ACP-EU negotiations of EPAs.

Some of the important responses that African countries' parties to various trade negotiations processes and trade agreements have had or needed to undertake, and for which technical assistance is continuously sought, encompass preparations for negotiations, participation in actual negotiations and post negotiations (like in trade disputes or implementation of WTO accession obligations), implementation of (including new legislations or amendments) and adjustment (in policies and institutions) to negotiated results, and building competitive supply responses and export strategies to take advantage of emerging trade opportunities. Zambia's former Trade Minister, Dipak Patel, had categorized these capacities in three areas namely, the capacity to negotiate trade agreements, the capacity to implement and take advantage of them, and the capacity to supply and compete in international markets.<sup>11</sup>

Specifically, Africa's trade assistance needs in both soft and hard aspects of trade development have tended to include the following:

1. Review, restructure and upgrade departments of foreign trade (or related institutions) and/or deploy trade representatives to lead in trade negotiations, formulate and implement policy, coordinate national positions, and engage in trade promotion.
2. Endeavour, with national development planning processes, to mainstream trade into national development strategies and poverty reduction strategies.
3. Endeavour to identify and integrate development concerns into trade agreements.
4. Undertake or deepen impact assessments (global and sectoral) on trade liberalization in agriculture, manufactures and services of WTO agreements and negotiations, and of RTAs agreements and negotiations, to examine related costs and benefits, adjustment implications and implementation needs as well as strategies to promote pro-poor export-oriented growth and development and help countries/regions take informed and strategic decisions on liberalization (including sectors that can be opened up, the pace and sequencing of liberalization) and development of capacities and adjustment measures to deal with and take advantage of new market opportunities.
5. Seek timely advice and information on negotiation proposals and issues for trade negotiators to develop appropriate responses and proposals, both general and detailed proposals, that meet specific development concerns and interests.
6. Facilitated continued coordination between Geneva negotiations and capital-based policy makers to align positions taken and defend national interests.
7. Help ensuring coherence in technical positions and political decision taken regarding trade negotiations. Facilitate elaboration of group negotiating positions, such as among African countries or with like-minded groups (like ACP Group or G-90) as it strengthens such positions and the advocacy for common objectives.
8. Improve the technical preparedness and negotiations skills of trade negotiators, and ensure their effective contribution in negotiations. This has to be a sustain process of training as expertise trained tends to be mobilize and move on to other jobs.

---

<sup>11</sup> Paper presented by Mr. Dipak Patel, Minister of Commerce, Trade and Industry of Zambia to UNCTAD's Commission on International Trade in Goods and Services and Commodities, 9<sup>th</sup> session, in March 2005.

9. Develop and teach curriculum on trade negotiations, and related research and analysis;
10. Build up and provide access to trade information including on trade flow data, tariffs, and non-tariff barriers, as well as on trade agreements;
11. Organize the enactment and implementation of trade agreements concluded to conform to internationally agreed obligations, taking into account national conditions;
12. Organize export strategies (national and sectoral) with the private sector, tied in with production enhancement policies, to take advantage of new export opportunities;
13. Establish and implement national consultative processes among major actors in the trade policy community (Government, private sector, civil society, academia) on trade negotiations and trade policy to ensure buy-in nationally on these issues;
14. Use national consultative processes to seek greater coherence among the growing number of trade-related technical assistance programmes, at both the national level and at the international level of donors and agencies;
15. Encourage domestication of trade negotiations and agreements by engaging in continuous awareness building and sensitization activities of these agreements at national level (both in capitals and in outer regions), including of Parliamentarians;
16. Seek coherence and synergy between the multilateral approach through the WTO and the regional approach through regional trade agreements, such as between Doha negotiations and negotiations of EPAs;
17. Participate in coalition building events and assist in developing alliances with other countries to pursue common interests, issues and proposals.
18. Develop supply capacities in export-oriented sectors with significant growth potential, as well as support development of pro-poor tradable sectors.
19. Upgrade, rehabilitate, and develop economic infrastructure (road, rail, air, sea) and trade facilitation measures to improve efficiency of trade. This is a broader development goal.

The majority of African countries did not and still do not possess the financial, administrative and human resources necessary to fulfil their obligations, exercise their rights, or take advantage of the trade opportunities presented by the WTO, intra-African integration or other trade agreements. The amount and quality of human and institutional capital and resources required for dealing with the concurrent and overlapping negotiations have significantly increased and the type of expertise required for addressing all trade-related issues have considerably diversified. An ECA-study on African countries participation in negotiations of EPAs concluded none of the African regional configurations would have undertaken the inclusive consultations and necessary in-depth preparations in time for expected conclusion of negotiations by December 2007.<sup>12</sup>

Sound human, institutional and policy capacity has indeed become critically important for African countries as they engage in the increasing number of trade negotiations and agreements at the multilateral, inter-regional and regional levels. This requires that national trade policy making structures are well equipped with sound human and institutional capacities, sustained with national knowledge base and networks, qualified staff that are knowledgeable in various trade-related issues, institutionalized mechanism for inter-departmental and government-stakeholder consultations, close linkage and communications between the capital-, Geneva- and Brussels-based trade negotiators, and coordinated mechanism for the effective and strategic implementation of the resultant trade agreements. The building of these capacities will make trade an engine of development in Africa.

