



## African Strategies for Bilateral and Multilateral Trade Negotiations

## WORK PROGRAMME ON TRADE IN GOODS

### Contents

Executive Summary .....	3
I BACKGROUND .....	5
II NAIROBI WORKSHOP .....	6
III RESEARCH AREAS FOR TRADE NEGOTIATIONS .....	12
IV TRAINING FOR THE LAW PROFESSIONS OF AFRICA.....	15
V CAPACITY BUILDING FOR TRADE NEGOTIATIONS.....	17
VI ELEMENTS OF THE PROGRAMS OF SUPPORT .....	19
Appendix 1: Structure of Nairobi workshop.....	22
Appendix 2: Participant List .....	31
Appendix 3: Regional Program for Central, East and West Africa. ....	36
Appendix 4: Areas of ILEAP Support for the Africa Group at the WTO .....	41

## **Executive Summary**

This document reports on ILEAP efforts towards the identification of its program of work. The areas of interest have been divided into five groups: agriculture, non-agricultural market access, services, trade rules and trade-related issues. This document focuses primarily on trade in goods (agriculture and manufacturing) and activities which were identified following extensive consultation, including an ILEAP workshop in Nairobi on March 15-20, a teleconference organized by ILEAP for the Africa Geneva Group (AGG) on April 2, and a consultation organized by the FAO in Rome on April 5-6.

The objectives of the Nairobi workshop were to: (1) enhance the skill of African trade advisors in assessing the implications of alternative negotiating options for African economies, (2) ensure negotiating positions are formulated taking into account African commercial interests and the ability to implement negotiated commitments, as well as the points of view of relevant partners and stakeholders, and (3) ensure coherence between national and bilateral negotiation commitments. The overall focus was on trade in agriculture and manufactured goods, and separate sessions addressed the issues related to agricultural and non-agricultural market access.

Participants mainly comprised trade negotiators and their advisors, other trade analysts and policymakers, and relevant private sector and civil society organizations. Representatives attended from the three regional economic communities that ILEAP programmes are currently focused on: the East African Economic Community (EAC), the Economic Community of West African States (ECOWAS) and the Central African Economic and Monetary Community (Communauté Economique et Monétaire de l'Afrique Centrale) (CEMAC). Selected countries from the three regions were studied to ensure an adequate interface between multilateral and bilateral negotiations. Speakers from other regions presented the perspectives of African main trading partners.

The first part was a three-day training workshop on analytical frameworks focusing on the World Integrated Trade Solution (WITS) model and the Agricultural Trade Policy Simulation Model (ATPSM). Participants were also introduced to databases of interest to trade negotiators. This primarily involved selected African negotiators and trade advisors who will work in ILEAP regional and national programmes.

The second part was a 2-day workshop that centered on the various trade and development issues that could be the basis of specific negotiating objectives and strategies in international trade talks. The overall focus was on trade in agriculture and manufactured goods. Separate sessions addressed the issues related to agricultural and non-agricultural market access. Presentations in this session focussed on negotiation objectives

and what could be done to achieve them; and non-trade (non-commercial) objectives that need to be factored into negotiation objectives and strategies.

The third part entailed bilateral discussions between ILEAP and various governments and regional economic communities. Such discussions drew from the first five days of exchanges among participants on negotiation objectives and processes to prepare a specific work programme for ILEAP's assistance to the specific African countries and regions in trade negotiations.

The workshop, the subsequent conference call among members of the AGG, and the FAO conference in Rome helped to establish work programmes which ILEAP will organize to provide support during the important trade negotiations currently taking place under the WTO, the Cotonou Agreement, the African Growth and Opportunity Act, and various African regional economic communities. The modalities of the work programmes, including the sequencing of activities, will closely follow the institutional framework and the subject scope of these various fora.

The work programme for the regions under discussion at the Nairobi workshop will address issues such as monitoring and defending market access rights, supporting trade negotiations, and strengthening the programmes for African economic integration. The work programme will cover three broad areas: research on selected topics in support of trade negotiations (including agriculture, non-agricultural market access; services; regional trade agreements; TRIPs agreement; special and differential treatment; and commodities); training for African law professions, mainly for negotiations and dispute settlement relating to the WTO, with a view to establishing a facility of WTO lawyers for Africa, and building sustainable regional capacity for trade negotiations.

This work programme will be integral to activities in support of the Africa Group of countries in trade negotiations. The work programme will be undertaken in close co-operation with the secretariats of the African regional and sub-regional economic communities.

In the short term (April –July), support will be primarily focused on the African Group in Geneva (AGG) and will entail short papers and analysis, as well as direct advisory services. The support will also provide assistance to the African trade ministerial planned for Kigali in May. Frequent stakeholders' workshops, whose goals will include sharing of research results, planning further research and priorities, and promotion of capacity building, will be needed for each of the regional programs. Background papers will be prepared to sustain the workshop discussion.

