

# Preparing African Countries to Benefit from Continuous International Trade Negotiations and Complex Agreements

Bonapas ONGUGLO, Aimé MURIGANDÉ,

and

Emily MBURU\*

## Abstract

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 are engaged in almost permanent trade negotiations. With most African countries constrained by weak institutional, human, financial, and business capacities to engage in continuous negotiations, there is urgent need for building up such capacities, including through comprehensive 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. 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.

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\* 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 through their respective email addresses: bonapas.onguglounctad.org, aime.murigandeuunctad.org and emily.mburuunctad.org

## 1. Introduction

Capacity building support for multilateral trade negotiations, implementation, and adjustment under the World Trade Organisation (WTO) or bilateral, regional, and inter-regional trade agreements is a new area in trade development.

Before 1995, support for trade negotiations was a domain of only a few international agencies. The majority, as well as beneficiary developing countries, focused on building technical capacities on actual trade issues. The situation changed following the creation of WTO in 1995 with the single undertaking principle. Trade negotiations gained momentum, and were further necessitated by the launch of the WTO Doha Round in 2001 under a single undertaking framework, the growing membership of developing countries in WTO, and the parallel proliferation of negotiations of bilateral, regional, and inter-regional trade agreements (RTAs).

Participation of African countries 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 comprising intra-African integration, South-South trade and economic co-operation, North-South trade arrangements, and the multilateral trading system.

Capacity building for trade negotiations, implementation, and adjustment is essential for enabling a country to derive optimum benefits from opportunities brought about by negotiated trade agreements. For any state to take full advantage of trade agreements, the contents of the deal should ideally reflect its trading conditions. However, in any negotiations, the resulting agreement is often a compromise deal.

The requisite capacity in terms of human resource and institutional competence can be built from local resources as well as from international aid for trade. The latter tends to be important for many African countries, given that trade ministries are often poorly endowed with resources and infrastructure. There is also the tendency of many governments to view international trade as an issue that only the trade ministries should handle, yet participation in international trade is important for the development of most African countries. Trade accounts for a large and growing proportion of GDP. Paying attention to international trade, and not only international development aid, should therefore be among the key strategic priorities of any government. In this light, it is relevant to study the push and pull factors for trade capacity development. It is also important for the international community providing aid for trade to African countries to consider the real needs and demands of the countries. This is critical towards providing useful assistance and facilitating a lasting impact in terms of building sustainable capacities and institutions.

Against the background, this paper discusses the demand for and supply of 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 complexity. African countries are parties to many trade negotiations and agreements, with which they expect to achieve tangible development gains. Demands in this regard have been continually expressed by African countries, either jointly or 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 are discussed in Section III. They are the African Trade Capacity Development Programme (ATCDP) and the Joint Integrated Technical Assistance Programme for African Countries (JITAP). These programmes show the complexity of building trade-related human, institutional, and entrepreneurial capacities of African countries.

The concluding section of the paper recommends that the continuous supply of trade assistance to African countries must be a key feature of international development co-operation, including the evolving aid for trade initiative. The initiative is a significant consensus reached by the international community (see Box 1). The immediate challenge and opportunity for the international community is the implementation of the initiative for as many African countries as possible. It should build on existing mechanisms and experiences, and encompass key areas of capacity building needs through a mixture of financing and delivery mechanisms involving both countries (national and regional delivery) and international development agencies (multilateral mode).

**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).

## 2. Demand generating factors

The demand for and provision of trade-related assistance has flourished since the mid-1990s into a global industry for several purposes. These include trade negotiations and agreements implementation, WTO accession, use of trade defence instruments (like anti-dumping measures) and the use of the WTO dispute settlement mechanism (as complainants or defendants). It is a direct result 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 (such as intellectual property, investment, and subsidies). The phenomenon is a result of *parallel negotiations and agreements at multilateral, regional, and bilateral levels*, and the *growing experience by developing countries in the implementation of existing trade agreements*. These have given rise to further problems, including trade disputes or non-implementation of agreements due to lack of resources.