African countries are aware of the importance and need to cooperate and enhance their bargaining power, especially since they have similar objectives in international trade negotiations and face similar obstacles. At the multilateral level, African countries have developed a significant degree of negotiating capacity over the past years at the technical level in Geneva and also in the preparatory phase and participation in the WTO Ministerial Conferences since 1996. In Geneva, African delegations have addressed the issue of limited human and financial resources by creatively

---

<sup>12</sup> African Trade Policy centre (2007), "EPA Negotiations: African Countries Continental review, Review Report" United Nations Economic Commission for Africa.

developing a system to pool together resources and began an informal group which meets at least once a week to discuss WTO issues, prepare proposals and exchange views on ways to increase Africa's participation in the WTO negotiations. The WTO African group is supported by coordinators of different negotiating issues known as the focal points, who take the lead in a particular subject. Such focal points have been created for agriculture, cotton, services, trade facilitation, development issues, non-agricultural market access, and TRIPS. The focal points represent the group in the various meetings and report back to the group. Such coordination has been instrumental as it ensures that Africa is represented at the different meetings of the WTO body. The focal points also initiate and/or oversee elaboration of specific negotiating proposals in their lead subject, arrange meetings with other delegations as well as organise briefing sessions and workshops with organizations.<sup>13</sup>

African countries have actively engaged in WTO negotiations individually and jointly as the African Group, or with other like-minded countries (e.g., ACP States, LDCs), as evidenced by the number and quality of proposals submitted during the WTO Ministerial Conferences in Seattle, Doha, Cancún and Hong Kong, China. During the preparatory process for WTO Ministerial Conferences, African countries were able to mobilize WTO Members support for a number of their initiatives such as on cotton and commodities. African countries have thus increased their capacity in identifying, articulating and formulating negotiating objectives in trade negotiations and their negotiators in Geneva, Brussels and capitals have demonstrated improved negotiating skills and capacities.

At the regional level, in the preparations for the WTO Ministerial Conferences, African Ministers of Trade met in Algiers (Algeria) in September 1999, in Cairo (Egypt) in September 2000, in Abuja (Nigeria) in September 2001, as African Union Ministers of Trade, in Grand Bais (Mauritius) in June 2003, Cairo (Egypt) in June 2005, Ministerial Declaration on the Doha Work Programme in April 2006, Nairobi (Kenya) and in Addis Ababa (Ethiopia), January 2007. At each of these meetings, they adopted joint common positions on key issues of interest for African countries in the WTO negotiations. Before the 6<sup>th</sup> WTO Ministerial Conference, the Ministers adopted a common declaration and plan of action for Africa's commodities, Arusha (Tanzania), November 2005 and a declaration on the EPA negotiations with the EU in Nairobi (Kenya), April 2006. Several African countries have set in place and utilized national advisory and consultative machineries involving key stakeholders (including the private sector, academia and civil society) in discussing and adopting national negotiating objectives and priorities in trade negotiations.

African countries themselves have instituted national and regional structures to address trade negotiations and trade agreements. The ACP States have had to put in place complex national, regional and ACP-wide negotiating structures to handle the ACP-EU negotiations of economic partnership agreements under the Cotonou Partnership Agreement. African countries have regional negotiating bodies that deal with regional trade agreements such as with ECOWAS, UEMOA, UMA, COMESA, and SADC. Latin America and Caribbean countries also have had to set up similar structures to manage their participation in the Free Trade Area of the Americas negotiations and other negotiations. The Caribbean Trade Negotiating Machinery, for example, assists Caribbean States in different international trade negotiations.

Nonetheless, important deficiencies in human negotiations skills and knowledge of trade issues, institutional and administrative capacities, and financial resources continue to inhibit African countries from ensuring their full and effective engagement in multilateral trade negotiations, and from sustaining effective follow-up of negotiations to ensure that their objectives are attained in the DWP and other trade negotiations. At the same time, the ACP-EU negotiations have now advanced into sensitive market access negotiations and such parallelism is certainly increasing tremendously the strain on most African countries' capacity to participate in the negotiations and safeguard their development interests. These deficiencies continue to inhibit the negotiating capacity of Africa from

---

<sup>13</sup> "Africa in the World Trading System: Prospects and Challenges" Patrick Low, Zainab Mchumo and Vonai Muyambo, paper prepared for the ADB/AERC International Conference on Accelerating Africa's Development Five years into the Twenty-First Century, Tunis, 22-24 November 2006.