Regional programs, including background papers and consensus building, will be drawn up for the period of May-December 2004 for the three regions under discussion (EAS, ECOWAS and CEMAC). Selected national programs in these regions are also being finalized.

## **I BACKGROUND**

During 2004, African and Caribbean (AC) countries will be engaged in the crucial process of re-launching multilateral trade negotiations following the failed Cancún Ministerial Conference of the WTO. Simultaneously, they will start negotiating the trade component of the ACP/EU Cotonou Partnership Agreement (CPA) at the regional level. Both the Doha work programme and the CPA have recognized the need for these negotiations to be consistent with, and supportive of, Africa's long-term development objectives. However, as these countries have learned from the all-ACP phase of the CPA negotiations as well as the slow progress in the Doha Development Agenda, unless they prepare and proactively participate there is no guarantee that a focus on development will materialize to the point where they can enjoy the benefits of enhanced market openings. ILEAP assistance aims at ensuring that trade is an engine of sustainable human development. To that effect, several important tasks urgently need to be undertaken. The purpose of this report is to highlight those issues that have transpired in ILEAP consultations and that could feature in the work program.

This document focuses primarily on trade in goods (agriculture and manufacturing) and activities which have been identified through extensive consultation taking place at the ILEAP workshop in Nairobi (see **Appendix 1**), a subsequent conference call with the AGG, and a consultation organized by the FAO in Rome.

## II NAIROBI WORKSHOP

### ***Venue***

Intercontinental Hotel, Nairobi, Kenya.

### ***Partners***

The main partners for this workshop were the Kenyan Institute of Public Policy Research and Analysis and the World Bank Institute. Other collaborators and resource persons came from the International Food Policy Research Institute (IFPRI), the Food and Agriculture Organization (FAO), and the United Nations Conference on Trade and Development (UNCTAD).

The objectives of the Nairobi workshop were to: (1) enhance the skill of African trade advisors in assessing the implications of alternative negotiating options for African economies, (2) ensure negotiating positions are formulated taking into account African commercial interests and the ability to implement negotiated commitments, as well as the points of view of relevant partners and stakeholders, and (3) ensure coherence between national and bilateral negotiation commitments.



The workshop was divided into three parts. Part one (March 15–17) was a three-day training workshop on analytical frameworks focusing on the World Integrated Trade Simulation (WITS) model and the Agricultural Trade Policy Simulation Model (ATPSM). Participants were also introduced to databases of interest to trade negotiators. This primarily involved selected African negotiators and trade advisors who will work in ILEAP regional and national programmes.

Part two (March 18-19) of the workshop was a two-day conference centred on the various trade and development issues that could be the basis of specific negotiating objectives and strategies in international trade talks. The overall focus was on trade in agriculture and manufactured goods. Separate sessions addressed the issues related to agricultural and non-agricultural market access. In addition to the participants in the first workshop, the second part included policymakers, members of civil society, and selected development partners. The involvement of participants with various perspectives aimed to enable African negotiating positions to take into account relevant negotiating realities, including needed trade-offs. Presentations were accordingly in two components. The first component concentrated on negotiation objectives and what could be done to achieve them. Presenters included senior trade officials responsible for final decisions on negotiation objectives and strategies, trade lawyers, and independent trade analysts. Economic and legal perspectives underscored all discussions. The second component broadened the discussion to non-trade (non-commercial) objectives that need to be factored into negotiation objectives and strategies, to ensure that overall economic development objectives, in particular poverty reduction, are being pursued. This exercise produced a rough template of negotiation objectives and process for enhanced participation in both WTO and EPA negotiations; and such a template is reflected in the generic issues identified in various components of the programs discussed in this report.

The third part of the workshop (March 20) entailed bilateral discussions between ILEAP and various governments and regional economic communities. Such discussions drew from the template of negotiation objectives and processes to prepare a specific work programme for ILEAP's assistance to African countries and regions in trade negotiations.

### ***Participants***

Participants mainly comprised trade negotiators and their advisors, other trade analysts and policymakers, and relevant private sector and civil society organizations. As ILEAP's programmes focus primarily on three regional economic communities, representatives from the following communities attended: the East African Economic Community (EAC), the Economic Community of West African States (ECOWAS) and the Central African Economic and Monetary Community (Communaute Economic et Monetaire de l'Afrique Centrale) (CEMAC). Selected countries from the three regions were studied to ensure an adequate interface between multilateral and bilateral negotiations. Countries represented at the workshop were Cameroon, Côte d'Ivoire, Ethiopia, Ghana, Guinea, Kenya, Nigeria, Senegal, Tanzania, Togo and Uganda. Non-African speakers from other regions (e.g. USA and Europe) presented the perspectives of their main trading partners. The participants from these countries brought with them diverse perspectives on the issues discussed and represented a wide range of stakeholders.