Continuous international trade negotiations emerged after *the conclusion of the Uruguay Round of multilateral trade negotiations, the formation of WTO in 1995 and subsequent negotiations within the organisation*, and the parallel intensification of bilateral and regional reciprocal trade negotiations. The participation of African countries in 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 involvement has been gradually improving. Most countries in the continent and their citizens now appreciate the need for integrating into the global economy and the multilateral trading system through effective participation in WTO 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 the commencement of the implementation of WTO Agreements, its 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 challenges owing to difficulties in reaching consensus on liberalisation 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

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

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

Available options to conclude the Doha negotiations could include the following recommendations:

- (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. In the meantime focus on implementing current WTO Agreements and deal with other pressing issues such as WTO institutions reform.

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 regarding the anticipated conclusion of the negotiations by December 2007 as expected. There is concern that the negotiations might continue into the end of the decade.<sup>2</sup> The penultimate phase of the negotiations has been marked by a burst of negotiations among members, both formally and informally, to unblock the logjam. This further fuels the demand for trade negotiations assistance by African countries to have their interests captured in the rushed negotiations. Whatever on the outcome of the Doha negotiations (see Box 2), African countries need to continue participation in negotiations and implementation of new agree-

2. 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.

ments, hence their continuous need for support in trade negotiations, implementation and adjustment.

The *implementation of the resultant agreements* from these multiplying trade negotiations, such as the current WTO Agreements and existing RTAs like programmes for free trade and customs unions, has become a major challenge to many African countries. It is an additional source of demand for trade-related assistance. In the WTO, implementation concerns were particularly raised by African countries, and are yet to be effectively addressed in the Doha negotiations. The concerns included lack of capacity to implement trade agreements and to take advantage of them. Further, the non-binding nature of the existing WTO agreements relating to provision of technical assistance led to a lack of their implementation. 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 deals with developing countries.

These implementation-related issues were raised at the first WTO Ministerial meeting 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 emphasised 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. They assert 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 organisation. By mid 2006, 21 countries or custom territories had joined the WTO and 30 were 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 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 inter-regional levels, some 200 reciprocal trade agreements are operational (with 180 of them notified to the WTO and

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

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 inter-regional levels, providing a major platform of demand for trade-related assistance. Once these agreements are concluded, there will be need for implementation and adjustment to honour obligations and benefit from the opportunities.

African countries are parties to many of these RTA negotiations and agreements. In Africa, trade negotiations are taking place within regional economic communities to consolidate free trade agreements in goods and customs unions, to negotiate services agreements, and to negotiate harmonisation 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 an area of continued negotiations.

Outside the continent, African countries are involved in the ongoing comprehensive EPA negotiations. These negotiations are wide-ranging in scope, coverage, depth of commitments, and number of countries. They cover trade in goods and services, including regulatory aspects. They are envisaged as reciprocal trade agreements, and they involve the 25 EU member states and the 78 African, Caribbean and Pacific (ACP) states. African countries would make the largest contribution in terms of the possible EPAs to be negotiated. From the formation of possibly six regional EPAs contemplated, four will be from Africa. EPA negotiations were launched in September 2002 and scheduled for completion at the end of 2007. Their entry into force was planned for early 2008, upon which African countries would be required to implement the agreements and seek 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 states that are negotiating the third round of negotiations under the Global System of Trade Preferences (GSTP) since 2004. The Sao Paulo negotiations are due to be completed by end of 2007. They are expected to widen and deepen trade preferences and

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4. WTO website ([www.wto.org](http://www.wto.org)), Regional trade agreements: Facts and figures.

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

membership. Some inter-group negotiations on free trade have also been ongoing, such as between India, Brazil, and South Africa (IBSA) on trilateral trade co-operation, 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 need to focus.