consistently articulating its objectives in trade negotiations, and to seek recognition of the specificity of Africa's problems and priorities and for these specificities to be reflected in the resultant multilateral trade rights and obligations. These deficiencies are such that notwithstanding the important progress achieved in trade-related technical assistance so far, most African countries have continually stressed their need for technical and capacity building assistance in view of the complexities of WTO and other trade negotiations, the weak human, institutional and entrepreneurial base in African countries and limited cognizance with negotiations. Such needs have been continually recognized in WTO Ministerial Conference outcomes, including in the 2001 Doha Declaration.<sup>14</sup>

### **III: SUPPLYING TRADE CAPACITY BUILDING ASSISTANCE**

In response to the ever widening and deepening demand from African countries, the provision of trade related technical and capacity building activities are key components of programmes of many international trade-oriented agencies. The provision of such support for international trade negotiations and agreements traditionally had been a feature of a few agencies such as UNCTAD (United Nations Conference on Trade and Development)<sup>15</sup> and the then GATT secretariat, or by UN regional commissions in respect of regional trade agreements. This situation changed when the demand for and provision of trade related assistance by African and other developing countries flourished into a major industry globally for purposes of trade negotiations and agreements implementation. Today, the provision of trade-related assistance is undertaken by many development-oriented agencies, both governmental and non-governmental. The WTO has instituted a major programme of technical assistance on the implementation of WTO Agreements, and the Doha negotiations. Similar programmes are implemented by the International Trade Centre (ITC), United Nations Development Programme (UNDP), World Bank, United Nations Industrial Development Organization, Food and Agriculture Organization of the UN, and civil society organizations like the South Centre and the Third World Network. Regional organizations such as UN regional commissions and regional integration groupings like the South Pacific Forum have also developed programmes on international trade and trade negotiations to benefit countries in their regions. The EU provides important financial support to ACP States for enhancing their preparedness to engage in WTO negotiations, including support for the maintenance of the ACP Office in Geneva, and in the negotiations of EPAs.

In Africa, the Economic Commission for Africa and the African Union have substantially augmented their support to African' countries participation in WTO and other trade negotiations and agreements, often in partnership with other organizations including UNCTAD and UNDP. UNCTAD has also instituted or operated inter-agency Africa-specific support programmes.

To meet African countries' trade negotiations and agreements needs, including for the Doha agenda, a number of Africa-focused initiatives were developed by UNCTAD with the support of other organizations such as the African Union, ITC, UNDP, UNECA, and WTO. Two such initiatives are discussed in the sections below to illustrate the kind of trade-related technical assistance that is provided. The operationalization of the new aid for trade initiative can be undertaken through, *inter alia*, such multilateral and global programmes for trade negotiations and trade policy.

#### **(a) Awareness and Coalition Building for Trade Negotiations and Agreements**

Responding to the demand from African countries for assistance on sensitizing them to the intricacies of WTO trade negotiations and formulating common positions on such negotiations, especially by preparing for key negotiating sessions, the "Capacity Building for Trade and Development in Africa" was launched by a partnership involving UNDP with several implementing agencies namely AU, ECA, UNCTAD and several other collaborating partners. Since 1998, under the

<sup>14</sup>Ministerial Declaration, Fourth WTO Ministerial Conference, Doha, 9-14 November 2001.(paragraphs 38-41).

<sup>15</sup>UNCTAD was designated by the UN General Assembly as the focal point of the United Nations on international trade and development and interrelated issues.

first version of the programme through its "Fast Track Module" on Trade Negotiations implemented by UNCTAD in collaboration with other African agencies, the programme assisted African countries in preparing for WTO Ministerial Conferences and major negotiating sessions, and assessing the implications of WTO Agreements on their economies. Support was also provided to African countries in articulating their negotiating objectives and positions for the ACP-EU negotiations. Such assistance has contributed to a large extent to the growing strength in negotiation capacity of most African countries and their preparedness for multilateral trade negotiations. The focus of the support was at the regional level of preparations by African countries for trade negotiations.

In 2003 a follow up programme, with the regional focus maintained, was developed entitled "Trade Capacity Development for sub-Saharan Africa". The objective of the successor programme is to build on the pilot programme and further contribute to the beneficial integration of African countries into the international trading system in order to ensure that trade serves effectively as an engine of growth, poverty reduction and human development in the continent. The immediate objective is to build and strengthen human, institutional and policy capacity in Africa countries for effective participation in multilateral and other international trade negotiations, and for formulating and implementing trade and related policies to achieve poverty reduction and higher levels of human development. In respect of trade negotiations, emphasis is given to African countries' participation in the negotiations under the Doha Round, the interface with ACP-EU negotiations on EPAs, and intra-African economic integration processes under the aegis of the African Union. In respect of policy formulation, emphasis is placed on integrating human development and poverty reduction objectives in processes aimed at trade expansion and diversification<sup>16</sup>. Such capacity development is important to enhance the ability and readiness of African countries to benefit from globalization.