The participant list, attached as Appendix 2, can be broken up as follows:

<b>Stakeholder Group</b>	<b>Number of representatives</b>
Government Ministries	11
Universities	6
African Policy Research organizations	13
International Organizations	4
Bilateral and Multilateral Trade groups	5
Civil Society	9

### ***Evaluation***

Preliminary results from an evaluation of the workshop—implemented by the World Bank using a survey—indicate that this ILEAP event was relevant and helpful to the participants. Negotiators from countries and regions involved in current trade negotiations who participated in the workshop have all since requested the assistance of ILEAP.

The participants were grateful to ILEAP for the workshop, which they found appropriate and helpful. They welcomed ILEAP's offer of assistance and endorsed the adoption of work programmes for Africa, which would involve both capital-based and Geneva- and Brussels-based government representatives, to support them in the WTO and EPA trade negotiations. Subsequently as a follow-up to the workshop, ILEAP convened a teleconference on 2 April 2004 with the Africa Group of countries based in Geneva to further discuss and finalise the specifics of a work programme for Africa.



### ***Ongoing/Future Work Programmes***

The main elements of the work programme that came out of the consultations center around the World Trade Organisation, the Cotonou Agreement, the African Growth and Opportunity Act, and various African regional economic communities.

The modalities of the work programmes, including the sequencing of activities, will closely follow the institutional framework and the subject scope of these various fora. For instance, important meetings at Geneva for the WTO, Brussels for the EPA negotiations, Lusaka for the COMESA negotiations, Arusha for the EAC negotiations, among others, will be preceded by preparations such as workshops at which research results will be shared, issues likely to arise considered, and ways forward charted.

The work programme for the three regions that were the focus of the Nairobi workshop, namely Central, East and West Africa, will have the following five complementary aspects, which will be addressed and provide sources of input in all the activities:

- Domestic processes for formulating and implementing trade policy
- Monitoring and defending market access rights
- Supporting trade negotiations
- Strengthening the programmes for African economic integration, and
- Promoting research and education in the areas of the World Trade Organisation and African economic integration.

The actors who will be the partners and direct beneficiaries are: the export sub-sectors of the private sector, government departments covering various aspects of external trade and foreign relations, representatives in trade negotiations, secretariats of African regional and sub-regional economic communities, and professionals in African countries especially in the areas of law and economics. Workshops will typically have participation from all the partners and direct beneficiaries, and will seek to support the government processes for formulation and implementation of trade policy.

In all the trade negotiations including at the WTO and under the Cotonou Agreement as well as in the programmes for regional economic integration and other initiatives, which should be co-ordinated and proceed in tandem, ILEAP will play an important role in terms of:

- Undertaking analytical studies and research,
- Assisting in preparing negotiating proposals and communications,
- Providing a forum for harmonising and coordinating negotiating positions, in all negotiating fora across the board,
- Supporting capacity building activities,
- Promoting the inclusion of lawyers in the research, consultation and negotiating processes, and preparing them for dispute settlement, and
- Ensuring that development is a core basis for instruments agreed and adopted.

The work programme will cover three broad areas: (a) research on selected topics in support of trade negotiations, (b) training for African law professions mainly for negotiations and dispute settlement relating to the WTO, with a view to establishing a facility of WTO lawyers for Africa, and (c) building sustainable regional capacity for trade negotiations.

### **III RESEARCH AREAS FOR TRADE NEGOTIATIONS**

This section sets out the areas that will be covered by ILEAP's research programme on trade negotiations. Research results will be disseminated through workshops and publications, and through an organic link with the Africa Group of countries at the WTO and other trade negotiators that will facilitate the regular exchange of notes on issues and priorities and the sharing of research findings. A detailed discussion of this research can be found in Appendix 3.

#### ***Agriculture***

Work relating to negotiations on agricultural products will address the implications for agricultural development in Africa of the proposals various members make and will pro-actively recommend options and positions. Research will address issues with respect to special and differential treatment; market access; export competition; domestic support; and others.

#### ***Non-agricultural Market Access***

Work on non-agricultural market access negotiations will aim to produce studies and proposals on stimulating industrial growth and development in the region bearing in mind proposals that have been made for negotiations. This work will address such issues as past liberalisation programmes in Africa; justification for binding tariffs; and the criteria for classification of countries by the WTO.

## ***Services***

Work on services negotiations will assist selected African countries to make requests, respond to requests made to them, and assess initial offers that have been made. The members will need assistance to prepare for the EPA negotiations on services. The studies will specifically address Mode 4 in GATS and development in Articles 4 and 19 of GATS.

## ***Regional trade agreements***

Work on negotiations on regional trade agreements in the WTO should aim to produce studies and proposals that will incorporate development in negotiations on Article 24 of GATT 1994, and to preserve the Enabling Clause, taking into account the regional initiatives for economic integration.