The number of trade negotiations and agreements that African countries participate in has significantly increased with the establishment of the WTO and its function of continuous trade negotiations, the Doha Round, the EPA discussions, and the inter-regional South-South trade co-operation juxtaposed against revamped African regional and continental integration processes under the newly established African Union. This has led to a concomitant increase in the complexities and stakes in the negotiations and agreements. They now extend beyond progressive reduction and elimination of border barriers such as tariffs barriers in goods. "Behind-the-border" regulatory issues regulating to trade in services, intellectual property rights, product standards or environmental regulations, and trade facilitation including non-tariff barriers are part of current negotiations. 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. Although the need for such provisions has existed since the formation of GATT in 1947, 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, so as to strengthen the superiority of regulations 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 countries that are active in RTAs.

Another facet of RTA coherence relates to the increasing phenomenon of multiple memberships in RTAs. Within Africa, for example, the issue of membership in more than one RTA often with overlapping functions is

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6. 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).

**Table 1. GDP and exports of goods and services,  
 1995 and 2004 (US\$ millions)**

GDP		Total Exports		Exports of Goods		Exports of Services	
<b>Africa</b>							
<b>1995</b>	<b>2004</b>	<b>1995</b>	<b>2004</b>	<b>1995</b>	<b>2004</b>	<b>1995</b>	<b>2004</b>
512,284	792,978	133,314	284,905	107,701	231,332	25,613	53,573
<b>Developing countries</b>							
5,648,604	8,407,575	1,710,593	3,598,982	1,425,588	3,090,696	285,005	508,286
<b>Developed countries</b>							
23,169,039	31,618,131	4,540,175	7,401,395	3,607,752	5,716,155	932,423	1,685,240
<b>World</b>							
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

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 for participation in meetings), administrative challenges (multiple trade regimes and rules of origins), and heavy implementation obligations, which can confuse people and traders who are supposed to take advantage of opportunities in these agreements. There is need for rationalisation within the framework of establishing the African Economic Community. Rationalisation is also necessary for negotiating EPAs with the EU in that one country cannot take part in two different EPAs. For that purpose, it has to confirm its membership in one existing African regional economic community, or one EPA configuration.

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. Trade accounts for an important share of domestic wealth creation. In 2004, for example, the share of exports of goods and services in gross domestic product (GDP) was about 28 percent for the world, 23 percent for developed countries, and 43 percent for developing countries. This ratio was 36 percent in the case of African countries in 2004 as compared to 26 percent in 1995 (See Table 1). The contribution of international trade to domestic wealth creation in Africa has increased strongly since 1995, as it has for other developing countries. Participation of African countries in international trade remains substantially low with their aggregate share of world trade in goods and services being about 2.5 percent in 2004. This is despite recent important growth fuelled in part by the recent boom in commodity prices. Thus, efforts to facilitate trade integration, including through trade liberalisation 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 for African countries.

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>, and the Monterrey Consensus on Financing for Development. Despite such recognition of the importance of trade in development, national efforts among many African countries to deliberately put in place 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 becoming a major area of trade-related support, such as within the framework of poverty reduction, or the 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 placed tremendous demands on African countries' negotiating and implementing capacities. The situation has also challenged the ability of these countries to take advantage of new opportunities and transform them into development gains. Most African countries are not equipped well enough to deal effectively with the negotiations and implementation and adjustment requirements of trade agreements, owing to their weak human, institutional, administrative and financial resources. This is especially so for issues directly related to trade negotiations and trade policy. In many Africa countries, for example, the Ministry of Trade and Industry, under which the trade negotiating authority is run, is often not accorded an important status in the echelons of government, nor is it part of central government co-ordinating 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 engage officials to effectively focus on backstopping international negotiations capitals (Geneva, Brussels etc.). Such officials tend to be assigned several other duties. There also tends to be a high rate of mobility among such few officials, moving on to other functions or organisations. Trade mainstreaming is supposed to address such gaps.