The programme benefits from a coordinated and partnership approach in its implementation by UNDP, African Union (AU), ECA, AERC (African Economic Research Consortium), UNCTAD, SATRN (Southern African Trade Research Network), TWN (Third World Network)-Africa and SEATINI as well as complementary and direct support from other development partners. The programme is providing the following actions at the regional level for African countries, African trade policy makers and trade negotiators and non-State actors:

- Technical advice, updated analysis, and negotiation briefs on the Doha Round and EPAs;
- Support in articulating, coordinating and aggregating trade negotiating interests and positions, and maintaining close and self-reinforcing linkages between the policy-makers in the capitals and negotiators abroad;
- Training on multilateral trade issues in the negotiation skills through increased interaction between policy makers in the capitals and trade negotiators in Geneva and Brussels;
- Facilitate consultative processes on trade negotiations involving various stakeholders;
- Support in articulating trade and investment policies explicitly geared towards accelerated poverty reduction and human development in the continent;
- Policy options on strengthening African regional cooperation and integration processes, taking into account the implications of Doha and EPA negotiations;
- Gender mainstreaming into trade; and
- Promotion and facilitation of best practices in all the above areas.

In addition, a key element of the programme has been the creation of synergies with other trade-related programmes in each agency. For the case of UNCTAD, the programme has created synergies with other programmes such as JITAP and has enhanced the organization's work in the area of new and dynamic sectors.

For trade negotiations, emphasis has been given to African countries' participation in the negotiations under the Doha agenda of the WTO, and the interface with ACP-EU negotiations on

---

<sup>16</sup> UNDP Project document, "Trade Capacity Development for sub-Saharan Africa", New York, 2004

EPAs and intra-African economic integration processes under the aegis of the African Union. In respect of trade mainstreaming, emphasis has been placed on integrating human development and poverty reduction objectives in processes aimed at trade expansion and diversification. The capacity building activities are targeted at policy makers and trade negotiators, and at facilitating increased and systematic involvement of key stakeholders including researchers and academicians, business communities, civil society associations, and parliamentarians.

On the negotiations front, an area of importance for African countries that has also come to the forefront due to its complexity and need for technical assistance has been services negotiations. As services becomes the driving force of structural change in most African economies, contributing more than 50% to GDP and employing more than 60% of total formal sector employment, it becomes clear that African countries have to pay more attention to the sector in terms of formulation of policy, human, institutional and regulatory development.

In the past decade, a number of African regional integration groupings have included services in their regional negotiations. Thus, African countries are now involved in a number of parallel negotiations at the regional and multilateral levels in the area of trade in services. At the EPA level, trade in services emerged as one of the areas of negotiations that were conducted during Phase 1 of the ACP-EU negotiations formally started in September 2002. At the same time, negotiations on trade in services were officially launched at the WTO, as part of the on-going negotiations, in February 2000 and merged into the Doha Round of negotiations under a single undertaking. Thus for African countries that are Members of the WTO, GATS negotiations are operating in parallel with the EPA and regional negotiations. To deal with the novelty and complexity of services negotiations African countries have requested technical assistance to build domestic supply capacity; develop institutional and human capacities and regulatory frameworks; establish data on trade in services; undertake national and regional assessments; facilitate awareness on GATS and the GATS negotiations among stakeholders; and develop and implement a sustainable African services capacity building programme.

The programme has also reinforced regional cooperation integration efforts by African countries, particularly as relates to the EPA negotiations. As regional cooperation is an important instrument for enhancing the capacity of African countries not only for increasing inter-regional trade but also for participating more actively in the globalization process. Increased intra-regional trade provides a solid basis for enhanced participation in wider and more competitive global markets. South-South cooperation and modalities have been utilized to the fullest extent possible in implementing most of the programmed activities, being an important pillar of development strategy pursued by African countries.

Overall, the partnership and programme have had an impact on building negotiation strategies of African countries and their trade negotiators and policy makers and enhancing their preparedness to address topical and critical issues in the Doha and EPA negotiations. These activities, combined with other regional and global programmes have brought about a stronger engagement by African countries in the WTO negotiations under the Doha agenda and the interface of ACP-EU negotiations of EPA negotiations with Doha negotiations. The support provided so far has been important in enabling African countries to jointly prepare for intense negotiations, particularly for WTO Ministerial Conferences. The activities assisted African trade negotiators in Geneva, Brussels and in capitals to identify their individual and common negotiation issues and interests in the WTO Doha agenda, ACP-EU EPA negotiations and in African regional integration process. Several major publications have been produced and considered in regional meetings that helped to inform negotiators on major negotiations and their implications. African trade negotiators were also enabled to establish contacts and networks, share their aspirations, needs and concerns and build coalition and common objectives, and also enabled African countries to network with other regions and to exchange information and their respective development objectives.