## ***TRIPs Agreement***

Work on public health and access to medicine should aim to produce proposals for amending the TRIPs Agreement, in light of the decision of 20 August 2003. There should be work on extension or otherwise of additional protection under geographical indications to products other than wines and spirits. The work should also recommend how best to finalised the review under Articles 27.3b and 71.1.

### ***Special and differential treatment***

Work on the review of SDT provisions will produce studies on a framework on SDT to guide current and future negotiations, and assess the commercial worth of progress made on Agreement-specific proposals.

### ***Commodities***

Work on commodities will build on the communications from African countries to the Committee on Trade and Development on the declining prices of primary commodities and how to address the effects.

### ***Other areas***

The WTO work programme adopted at Doha will be taken as a whole, to cover the cross-cutting issues and explore synergies. The programme will address also the negotiations on trade remedies and dispute settlement, including the resolution of the discussion on the Singapore issues as well as in the working group on trade debt and finance, and on trade and technology transfer.

#### **IV TRAINING FOR THE LAW PROFESSIONS OF AFRICA**

African countries have international obligations and rights as members of the WTO. Such obligations and rights require, among other things, lawyers who are conversant with the Agreement Establishing the World Trade Organisation (WTO Agreement) and who can take up appropriate cases to defend the countries and to enforce their rights. The law profession also facilitates due compliance in domestic proceedings with the rules required under the WTO Agreement and may vigorously participate and assist in national dialogue on WTO matters. Indeed, for instance, at the 2003 annual conference the East African Law Society, opened by the President of Uganda, members of the law professions of East Africa clearly expressed a wish to receive training on the WTO Agreement, particularly the legal implications for the East African countries.

Since its entry into force on 1 January 1995, the WTO Agreement has grown into a monumental institution that covers and has implications for practically all trade sectors of the economy, but specifically in the areas of trade in goods, trade in services, protection of intellectual property, and settlement of trade disputes between member countries. While as an international trade instrument it would limit itself to border measures affecting external trade relations, the WTO Agreement has detailed regulations on internal measures that affect the trade interests of other member countries, particularly in the areas of health and technical standards, investment promotion, subsidies, regulation of services, and the protection and enforcement of intellectual property rights. The WTO Agreement has over 18 separate Agreements annexed to it that cover specific trade areas, and creates mechanisms for continuous negotiation of new instruments.

The WTO is an elaborate rule-based institution in the sense that the WTO Agreement contains detailed rules governing relations among the members and the rules are enforceable under the WTO dispute settlement system. According to the Dispute Settlement Understanding, any breach of the WTO Agreement is to be addressed in accordance with the procedures contained in the Understanding and no member may resort

to unilateral measures to address an alleged breach. The implication for member countries is that they need legal competence regarding the rules of the WTO Agreement, and should have a readily available reservoir of lawyers that can take up WTO cases. Without adequate and readily utilisable legal skills, a member country stands little chance of enforcing its rights and defending itself under the WTO Agreement.

African countries have had occasions when they would have wished to defend their WTO rights, for African exports routinely face WTO-inconsistent measures in other WTO member countries. However, though so far the WTO has handled over 200 cases, African countries have only marginally engaged in few WTO cases (as third parties).. In addition, Africa frequently has to grapple with issues of subsidised imports, dumped imports, and surges in imports, which could be addressed using the trade remedies provided for by the WTO Agreement. There is an additional complication of uncertainty about the domestic laws to invoke. If the law profession is not conversant with the WTO Agreement, this helplessness and uncertainty will not disappear when the governments finally complete the process of enacting streamlined laws on the WTO Agreement and specifically on trade remedies.

Legal skills are required in the continuous negotiations, because the negotiations concern legal instruments and involve detailed analyses of provisions intended to have legal effect and to bind the members. The negotiating teams would therefore need to have lawyers conversant with the WTO regime and agenda. Apart from being a source of lawyers to supplement the negotiating teams, the law professions can generally support and promote public debate about the WTO and generate ideas for the way forward on pertinent issues.

It is proposed therefore to hold a series of workshops for the law professions of Africa. The workshops will cover the entire WTO Agreement, including issues currently under negotiation in accordance with the work programme that the Fourth Session of the Ministerial Conference adopted in Doha in Qatar on 14<sup>th</sup> November 2001.

The workshops will contribute to capacity building in the law professions for the WTO area by establishing a facility of WTO lawyers for Africa through:

- Introducing the WTO Agreement to the law professions so that the Agreement is factored into law practice and legal education in Africa;
- Introducing the negotiating agenda to the law professions for the lawyers to be actively involved in debating the issues and formulating and drafting the negotiating positions as well as relevant text for possible instruments;
- Demonstrating the need for inclusion of lawyers in the delegations to the negotiations on the basis that legal skills can be helpful in negotiating national positions into the drafting and adoption of WTO instruments; and
- Encouraging lawyers to study and follow WTO Law as a subject and to appreciate the development implications of instruments governing the multilateral trade system.