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 liberalisation and trade is weak in many developing countries. Most of them are just beginning to carry out services assessment studies to

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7. UN General Assembly document A/RES/55/2.

8. UN General Assembly document A/RES/60/1.

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

determine the specific contribution of services, the services regulations in place and areas for future development, and possible liberalisation to stimulate competition and increase access to essential services (like education, health, water)<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 trained in trade negotiations and techniques, and in trade policy formulation, implementation and adjustment.

### 3. Areas of need for trade assistance

The backdrop of complex negotiations and of multiple trade agreements, implementation and adjustment, weighed against weak human, institutional, analytical, financial, and administrative capacities of African countries, calls for their heavy reliance on technical assistance from international organisations to strengthen their capacities, so that they can proactively take part in trade negotiations and shape the agenda and results to reflect their 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 involved in trade negotiations and agreements must undertake, and for which technical assistance is required, include preparations for negotiations, participation in actual negotiations and post negotiations (like in trade disputes or implementation of WTO accession obligations), implementation of new legislations or amendments, adjustment in policies and institutions to the 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 categorised 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>

10. 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).

11. 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.

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Specifically, Africa's trade assistance needs in both soft and hard aspects of trade development often 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, co-ordinate national positions, and engage in trade promotion.
2. Endeavour, with national development planning processes, to mainstream trade into national development and poverty reduction strategies.
3. Endeavour to identify and integrate development concerns into trade agreements.
4. Undertake or deepen impact assessments (global and sectoral) of WTO and RTAs agreements and negotiations on trade liberalisation in agriculture, manufacture, and services, so as 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 liberalisation (including sectors that can be opened up) and development of capacities and adjustment measures to deal with new market opportunities.
5. Seek timely advice and information on negotiation issues for trade negotiators to develop appropriate responses and proposals (both general and detailed) that meet specific development interests.
6. Facilitate continued co-ordination between Geneva negotiations and capital-based policy makers to align positions taken and defend national interests.
7. Ensure coherence in technical positions and political decisions taken regarding trade negotiations. Facilitate elaboration of group negotiating positions, such as among African countries or with like-minded groups (e.g. ACP Group or G-90). It strengthens positions and the advocacy for common objectives.
8. Improve the technical preparedness and negotiation skills of trade negotiators for effective contribution in discussions. This has to be a sustained process as trained personnel tend to move on to other jobs.
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. Organise the enactment and implementation of trade agreements concluded to conform to internationally agreed obligations, taking into account national conditions.

12. Organise 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 sensitisation 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 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 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. 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 that 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 become critical for African countries as they engage in the increasing number of trade negotia-

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

tions and agreements at the multilateral, inter-regional and regional levels. This requires that national trade policy-making structures are well equipped with adequate capacities and are sustained with national knowledge base and networks. It calls for qualified staff who are knowledgeable in various trade-related issues, institutionalised mechanism for inter-departmental and government-stakeholder consultations, close linkage and communications between the capital (Geneva) and Brussels-based trade negotiators, and co-ordinated mechanism for the effective and strategic implementation of the resultant trade agreements. The building of these capacities will make trade an engine for development in Africa.

African countries are aware of the need to co-operate and enhance their bargaining power. They have similar objectives in international trade negotiations and face similar obstacles. They have developed a significant degree of technical negotiating capacity at the multilateral level over the past years, and also in the preparatory and participation in the WTO Ministerial Conferences since 1996. In Geneva, delegations from Africa have addressed the issue of limited human and financial resources by creatively developing a system to pool together resources and to form an informal group that meets at least once a week to discuss WTO issues, and to prepare proposals and exchange views on ways to increase Africa's participation in the WTO negotiations. The WTO African group is supported by co-ordinators of different negotiating issues. They are known as the focal points. They take the lead in a particular subject. 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. Such co-ordination has been instrumental in ensuring 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. They arrange meetings with other delegations, and organise briefing sessions and workshops with organisations.<sup>13</sup>

African countries have actively engaged in WTO negotiations individually and also jointly as the African Group, or with other like-minded countries (e.g., ACP States, LDCs). This is evidenced by the number and quality of proposals submitted during the WTO Ministerial Conferences in Seattle, Doha, Cancún, and Hong Kong. During the preparatory process for WTO Ministerial Conferences, African countries were able to mobilise 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 talks. Their negotiators in Geneva, Brussels, and other capitals have demonstrated improved negotiating skills and capacities.

