



## **Negotiations on Trade in Services in the West Africa-European Union Economic Partnership Agreement**

**Coconut Grove Hotel, Accra, Ghana  
5-7 February 2009**

### **Aide Memoire**

#### **Introduction**

Trade in services is a dynamic area of international trade, presenting significant challenges and opportunities to West African countries especially with respect to exports and enhanced competitiveness. Key services sectors such as tourism, IT enabled services and movement of labour, telecommunications, transport, energy and financial services offer countries in West Africa a chance to 'leap-frog' in their development process. Many of these services sectors are backbone inputs to increasing the productivity and competitiveness of other economic sectors such as fisheries, agriculture or mining; they thus have the potential to make a significant contribution to the reduction of poverty in West Africa. In December 2007, two countries in West Africa: Cote d'Ivoire and Ghana signed interim Economic Partnership Agreements (EPAs) with the European Community. There is now an understanding among all the West African countries that they will negotiate a full EPA with the EC under which the interim EPAs will be subsumed. The deadline for the conclusion of the full EPA which is being spearheaded by the ECOWAS and UEMOA Commissions is the end of June 2009, yet just a few months away from completing these crucial negotiations several lingering questions remain unresolved.

First, barriers to services trade and investment are found 'behind the border' in terms of domestic laws and regulations. These may, for example, impact on whether and how foreign services providers can enter a market and/or the treatment they receive relative to domestic firms once in the market. The relevant stakeholders do not yet understand the relationship between commitments to be made in EPA negotiations and how they relate to the process of creating a regional market or similar commitments entertained in the GATS negotiations at the WTO. A particular aspect is the potential role of services reforms in reducing transaction costs and improving the overall effect on firm competitiveness. This would require a better understanding of the domestic regulatory landscape across a number of strategic sectors and linking these to the potential rules and regulatory provisions considered in the negotiations.

Secondly, trade in services are negotiated based on requests and offers tabled by the parties to the negotiations, requiring an effective consultation process particularly involving the private sector operators and consumers associations.

Finally, to secure pro-poor outcome complementary support measures should be identified as part of a comprehensive trade in services export promotion strategies.

Understanding all these issues and translating such information into informed policy and negotiating positions requires specialist knowledge, drawing on already scarce human, financial and institutional resources in West Africa. As a result, their ability to effectively participate in services negotiations is often constrained.

In recognition of this, International Lawyers and Economists against Poverty (ILEAP) has been supporting the West African sub-region in its preparation for the services negotiations under the EPA, most recently in the context of the workshop held in Libreville, Gabon on 23-25 October 2008, *Trade Negotiations and Pro-poor Services Reforms: Focus on EPAs for Central and West Africa*.<sup>1</sup> At this workshop, stakeholders from Central and West Africa identified the need to improve understanding on the domestic regulatory frameworks in-country as a critical issue for advancing on domestic services reforms and negotiations. At the same time, the workshop also highlighted the need to consider what commitments will be requested of ECOWAS both in the EPA and in the WTO, and to identify those areas where benefits can be captured for ECOWAS services exporters. It is in this context that the current workshop is being convened.

## **Objective**

The objective of this workshop is to review the progress of EPA trade in services and investment negotiations -- informed by analytical work and the views of the various regional stakeholders from the private and public sectors -- and provide a set of recommendations for ensuring pro-poor outcomes. The specific objectives are:

- Better appreciation of the state of play of the EPAs and the associated opportunities and challenges ahead;
- Enhanced involvement of stakeholders, particularly the private sector and consumer associations;
- Review of rules embedded in a possible EPA legal text;
- Identify a possible ECOWAS request for services liberalisation in the context of the EPA and GATS negotiations

## **Organisation and participants**

The meeting is organized for the West African region by ILEAP and with support from ECOWAS, DFID, and ----. The meeting will be structured along the lines of sub-sectors with existing and/or potential export interest. Actual coverage will be guided by Member States' priorities, which are likely to include: tourism, IT enabled services, financial services and the temporary movement of labour (including via professional services).

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<sup>1</sup> See [http://www.ileap-jeicp.org/programmes/meetings\\_workshops/Libreville\\_oct08.html](http://www.ileap-jeicp.org/programmes/meetings_workshops/Libreville_oct08.html)

Target stakeholders will include:

- Government officials directly involved in the conduct of services trade negotiations for West Africa in the context of EPAs, the WTO and regional integration initiatives;
- Non-state actors such as the private sector and civil society and in particular representatives of professional associations and/or individual firms engaged in or interested in exporting services to the EU; and
- Researchers in academia, think tanks and regional research networks concerned with trade and regulatory policies who can provide on-demand assistance to regional and national negotiators in the formulation and negotiation of request and offers.