## **V CAPACITY BUILDING FOR TRADE NEGOTIATIONS**

This programme on capacity building for trade negotiations will be undertaken through advocacy including the holding of workshops for stakeholders, through convening short training courses, and where appropriate through supporting the introduction of courses in the curricula of institutions of higher learning. A national programme on capacity building for trade negotiations is a key foundation for sustainability in

effective trade negotiations, because without the human and skills capacity to negotiate a country does not have those means to pursue its objectives in trade negotiations. The programme on capacity building for trade negotiations should address the following elements:

- Maintaining an institutional memory, including retention of employees, so that experience is not lost and is instead augmented through consistently keeping current on relevant issues and participating in the programmes for trade policy and position formulation, and in the negotiations, as the case may be,
- Training particularly through introducing relevant trade subjects in the curricula of institutions of higher learning, for instance, African Economic Integration, WTO Law and Policy,
- Manpower planning to adequately cater to the personnel needs of the country in the short, medium and long term,
- Inter-ministerial and inter-organisational coherence in order to eliminate inconsistent government policies and positions on key issues,
- National and regional networking for government officials, researchers, education institutions, and civil society, and
- Adequate provision in the national budget.



## **VI ELEMENTS OF THE PROGRAMS OF SUPPORT**

Support for this work programme will be through funding, organisation and other facilitative functions as part of trade programmes for the Africa region. This work programme will be integral to activities in support of the Africa Group of countries in trade negotiations. The work programme will be undertaken in close co-operation with the secretariats of the African regional and sub-regional economic communities.

### ***Research for trade negotiations***

ILEAP will organize workshops with participation from all stakeholders. Background papers will be prepared to sustain the workshop discussion. The aims of the workshops will include (a) consideration and dissemination of research results, (b) identification of priorities and further research areas, (c) co-ordination of negotiating priorities and positions, (d) co-ordination of activities with other research institutions and stakeholders, (e) promotion of capacity building. The research to be undertaken will entail regional and national program. The regional program is currently finalized and launched for Central, East and West Africa (see Appendix 3). A regional coordinator for each region will be appointed and be responsible for monitoring the activities, helping the ILEAP Secretariat in liaising with the regional negotiation process and also prepare a summary document that will help define a roadmap for the negotiation.

### ***Support to the Negotiations***

The support will in the short term (April –July) primarily focused on the African Group in Geneva (AGG) and will entail short papers and analysis. ILEAP will also, in consultation with the Africa Group to have two advisors on almost permanent basis for 2 months each. The support will also go to the assistance to the African trade ministerial planned for Kigali (May 26-28) and this could be preceded by a resource person monitored retreat of the AGG in Geneva in early May. Details of the support to the AGG are in appendix 4. It should be noted that stakeholders' workshops will be needed for each of the regional programs. The East African workshop will be jointly organized with the East Africa Community; that of Central African will be with the regional bureau of the ECA in Yaounde. The West African workshop is planned to be jointly sponsored with the ECOWAS and the World Bank but the details are still to be finalized.

Based on earlier consultations, requests have been received from national governments. Light programs will be considered for the following governments: Kenya, Uganda, Tanzania, Cameroon, Guinea, Senegal and probably Nigeria and Cote d'Ivoire. Some of these would entail research and stakeholders workshops. Those who attended the Nairobi workshop will also be helped to get access to relevant databases and software through the Ministry of trade, the local lead advisors and in at least one case (Kenya) the Mission in Geneva.

## **Appendix 1: Structure of Nairobi workshop**

**Venue: Nairobi, World Bank Office**

**Date: March 15–17, 2004**

This part of the workshop will aim to develop a template of the relevant negotiation issues and introduce African scholars to the relevant concepts and analytical tools. A non-exhaustive list of issues is as follows:

1. How do negotiations in agriculture and NAMA address the barriers (tariffs and non-tariffs) facing African exports?
2. Do the country (region) exports face high tariffs, tariff escalation, tariff peaks?
3. Which are the most binding non-tariff and market entry barriers facing your country/region?
4. How much do we know about the various formulae used in agricultural and NAMA negotiations? Have they been applied to your country/region data?
5. Lessons, if any, from the application of formulae on your country/region data?
6. What are the negotiating options, e.g. binding, further liberalization?
7. Government revenues and liberalization: trade tax, income tax, etc.
8. Discussion of adjustment costs and other constraints facing your country/region trade in agriculture and industrial products.
9. Measures to mitigate liberalization's short-term cost in your country/region (infant industry, terms of trade, reform in revenue mobilization institutions).
10. Tariff profile for your country/region (bound, applied, regional commitments in unilateral liberalization, countries' separate commitments in the WTO).
11. Preferences: Which ones are applicable to products of interest to your country/region? Which ones could bring benefits in the future? What could increase benefits or preferences to your country/region?
12. Simulating the impact of trade liberalization: ATPSM, TRAINS/WITS, other CGEs, other models. Any illustrations?
13. Combining your simulations with those available in the literature.
14. Likelihood of exogenous process of generating other simulations through GTAP or other larger frameworks.
15. What are the desirable simulations for supporting EPA and WTO negotiations?