The next phase of the programme is under development as the present one will be ending on 31 December 2007. Consultations with the stakeholders, including governments, civil society

organizations, African regional and sub-regional organizations as well as international development agencies and organizations for the different focus areas of the programme have been undertaken for the preparation of the third phase (2008-2011). Future priorities could include trade negotiations, regional integration, trade mainstreaming and knowledge sharing (see Box 3).

**Box.3 Possible areas of focus for African regional trade capacity building**

- Facilitating a more beneficial integration of Africa into global trading arrangements
  - Strengthen capacity of Africa to participate effectively in bilateral, regional and international trade negotiations
  - Enable African countries to develop and expand trade with new economic powers and promote South-South trade
- Strengthen regional integration in Africa
  - Assist African countries articulate and build consensus on strategy and framework for integration at sub-regional and regional levels
  - Strengthen capacity of Regional Economic Communities (RECs) and AU
  - Facilitate empowerment of private sector, civil society, academicians/researchers and other stake holders for effective participation in all aspects of regional integration
- Mainstreaming trade in support of poverty reduction and the achievement of the MDGs
  - Assisting in the exchange of views, experiences and best practice in mainstreaming trade strategies for pro-poor growth and implementation of MDGs
  - Establish and strengthen sub-regional arrangements to assist African countries to streamline trade in favor of pro-poor growth and implement the MDGs.
- Knowledge management and sharing
  - Undertake research and analysis on challenges and opportunities facing Africa in trade
  - Strengthen capacity of regional research centers and think-tanks active in the trade sector and facilitate the coordination of their activities.

**(b) Building institutional capacity for trade negotiation – the Joint Integrated Technical Assistance Programme for African Countries (JITAP)**

JITAP<sup>17</sup> is a nationally focused programme of assistance. It assists partner African countries in strengthening, on a sustained basis, national policy, human, institutional and entrepreneurial capacities to effectively negotiate, implement, and participate in and benefit from their integration into the multilateral trading system as members of the WTO. It is unique and innovative as a tripartite partnership between ITC, UNCTAD, and WTO that implements an integrated package of capacity building on the multilateral trading system encompassing simultaneously the rules dimension (WTO Agreements), the development dimension (policy and development impact) and the business dimension (business impact) (see Box 4). Dr. Supachai, Secretary General of UNCTAD, for example, noted in a statement to an Intergovernmental Conference on Middle-Income Countries in Madrid (Spain) on 1 March 2007 that:

*But ultimately, building supply capacity requires efforts at both the national and international level. A number of international programmes are already working in this area to help the poorest countries, but these efforts and others like them should be expanded to include the poorest middle-income countries as well. UNCTAD, the WTO and the International Trade Centre, for example, help African countries participate more effectively in international trade and trade negotiations, through a joint integrated technical assistance programme, or JITAP. JITAP builds the necessary human, institutional and entrepreneurial capacity and helps the recipient countries draw up national trade policy. The programme, which has successfully worked with 16 African nations, should be extended to other regions.*

<sup>17</sup> For more information, see the programme's website: <http://www.jitap.org>

#### **Box 4: JITAP beneficiaries, donors and implementing agencies**

JITAP was launched in 1996 on the occasion of UNCTAD's ninth quadrennial conference by ITC, UNCTAD and WTO, the executing agencies, following a specific request from African countries in 1994 at Marrakech (Morocco) for assistance from the international community to strengthen their understanding and awareness of the Uruguay Round Agreements that had just been concluded and consummated in the formation of the WTO. JITAP started operations in 1998 following the mobilization of funding, and has been implemented in two phases. The first phase from 1998 to 2002 benefited 8 African countries (4 of which are LDCs) namely: Benin, Burkina Faso, Côte d'Ivoire, Ghana, Kenya, Tanzania, Tunisia, and Uganda. The second phase from 2003 to 2007 expanded the country coverage to 8 more countries, thus benefiting 16 African countries (10 of which are LDCs) namely: Benin, Burkina Faso, Botswana, Cameroon, Côte d'Ivoire, Ghana, Kenya, Malawi, Mali, Mauritania, Mozambique, Senegal, United Republic of Tanzania, Tunisia, Uganda and Zambia. From among these 16 African countries, the 8 phase one countries exited the programme in December 2005 having attained their objectives under the programme. Currently therefore the programme benefits the 8 remaining phase two countries and runs until December 2007.

JITAP benefits from the support of multiple donors including Canada, Denmark, Finland, France, Germany, Ireland, Japan, the Netherlands, Norway, Sweden, and United Kingdom (plus Austria, Belgium and Switzerland for JITAP's first phase). Donors had provided JITAP with a budget of about \$10.4 million for its first phase and \$15.7 million for the second phase. An external evaluation of JITAP's phase two was conducted between May and July 2006. It concluded that a third phase of JITAP should be undertaken with the same objectives, although with improvements. It noted that JITAP is transcending from being a specific programme to a tested delivery system for trade capacity enhancement in developing countries. So there is a high probability that the JITAP ingredients would be able to engender consistent and repeatable results in new countries as well.