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13. «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.

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, and in Abuja (Nigeria) in September 2001. Also AU Ministers of Trade met in Grand Bais (Mauritius) in June 2003, in Cairo (Egypt) in June 2005. The Ministerial Declaration on the Doha Work Programme was discussed in April 2006, Nairobi (Kenya) and in Addis Ababa (Ethiopia) in January 2007. At each of these meetings, the trade ministers 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. This happened in Arusha (Tanzania) in November 2005. A declaration on the EPA negotiations with the EU was put together in Nairobi (Kenya) in April 2006. Several African countries have set in place and utilized national advisory and consultative mechanisms 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 have themselves 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 realising 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 tremendously increasing 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 consistently articulating its objectives in trade negotiations, and of seeking recognition of the specificity of its 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, and their weak human, institutional, and entrepreneurial base in addition to limited cognizance with negotiations. Such needs have been continually recognised in WTO Ministerial Conference outcomes, including in the 2001 Doha Declaration.<sup>14</sup>

#### **4. 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. Such support has traditionally been a feature of a few agencies including the United Nations Conference on Trade and Development (UNCTAD)<sup>15</sup> and the then GATT secretariat, or by UN regional commissions in respect of regional trade agreements.

The 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 implementing trade negotiations and agreements. Presently, 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 Organisation, Food and Agriculture Organisation of the UN, and civil society organisations like the South Centre and the Third World Network. Regional organisations 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 AU have substantially increased their support to African' countries participation in WTO and other trade negotiations and agreements. They have often done this in partnership with other organisations, including UNCTAD and UNDP. UNCTAD has also instituted or operated inter-agency Africa-specific support programmes.

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

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

To meet the needs of African countries' trade negotiations and agreements, including for the Doha agenda, a number of Africa-focused initiatives were developed by UNCTAD with the support of other organisations, 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 operationalisation 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*

In response to the demand by African countries for assistance in understanding the intricacies of WTO trade negotiations and preparing for them, the "Capacity Building for Trade and Development in Africa" was launched by a partnership involving UNDP and several implementing agencies, namely AU, ECA, UNCTAD, and other collaborating partners. Since 1998, under the first version of the programme through its "Fast Track Module" on Trade Negotiations implemented by UNCTAD in collaboration with other African agencies, the programme has assisted African countries in preparing for WTO Ministerial Conferences and major negotiating sessions. It has also been useful in assessing the implications of WTO Agreements on African economies. Support was provided to African countries in articulating their negotiating objectives and positions for the ACP-EU negotiations. The focus of the support was at the regional level of preparations by African countries for trade negotiations. Such assistance has contributed to the growing strength in negotiation capacity of most African countries and their preparedness for multilateral trade discussions.

In 2003, a follow up programme was developed, with the regional focus maintained. It was titled, «Trade Capacity Development for sub-Saharan Africa». The objective of the successor programme was to build on the pilot programme and contribute to the beneficial integration of African countries into the international trading system and to ensure that trade effectively served as the engine for growth, poverty reduction, and human development in the continent. The immediate objective was to strengthen human, institutional, and policy capacity in Africa 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 participation of African countries 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 diversifica-

tion<sup>16</sup>. Such capacity development is important to enhance the ability and readiness of African countries to benefit from globalisation. 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.

The programme benefits from a co-ordinated and partnership approach in its implementation by UNDP, AU, ECA, AERC (African Economic Research Consortium), UNCTAD, SATRN (Southern Africa 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, co-ordinating 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 co-operation 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 organisation's work in the area of new and dynamic sectors.