16. Where does your country/region need a proactive offensive strategy? Elaborate on what to do and how to do it and whether the necessary framework is available for that. If it is not available, how can this be done?
17. Where does your country/region need a defensive strategy? Elaborate on what to do and how to do it, and whether the necessary framework is available for that. If it is not available, how can this be done?

**Expected Output:**

1. Familiarity with TRAINS, COMTRADE, IDB databases.
2. Produce and provide a summary analysis of the country/region trade data.
3. Produce and provide a summary evaluation of government revenue and dependence on various tax instruments.
4. Development of template of a country/region programme.

## Programme

### Day 1: Monday, March 15, 2004

#### Session 1: 9 AM – 10:30 AM

##### Non-agricultural market access issues

- WTO and EPA negotiations
- Beyond tariffs:
  - Discriminatory taxes and quasi tariffs
  - Collection and exemptions
  - Non-tariff measures
- Toolbox

#### Session 2: 10:45 AM – 12:45 AM

##### World Integrated Trade Solutions (WITS)

- Introduction
  - What is WITS ?
  - Registration and installation
  - Access to databases
- Trade data
  - Quick and advanced queries
  - COMTRADE, TRAINS, IDB
- Tariffs and NTMs in WITS
  - Tariff statistics
  - WTO: Consolidated Tariff Schedules
  - WTO: Integrated Data Base
  - UNCTAD TRAINS

***Lunch: 1:00 PM to 2:30 PM***

**Session 3: 2:30 PM – 4:00 PM**

Exercise (extraction of trade data from COMTRADE, TRAINS, IDB)

**Session 4: 4:15 PM – 5:30 PM**

EPA negotiations and industrial tariffs.

**Cocktail (Hotel): 6:30 PM to 8:00 PM**

**Day 2: Tuesday, March 16, 2004**

**Session 5: 9:00 AM – 11:00 AM**

**World Integrated Trade Solutions (WITS)**

- Non-agricultural market access negotiations
  - Post Uruguay Round landscape
  - Doha agenda
  - Analyzing the proposals in WITS
  - Interpreting the results
- The SMART Model
  - Introduction to the model
  - Non-preferential liberalization
  - Preferential liberalization
  - Limits of the model

**Session 6: 11:15 AM – 12:45 PM**

Exercise: Simulation using WITS (each team to focus on own country/region data)

***Lunch 1:00 PM – 2:30 PM***

**Session 7: 2:30 PM – 3:30 PM**

Agricultural negotiations in the WTO and EPAs (Links with ATPSM).

**Session 8: 3:45 PM – 5:30 PM**

Agriculture Trade Policy Simulation Model (ATPSM)

**Day 3: Wednesday, March 17, 2004**

**Session 9: 9:00 AM – 10:30 AM**

Exercise: Simulation using ATPSM (each team to focus on own country/region data)

**Session 10: 10:45 AM – 12:45 PM**

Presentation and discussion of country/region simulation and trade profile (selected country/region to present aspects of what has been achieved in the workshop)

***Lunch: 1:00 PM to 2:30 PM***

**Session 11: 2:30 PM - 5:30 PM**

Preparation of template terms of reference for country/region programme

## Agenda

### Day 1

#### 9:00 AM – 9:30 AM Opening Session

KIPPRA

ILEAP

Ministry of Trade Kenya

#### 9:30 AM – 11:30 AM Session One: Industrial tariffs

1. Trade/commercial Issues in NAMA in WTO and EPA negotiations: what are the negotiation objectives and how they can be achieved? Who provides grounds for strategic alliances? Where are defensive and offensive negotiations required?

Presenters:

- a. Government negotiators (Geneva perspective): Nelson Ndirangu (Kenya/Geneva)
- b. Government negotiators (Kenyan perspective)
- c. African private sector producers/exporters: Kenyan Association of Manufacturers.
- d. Legal issues related to industrial policy options in the WTO and EPA: David Luff (European and American perspectives)

Discussion: Short presentation of other African countries' perspectives before general discussion.

#### 11:30 PM – 1:30 PM Session Two: What are the problems and what are the solutions to industrialization amenable to trade negotiations?

2. Presentation of trade and tariff profiles: What level of reform has been achieved and where are the problems? (Possible topics: evidence of high, peak, escalation tariffs, non-tariff barriers, further binding.) This presentation will differentiate region-specific situations from

those of the rest of the world. It will also inform the audience on the possibilities offered by the analytical framework discussed in the methodological workshop held in first part of the week. A proposed Terms of Reference for the papers will be presented.