A key feature of JITAP is its trade negotiations and trade policy institutional capacity building for partner African countries. Its centre piece is the formation (of new) and/or strengthening of (existing) Inter-Institutional Committees (IICs) and support for their operations to deal with trade negotiations and agreements, and trade policy formulation and adjustment<sup>18</sup>. IICs (see Box 5) comprise of multi-stakeholder bodies or platforms that perform a number of key tasks.

First, IICs facilitate multi-stakeholder dialogue and consensus building, consultations and information dissemination, coordination (and rationalization) of negotiation themes within a specific negotiating forum (primarily the WTO) and between different forums (like between the WTO and ACP-EU negotiation of EPAs). This promotes the co-ordination of objectives across all the trade negotiations, especially in countries where responsibility of trade policy issues are scattered in various ministries. The multi-stakeholder consultations has contributed, in some countries, to specifically integrate and mainstream trade issues into poverty reduction strategies and development plans when these are drafted or revised. JITAP helps to profile trade as an important catalyst for poverty reduction. It has also helped non-state actors to become involved in the policy setting process and made them more collaborative with Government rather than taking up fierce opposing views. It helps countries to improve their trade negotiations skills and deal with vast, complex and highly specialized issues of international trade and trade negotiations. They help improve the public understanding of WTO's mission and issues and the multilateral trading system.

Second, IICs assist in the preparation and adoption of national positions for WTO Ministerial Conferences that reflect national priorities. IICs have helped their countries to submit negotiating proposals to the WTO. They also enable trade negotiators to actively contribute to the elaboration of common negotiating positions by African countries, LDCs and ACP States. Partner African countries are thus assisted in seeking a better deal from multilateral trade negotiations, and in devising and putting in place policies to draw benefits from international trade. In this respect also, IICs analyze trade negotiations and policy issues (like impact of trade agreements) and propose remedial national (and regional) trade policy measures and strategies. IICs organize preparation of technical notes and compendiums of key national negotiating issues for WTO Ministerial Conferences. These serve as

<sup>18</sup> United Nations (UNCTAD), "JITAP Institutional Capacity Building: Trade Negotiations, Implementation and Policies, New York and Geneva 2005



reference material for their deliberations and as guide for their trade negotiators. They also take stock, assess, report and follow up on decisions taken after WTO Ministerial Conferences. Members of IICs establish links with national and regional research institutions that provide resource persons and prepare background papers for the IICs and their sub-committees.

Third, IICs provide a forum for stakeholders to consider and provide inputs to the Government (for example through the Ministry of Trade) for formulation of trade policies and identification of negotiation priorities. They help with broad-based national determination of negotiating priorities and follow-up implementation of results of trade negotiations. In turn, non-governmental stakeholders participating in the IICs like civil society organizations have become more involved and have made a significant contribution to the work of the IICs. Likewise, there is active involvement of the private sector which facilitates development of public-private partnerships and collaboration on trade issues. The business community can advocate their interests in commercial negotiations through the IICs and develop strategies to take advantage of emerging multilateral trade opportunities. This has led to a significant change in 'mind-sets' as in many African countries the business sector is primarily inward-looking, often focus on servicing the national market or the regional market, as the wider international markets are difficult to penetrate for various reasons apart from established, large exporters. With JITAP, awareness is being created among businesses about the important export opportunities in the wider international markets and what specific products can these businesses develop to export.

<b>Box 5. Inter-Institutional Committees in JITAP Partner African Countries</b>	
Benin	Inter-Institutional Commission Responsible for the Following up and Implementing WTO Agreements, with several technical working groups. It was created and legally set up by Presidential decree of 22 January 1999.
Burkina Faso	A two-layered IIC composed of (1) National Committee for the Follow up and Coordination of Implementation of WTO Agreements, with several technical committees, was legalized by Presidential decree of 13 September 2000; and (2) the Ministerial Committee for Monitoring Multilateral Trade Negotiations, comprised only of Government agencies, under the supervision of the Prime Minister.
Côte d'Ivoire	National Inter-Institutional Committee on Follow up to WTO Agreements, created by inter-Ministerial decree of 22 November 2001. It has several technical sub-committees.
Ghana	Inter-Institutional Committee on Follow up of WTO Agreements, established in 1995 with several sub-committees.
Kenya	National Committee on WTO, established in 1995, and works through several sub-committees.
Tanzania	Inter-Institutional Technical Committee of the WTO, established in 1999, working through several sub-committees and recently merged with the National EPA Technical Team.
Tunisia	National Commission on Relations with the WTO established in 1995.
Uganda	Inter-Institutional Trade Committee, established in 1998, and works through several sub-committees.
Botswana	National Committee for Trade Policy and Negotiations, established on 11 March 2004
Cameroon	National Technical Committee on Follow up of WTO Agreements, established in March 1997 by legal decree.
Mali	National Commission for the Follow up of WTO Agreements and Relations with UNCTAD, set up in March 1998 through a legal decree.
Malawi	National Working Group on Trade Policy, established in 2001.
Mauritania	National Coordination Commission on International Trade, established August 2003 by legal decree.
Mozambique	Inter-Sectoral Committee for Trade Policy, established in October 2003.
Senegal	National Committee on International Trade Negotiations, established in December 2001 through a legal decree.
Zambia	National Working Group on Trade with four working groups.