Resource persons will be drawn from ILEAP's roster of advisors and partner institutions, including African research institutions and think-tanks. The meeting will also be attended by a limited number of non-African participants.

## *Agenda*

<b>5 February</b>	
08:30 - 09:00	Registration
08:30 - 09:00	<b>Opening Session</b>
9:00 – 9:30	<p><b>Session I: State of Play on Trade in Services Negotiation of the West African EPA</b></p> <p>This session will review the state of services trade negotiations and highlight key threats and opportunities for West African countries</p>
9:30 - 10:45	<p><b>Session II: Analysis Of Options And Opportunities For West African Countries</b></p> <p>This session will seek to understand the market for trade in services in the EU, including an assessment of relevant services provisions to make the West African EPA pro-poor, informed by the EC-CARIFORUM EPA.</p> <p style="text-align: center;"><b>Presenter: -----</b></p>
10:45-11:00	<b>Coffee Break</b>
11:00-13:00	<p><b>(Parallel) Session III : Sectoral Analyses</b></p> <p>This session will center on the trade and development landscape in the relevant sectors including market/industry structure, the regulatory environment, the defensive and offensive interests of selected ECOWAS countries, the range of opportunities that exist in European market as well as the impediments that could be addressed in the EPA negotiations.</p> <p><b>1. IT-enabled Services/ Presenter: Madu, Nigeria</b></p> <p><b>2. Education Presenter: Bernadette</b></p>
13:00-14:00	Lunch
14.00-16.00	<p><b>(Parallel) Session III: Sectoral Analyses contd</b></p> <p><b>3. Telecommunications/ Presenter: Millicent Hamilton-Hazeley, Sierra Leone</b></p> <p><b>4. Insurance Presenter: Sekou Doumbouya, Guinea</b></p>
16:00-16.15	<b>Coffee break</b>

16:15-18:00	<p><b>(Parallel) Session III: Sectoral Analyses contd</b></p> <p><b>5. Financial Services (banking)</b> Presenter: Abdoulaye Ndiaye</p> <p><b>6. Tourism</b> <b>Presenter:</b></p>
<b>6 February</b>	
08:30 –10:30	<p><b>(Parallel) Session III: Sectoral Analyses contd</b></p> <p><b>7. Legal (incl Professional) Services</b> Presenter: Beatrice Chaytor</p> <p><b>8. Temporary Movement of Labour</b> Presenter: Sekou Doumbouya</p>
10:30-10:45	Coffee Break
10:45-13:00	<p><b>Session III – Sectoral Analyses contd</b></p> <p><b>9. E-Commerce</b> Presenter: Abdoulaye Ndiaye</p> <p><b>10. Transport</b> <b>Presenter:</b></p>
13:00-14:00	Lunch
14:00- 15:30	<p><b>Session IV: Review of EPAs chapter text on trade in Services</b></p> <p>This session will critically review the substance and structure of the West African EPA text on services, including the various protocols being considered and rules currently embedded in the proposed EPA text. This review will be informed by the preceding sectoral analyses and an analysis of the CARIFORUM EPA text, among others. The idea will be to identify specific EC proposals and highlight the importance and impact of market access from the range of language contained in the text.</p>

15:30-16:30	<p><b>Session V: Rules of Origin</b>  <b>Presenter: Sekou Doumbouya</b></p> <p>This session will examine the rules of origin used by the EC in its various free trade arrangements, including those contained in the C-EPA to assess what precise language on rules of origin should be pursued by the West African countries in their EPA.</p>
16:30-16:45	<b>Coffee Break</b>
16:45-18:00	<p><b>Session VI: Overall approach to the Preparation of a Request and Offer for West Africa</b></p> <p>This session will revisit the state of preparation of a request and offer in West Africa and propose an overall approach and a work program for timely completion of a request and offer for West Africa.</p>
<b>7 February</b>	
09:00 – 11:00	<p><b>Session VII: Identification of Request/Offer Elements</b>  This session will identify specific sectoral content and language that will form the basis of a request or offer to the EC.</p>
11:00-11:15	Coffee Break
11:15-13:15	<b>Session VII: Request/Offer Outline contd.</b>
13:15-14:30	<b>Lunch</b>
14:30-16:30	<b>Session VII: Request/Offer Outline contd.</b>
16:30-16:45	<b>Coffee Break</b>
16:45-18:00	<b>Adoption of Report and Close</b>