Presenters:

a. Marc Bacchetta and a participant of the methodological workshop

3. Trade and development issues to consider in advisory support

Presenters:

a. Civil society

b. Developed countries' perspectives (to confirm)

4. Discussion

**1:30 PM – 3:00 PM Group lunch**

**3:00 PM – 5:30 PM Session Three: Agricultural Negotiations**

5. Trade/commercial issues in agriculture in WTO and EPA negotiations: what are the negotiation objectives and how they can be achieved? Who provides grounds for strategic alliances? Where are defensive and offensive negotiations required?

Presenters:

a. Government negotiators (Geneva perspective): Ndirangu (Kenya/Geneva)

b. Government negotiators (country perspective)

c. African private sector producers/exporters:

d. Legal issues related to agricultural policy options in the WTO and EPA Presenters: Francis Mangeni and David Luff

**Day 2**

**9:00 AM -- 11:30 AM Session Four: What are the problems and what are the solutions for agricultural development?**

6. Presentation of trade and tariff profiles: What level of reform has been achieved and where are the problems? (Possible topics: evidence of high, peak, escalation tariffs, non-tariff barriers, further binding.) This presentation will differentiate region-specific situations from those of the rest of the world. This presentation will also inform the audience on the possibilities offered by the analytical framework discussed in the methodological workshop held in the first part of the week. The draft terms of reference of the papers to be prepared will be presented.

Presenters:

- a. A participant in the methodological workshop
- b. David Orden

7. Trade and development issues to consider in the advisory support

Presenters:

- a. Ademola Oyejide
- b. Civil society
- c. Development partners

8. Discussion

### **11:30 AM -- 1:30 PM Session Five: Food security**

9. Trade and food security in Africa: What are the options in the WTO and EPA negotiations?

Presenters:

- a. FAO
- b. Agro-processing industry
- c. Civil society
- d. Development partners

### **1:30 PM – 3:00 PM Group lunch**

**3:00 PM – 4:00 PM Session Six: Elements of country/regional programmes**

Discussion

**4:00 PM – 4:30 PM Closing Session**

Chair: Ministry of Trade Kenya

Presenters:

- a. Ministry of Trade Kenya
- b. Vote of thanks

**Day 3**

**Programme design and planning**

ILEAP will meet with representatives of regions and countries where discussions on advisory support is advanced to agree on the final list of analyses to undertake, the advisors, and other associated activities.

1. **9:30-10:00:Guinea**
2. **10:00-10:30: Nigeria**
3. **10:30-11:00: Kenya**
4. **11:00-11:30: EAC**
5. **11:30-12:00: Senegal**
6. **12:00-12:30: ECOWAS**
7. **12:30-1:30: Cameroon**
8. **1:30- 2:00: Central Africa**

## Appendix 2: Participant List

ILEAP Capacity-Building Conference: Training and Workshop on African Strategies for Bilateral and Multilateral Trade Negotiations

Nairobi, Kenya

March 15-20, 2004

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### **Appendix 3: Regional Program for Central, East and West Africa.**

The regional program on trade in goods will have papers in the areas of agriculture and manufacturing as follows.

#### ***Agriculture***

Work relating to negotiations on agricultural products will address the impact on agricultural development in the region (EAC, CEMAC or ECOWAS) of the proposals on the table. This section provides a discussion of specific research issues.

- In respect of special and differential treatment, the research should:
  - Provide the justification for the concept of Special Products, criteria for selection of the products and indicate the products that could be included, and address any other issues in this connection.;
  - Provide appropriate responses to the offer from the EU, in the context of the EPA and WTO negotiations, that Africa should consider indicating products of special export interest so that the EU could take measures to promote market access to its market;
  - Provide the justification for use by Africa of the special safeguard mechanism, [the legal nature in particular] unclear whether the mechanism should be formulated in binding rules, the criteria for invoking the mechanism along the lines of the current Article 5 of the Agriculture Agreement, the price and volume triggers, and other related issues;

- Address the impact of liberalisation on current preferences and explore remedial measures to mitigate or contain any adverse impact, such as the establishment of appropriate Funds or adoption of appropriate adjustment periods along the lines of the Agreement on Textiles and Clothing; as well as how much benefit has been derived under the previous and current preference regimes and the problems encountered under them.
- In respect of market access, the research should:
  - Address the implications of particularly the blended formula on the regions' (EAC, CEMAC or ECOWAS) economies, taking into account the regional move towards a free trade area or customs union, and possibilities of an alternative formula;
  - Address the impact of the expansion of tariff rate quotas on the market access of (Central , East, West) African countries;
  - Identify and assess the impact of, and make recommendations on, tariff peaks and escalation; as well as non-tariff measures on the market access and industrialisation of (Central, East, West) African countries.
- In respect of export competition, the research should:
  - Assess the impact on the (Central, East, West) African economies in third markets of the export subsidies, particularly in developed countries such as those in the EU;
  - Explore the possibility of a strong and comprehensive package (along the lines of the NFID decision) that can be effectively operationalised to address the negative effects of further liberalisation of agricultural trade.