Fourth, IICs facilitate coordinated national-wide monitoring of the implementation and adjustment to WTO Agreements (and other trade agreements). In this direction also, upon request, Governments in some countries are supported in revamping and restructuring the Department of Trade

within Ministries of Trade and Industry. A strengthening of the Trade Ministry will help to request from the national treasury increased resources (budget and officers) to take more proactive participation in trade negotiations and implementation. In some countries some financial resources have been allocated by the central Government for the activities of the IICs.

Fifth, IICs serve as advisory bodies to Governments, drawing up recommendations on trade negotiations and trade policy. IICs sensitize national stakeholders on key issues regarding the multilateral trading system and provide briefings, including to parliamentarians. Members of IICs participate in trade negotiations at the WTO to backstop such negotiations. They serve as important institutional memory on the multilateral trading system and regional trade agreements. This addresses one perennial problem faced by African countries, namely the high mobility of professionals in institutions in search of better jobs and salaries. The institutional capacity building focus helps to maintain the institutional memory even if an officer dealing with a particular issue in a particular organization that is a member of the IICs moves out of that organization.

Sixth, IICs help national experts acquire a full and complete multi-disciplinary knowledge of WTO agreements and related trade issues. Continuous training and provision of technical advice is provided through the IICs to reach out to more members of the trade policy community including the media, updating the knowledge acquired and disseminating information more widely to the general public both inside and outside capitals. Training and advisory services to trade policy makers and trade negotiator have improved their knowledge of WTO issues, and strengthened their skills and ultimately participation in trade negotiations. Often such training is combined with other JITAP activities focused on human resources development. Similar sensitizations for Parliamentarians to make them become interested in trade agreements have been conducted by members of the IIC through briefings by Government officials and members of the IICs. Parliaments have in fact become more aware and concerned by the WTO as they have to ratify the WTO Agreements for them to become enforceable within the country. Seventh, IICs can serve as a forum for coordination of trade-related technical assistance at the country level, or allows for synergies to be developed between such programmes. It also acts as catalyst for generating complementary trade-related initiatives

Membership of IICs includes Government institutions, private sector representatives as well as academia, civil society and NGOs to facilitate the widest possible cross-fertilization of views, transparency in setting negotiation priorities, and consensual determination of national priorities. The number of members can range from a low of 8 institutions to as high as over 85 institutions. The broad membership of the IIC is important. It has helped to bring focus on multilateral trading system issues and raised the profile of trade in the development process. This has made Governments more accountable to the people in the sense that public officials report back to the stakeholders on progress achieved in respect of the national positions taken. The Ministry of Trade and Industry, vested with the national commercial negotiating authority in most countries, serves as the focal point and secretariat for the IICs. In some countries, institutional members of the IICs are included in the national delegations that participate in WTO Ministerial Conferences unlike in earlier such conferences wherein national delegations were composed primarily of Government officials. In some countries, IICs are leader-driven either by Government (Permanent Secretary), industry (captains of industry) or by private sector. Most IICs operate a two-layer structure, namely a plenary of all members and specialized subcommittees dealing with specific trade agreements and/or thematic issues of interest to the country. Generally IICs meet twice or quarterly, while sub committees meet monthly or frequently. The IICs usually have a core team of trade specialists who often participate in trade negotiations with their permanent missions in Geneva or Brussels and the larger team provides back up.

A comprehensive set of activities are implemented by JITAP to build up the institutional capacity of the IICs so that there is a real reinforcement of a permanent (rather than transitory) institutional trade capacity. Regular meetings of plenary of IICs and their sub-committees are held so that the institution is active. Subject specific national workshops (such as on agriculture, NAMA and services) are organized to deal more specifically with the subjects. Sub-regional workshops on toolkits, negotiation skills and specific subjects are organized to disseminate information, share

experiences and best practices, and build skills. National retreats of the IICs on the Doha negotiations and follow up work facilitate dedicated deliberations of stakeholders to develop national positions and strategies. Sub-regional retreats of IICs facilitate an exchange of information among them to develop common positions that reflect Africa's common development goals. A particularly useful feature of such gatherings have been the pre- and post-WTO Ministerial Conference events that helped to improve preparations of national positions for WTO Ministerial Conferences, and to take stock and assess, report on and follow-up on decisions taken after the conferences.