On the negotiations front, an area that has also come to the forefront due to its complexity and need for technical assistance has been services negotiations. Services are important for African countries. As they become the driving force of structural change in most of the continent's economies — contributing more than 50 percent to GDP and employing more than 60 percent of total formal sector employment — it becomes clear that African

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16. UNDP Project document, «Trade Capacity Development for sub-Saharan Africa», New York, 2004

countries have to pay more attention to the sector in terms of formulation of policy, and 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, talks 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, GATTs 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 GATTs and the GATTs negotiations among stakeholders; and develop and implement a sustainable African services capacity building programme.

The programme has also reinforced regional co-operation integration efforts by African countries, particularly as relates to the EPA negotiations. Regional co-operation 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 globalisation process. Increased intra-regional trade provides a solid basis for enhanced participation in wider and more competitive global markets. South-South co-operation and modalities have been used to the fullest extent 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, including their trade negotiators and policy makers, and enhancing their preparedness to address critical issues in the Doha and EPA negotiations. These activities, combined with other regional and global programmes, have brought about a stronger engagement of African countries in the WTO negotiations under the Doha agenda. They've also enhanced the interface of ACP-EU negotiations of EPAs 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 other 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 have also been enabled to establish contacts and networks, share their aspirations, needs, and concerns, and build coalition and common objectives. African countries are now empowered to network with other regions and to exchange information and their respective development objectives.

*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 national policy, and human, institutional, and entrepreneurial capacities to effectively negotiate, implement, and beneficially participate in their integration into the multilateral trading system as members of WTO. It is unique as a tripartite partnership between ITC, UNCTAD, and WTO, in that it 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 3). At an Intergovernmental Conference on Middle-Income Countries in Madrid (Spain) on 1 March 2007, Dr. Supachai, Secretary General of UNCTAD, for example, noted:

*“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.”*

A key feature of JITAP is its trade negotiations and trade policy institutional capacity building for partner African countries. Its centrepiece 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 4) comprise of multi-stakeholder bodies or platforms that perform a number of key tasks.

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

18. United Nations (UNCTAD), «JITAP Institutional Capacity Building: Trade Negotiations, Implementation and Policies, New York and Geneva 2005

**Box 3: JITAP beneficiaries, donors, and implementing agencies**

JITAP was launched in 1996 on the occasion of UNCTAD's 9<sup>th</sup> quadrennial conference by ITC, UNCTAD, and WTO as 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 mobilisation of funding. It has been implemented in two phases. The first phase from 1998 to 2002 benefited eight African countries (four 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 eight more, 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 eight phase-I countries exited the programme in December 2005, having attained their objectives under the programme. Currently therefore, the programme benefits the eight remaining phase-II 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-II was conducted between May and July 2006. It concluded that a third phase of JITAP should be undertaken with the same objectives, but with improvements. It noted that JITAP is transforming from being a specific programme to a tested delivery system for trade capacity enhancement in developing countries. There is a high probability that the JITAP ingredients would be able to engender consistent and repeatable results in new countries.

First, IICs facilitate multi-stakeholder dialogue and consensus building, consultations, and information dissemination, co-ordination (and rationalisation) 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 have been held 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 be 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 specialised issues of international trade and trade negotiations. They help improve

<b>Box 4. Inter-Institutional Committees in JITAP Partner African Countries</b>	
Benin	Inter-Institutional Commission Responsible for Following up and Implementing WTO Agreements, with several technical working groups. It was created and legally set up by Presidential decree of January 22, 1999.
Burkina Faso	A two-layered IIC composed of (1) National Committee for the Follow up and Co-ordination of Implementation of WTO Agreements, with several technical committees; was legalised by Presidential decree of September 13, 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 November 22, 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 March 11, 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 UNC-TAD, set up in March 1998 through a legal decree.
Malawi	National Working Group on Trade Policy, established in 2001 .
Mauritania	National Co-ordination 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.