- In respect of domestic support, the research should address the impact on the (Central, East, West) African economies in third markets of domestic support in developed countries such as those in the EU.
  
- The other issues for research include:
  - The modalities for agricultural reform in developed countries, including the shifting of boxes and the introduction of other facilities – for instance, the impact on the (Central, East, West) African economies of the reform of the Common Agricultural Policy.
  
  - The role or importance, as well as the nature, of state trading enterprises, including the justification and possibilities of establishing or maintaining them in (Central, East, West) African countries and exempting them from disciplines adopted in the WTO.
  
  - Assessing the effectiveness and impact of current food aid disciplines; providing a re-conceptualisation and justification for food aid; modalities giving good aid; exploring the possibilities of local sourcing; and seeking? an appropriate response to proposals in the negotiations.

### ***Non-agricultural market access***

Work on non-agricultural market access negotiations will aim to produce studies and proposals on stimulating industrial growth and development in the region bearing in mind proposals that have been made for negotiations.

The goals of the research will include the following:

- Assess the impact of past liberalisation programmes in Africa;
- Assess the impact of various formulae under various scenarios and recommend the appropriate one, taking into account the formation of the (Central, East, West) African Customs Union and the adoption of a common external trade regime particularly the common external tariff;
- Assess the justification for binding tariffs and increasing coverage for developing and least developed countries with specific reference to the (Central, East, West) African countries, and the conditions for increasing the coverage in light of the various formulae;
- Assess the impact of the proposed sectoral approach, focussing on the sectors that have been proposed, on the (Central, East, West) African countries; and explore possibilities of appropriate sectors for inclusion that can stimulate industrial growth and development in (Central, East, West) African countries;
- Identify and assess the impact of, and make recommendations on, tariff peaks and escalation, as well as non-tariff measures on market access for and industrialisation of (Central, East, West) African countries;
- Address the impact of liberalisation on current preferences and explore remedial measures to mitigate or contain any adverse impact, such as the establishment of appropriate Funds or adoption of appropriate adjustment periods along the lines of the Agreement on

Textiles and Clothing; as well as how much benefit has been derived under the previous and current preference regimes and the problems encountered under them;

- Identify and make recommendations on addressing supply-side and any other demand-side constraints on the developing and utilising the potential of Africa to benefit from multilateral, regional and bilateral market access opportunities;
- Analyse and make recommendations on the criteria for classification of countries in the WTO as developed, developing and least developed, examining the possibility of initial agreement among African countries and between African and advanced developing countries of Asia and Latin America, and exploring the possibilities of using trade volume as one element of the criteria for classification; and
- Examine the process for African economic integration, with specific focus on the multiplicity of the regional and sub-regional economic communities, the implications of this for EPA negotiations, and WTO negotiations including the formation of customs unions and adoption of common external tariffs, as well as the implications for the entire process of forming the African Economic Community.

## **Appendix 4: AREAS OF ILEAP SUPPORT FOR THE AFRICA GROUP AT THE WTO**

On the basis of extensive consultations, ILEAP will commission, produce, and disseminate the following studies to support Africa in the trade negotiations at the WTO, subject to available resources.

### ***Agricultural products***

1. In light of the negotiations, what should be the modalities relating to Special Products?
2. In light of the negotiations, what should be the modalities relating to the Special Safeguard Mechanism?
3. In light of the negotiations, what should be the modalities relating to the various “boxes”?
4. What are the development implications for Africa of the various proposed formulae and which would be an appropriate formula or means to best achieve the development objectives of Africa as stated in the negotiations?

### ***Non-agricultural products***

5. In light of the negotiations, the tariff profiles of African countries, and previous liberalisation, what formula best promotes the objective of rapid industrialisation in Africa?

***Cross-cutting matters***

6. To what extent and in which manner do subsidies in developed countries, particularly the EU and the US, affect Africa's major exports in the subsidising markets, third markets, and African regional markets?

7. In light of the negotiations, what provisions should be sought to be included in the new instruments relating to Special and Differential Treatment?

8. How should preference erosion be addressed in the WTO framework, bearing in mind that preferences have a positive role in the economic development of preference receiving countries?

9. What non-tariff barriers do Africa's major exports face, including WTO-consistent non-tariff measures, and how best should these barriers be addressed in the negotiations and any new instruments so as to promote Africa's affected and potential exports?

10. What is an appropriate conceptual framework and what are the specific elements for ensuring in the negotiations that development is the core basis and the rationale for the results and any instruments adopted?

11. In light of previous rounds of negotiations and of developments in the current negotiations, what overarching strategies should African governments follow to anticipate and address the offensive and defensive approaches of negotiating partners, and to ensure the achievement of its negotiating objectives in the various areas of major interest?