There is constant sharing of experience, expertise and knowledge as well as information among IICs when appropriate through participation of members of IICs at national or regional retreats of neighbouring countries. Such exchanges and identification of best practices in trade-related technical assistance also taken place between countries and other interested countries such as the eleventh UNCTAD conference (June 2004), and during the 6<sup>th</sup> WTO Ministerial Conference (December 2005). An annual high level workshop of all IICs for capital and Geneva-based negotiators has turned out to be a timely and valuable element in the preparedness of JITAP countries for trade negotiations, and especially in preparations for major upcoming WTO negotiations, as well as for experience sharing and networking. They helped IIC members to be updated on the Doha negotiations and to subsequently disseminate such information to their wider memberships. Video conferences on topical issues under the Doha negotiations further enhance national awareness of latest developments in trade negotiations. National studies on the impact of WTO Agreements and areas of compliance provide policy material to Governments and IICs for trade policy development. Sector specific studies such as on trade and gender, or on services assessment also enhance trade policy formulation. Specific country issues such as a tariff commission for Zambia, and strengthening of Botswana's IIC and Department of International Trade build up the trade policy and institutional machinery for its implementation. Advisory services by JITAP agencies (ITC, UNCTAD and WTO) deepen the support and capacities built, and bring in-country coaching by specialists from the agencies.

JITAP has also developed an approach to capacity building that lays emphasis on sustainability and self implementation and innovation (continuous updating) by beneficiary countries. To this end, a number of toolkits have been developed by the implementing agencies to support capacity building for negotiations such as one for "Institutional Capacity Building: Trade Negotiations, Implementation and Policies".<sup>19</sup> Countries can access self-implemented, tool-based programmes to create and strengthen IICs that help to develop and/or adjust national trade policies, engage in trade negotiations, develop export sector strategies, and elaborate medium- and long-term visions for trade, investment and development as well as poverty reduction.

Supporting the work of the IICs and the trade policy community in general, JITAP builds up reference (information) centres on the multilateral trading system for the Government, business and academic community; national enquiry points for technical barriers and sanitary and phyto-sanitary measures, as well as services and trade-related aspects of intellectual property rights; training of trainers and experts in multilateral trading system issues and helping these cadre of experts to form networks and provide in-country training and analyses; and helps the business sector develop export sector strategies focused on specific products and which can be evolved into a national export strategy.

A launching of a third phase of JITAP, when the current phase expires in December 2007, is necessary to meet the huge and continuing needs for trade negotiations support and implementation of trade agreements and benefiting from them. It should involve substantial resource enhancement, expanded country coverage, and strengthened integrated programme delivery instruments at national level of countries and multilateral level of the implementing agencies by ITC, UNCTAD and WTO.

---

<sup>19</sup> UNCTAD/DITC/TNCD/2004/2.

## **CONCLUDING REMARKS**

Capacity building support in African countries for negotiations of trade agreements, implementing them and adjusting to their requirements had been provided by a number of international organizations but it gained significant stimulus and momentum following the creation of the WTO in 1995, the implementation of the WTO Agreements, and subsequently the launch of the WTO Doha Round of comprehensive trade negotiations in 2001. This momentum for trade negotiations, implementation and adjustment is reinforced by a proliferation of negotiations on interregional, regional and bilateral trade agreements. This raises the complexities of trade negotiations as countries are seized with not only with negotiating in the WTO and on regional and/or bilateral trade agreements, but also on ensuring positive coherence between these negotiations and agreements so as to maximize their development gains and minimize development losses.

The international community recognized recently that aid for trade is an indispensable aspect of any trade liberalization programme and any trade agreements to help African countries meet the costs of implementation and adjustment and benefit from their participation in international trade. In particular the connection with trade opportunities that result from trade negotiations and supply capacities to take advantage of trade opportunities is being emphasized in trade agreements and trade capacity building programmes. International development cooperation in the years ahead must involve a sizeable element of aid for trade to enable African countries to participate in trade negotiations and benefit from trade agreements, and ensure that international trade is an engine of development.

Thus while traditional trade related assistance programmes have been provided to help African countries, such programmes would need to change and be substantially augmented in all aspects – financial, coverage (soft and deep end), delivery mechanism, country coverage, regional etc – and implemented over several years on a permanent basis to adequately address the problematic faced in continuous and complex parallel trade negotiations. The Africa Trade Capacity Building Programme and JTAP offer practical, tested and operational modalities that could be supported and enhanced, including as integral aspects of implementing the aid for trade initiative. The two programmes fall within the aid for trade initiative category of trade policy and regulations. This would also meet the rationale for aid for trade assistance to building on existing mechanisms and experiences.