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 to 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 analyse trade negotiations and policy issues (like impact of trade agreements) and propose remedial national and regional trade policy measures and strategies. IICs organise technical notes and compendiums of key national negotiating issues for WTO ministerial conferences. These serve as reference material for their deliberations and as guide for their trade negotiators. They also take stock, and assess, report, and follow up on decisions taken after WTO minis-

terial 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 governments 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 organisations, 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 mindsets. In many African countries, the business sector is primarily inward-looking, often focusing on servicing the national market or the regional market, because of the view that 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 these businesses can export.

Fourth, IICs facilitate co-ordinated national-wide monitoring of the implementation and adjustment to WTO Agreements (and other trade agreements). Also upon request, governments in some countries are supported in revamping and restructuring the department of trade within ministries of trade. A strengthened trade ministry is better placed to request increased resources (budget and officers) from the national treasury. This helps in improving proactive participation in trade negotiations and implementation. In some countries, 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 sensitise 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 helps to maintain the institutional memory even if an officer dealing with a particular issue moves out of that organisation.

Sixth, IICs help national experts acquire a full and complete multidisciplinary 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, to update the knowledge acquired and disseminate information to the general public. Training and advisory services to trade policy makers and trade negotiators 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 sensitisations 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 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 co-ordination 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-fertilisation of views. The diverse membership also enhances transparency in setting negotiation priorities, and consensual determination of national priorities. The number of members can range from a low of eight 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 has 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 ministries of trade, vested with the national commercial negotiating authority in most countries, serve 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 conferences wherein national delegations were composed primarily of government officials. In some countries, IICs are leader-driven, either by government (relevant permanent secretary), industry (captains of industry) or by private sector. Most IICs operate a two-layer structure, namely a plenary of all members and specialised 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 more frequently. The IICs usually have a core team of trade specialists who participate in trade negotiations with their permanent missions in Geneva or Brussels. 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 plenary meetings of IICs and their sub-committees are held so that the institution is active. Subject-specific national workshops (such as on agriculture,

services) are organised to deal more specifically with the subjects. Sub-regional workshops on toolkits, negotiation skills and specific subjects are organised 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 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, assess, report 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 take 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 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 pro-

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19. UNCTAD/DITC/TNCD/2004/2.

grammes to create and strengthen IICs that help to develop national trade policies, engage in trade negotiations, support export sector strategies, and elaborate medium and long-term visions for trade, investment, development, and poverty reduction.

In 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.

## **5. 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 organisations. 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 has been 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 negotiating in the WTO and on regional and/or bilateral trade agreements, but also in ensuring positive coherence between these negotiations and agreements so as to maximise their development gains and minimise losses.

The international community recognised recently that aid for trade is an indispensable aspect of any trade liberalisation programme and any trade agreements. It is important in helping African countries to meet the costs of implementation and adjustment and to benefit from their participation in international trade. In particular, its connection with trade opportunities that result from trade negotiations and supply capacities to take advantage of trade opportunities is being emphasised in trade agreements and trade capacity building programmes. International development co-operation 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 to 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 supported 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 problems faced in continuous and complex parallel trade negotiations. The Africa Trade Capacity Building Programme and JITAP offer practical, tested and operational modalities that could be supported and enhanced 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.

A few caveats: This paper is based on the assumption that trade negotiations have become a permanent feature for most African countries who are engaged in parallel multilateral, regional and bilateral trade negotiations. The future conclusion of the WTO Doha Round and the ACP-EU negotiations of EPAs could bring about a significant reduction in trade negotiation rounds, but at the same time increase focus on implementing and taking advantage of the resulting agreements. In such a scenario, international aid for trade for negotiations becomes less important, while endogenous capacity building in terms of expanding production, trade-related infrastructure, and strengthening competitiveness becomes important. The latter are more effectively developed from national resources for longer term sustainability.