ENHANCING THE PARTICIPATION OF SADC MEMBER COUNTRIES AND THE ROLE OF THE SADC SECRETARIAT IN REGIONAL AND MULTILATERAL TRADE NEGOTIATIONS

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ENHANCING THE PARTICIPATION OF SADC MEMBER COUNTRIES AND THE ROLE OF THE SADC SECRETARIAT IN REGIONAL AND MULTILATERAL TRADE NEGOTIATIONS

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Contents
EXECUTIVE SUMMARY 5
1.0 INTRODUCTION AND BACKGROUND TO THE ASSIGNMENT 9
1.1 PROJECT’S OBJECTIVES AND GOALS 11
2.0 IMPLEMENTATION STRATEGY 14
2.1 THE WORK PLAN AND TIMING OF KEY DELIVERABLES 17
3.0 STATE OF COORDINATION BETWEEN SADC COUNTRIES AND SADC SECRETARIAT ON TRADE ISSUES 19
3.1 UNDERSTANDING OF THE MULTILATERAL TRADING SYSTEM AND ITS IMPLICATIONS 20
3.2 CAPACITY TO IDENTIFY PRO-DEVELOPMENT REFORMS AND APPROPRIATE POLICIES TO BENEFIT FROM THE MULTILATERAL TRADING SYSTEM 21

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EXECUTIVE SUMMARY

African countries are integrated in the multilateral trading system. Their share in world trade has increased from 2 per cent in the 1970s and 1980s to more than 1 per cent in 2011. The share of SADC member states is around 1 per cent. They are wide open economies and an African country has to adapt to rapid changes in global trade and development; they have to increase their participation in the multilateral trading system. Several studies have shown that African countries were in the process of increasing their share in world trade by only 1 per cent a year. It is an important decision, which could be a 50 per cent increase in this share, if the region’s ability to negotiate or receive their participation in the multilateral trading system. It is not unusual for them to increase their share in world trade at an annual rate of 1 per cent. An important factor for the continent to recover from foreign investment and transaction costs for doing business would reduce and also promote competition among African firms and assess the conditions to move forward in the globalization of the continent.

As drivers of regional integration and trade on the African continent, the role of regional economic communities such as SADC is recognized. Currently, SADC member states are implementing the trade protocol which would create a full regional free-trade area and link to a customs union. At the same time, SADC member states are engaged in a number of trade negotiations, particularly in the WTO, which are aimed at ensuring that the region can benefit from the multilateral trading system.

The SADC Secretariat plays a key role in the implementation of the trade protocol. It is also responsible for coordinating the efforts of SADC member states in the WTO and other regional integration organizations.

The project had the following key objectives:

- Better understanding of the multilateral trading system and its implications by SADC member states;
- Improved coordination among SADC member states on national, regional and multilateral levels to manage trade negotiations;
- Improved capacity of SADC secretariat and its member states to identify and implement pro-development and pro-trade measures;
- Improved communication flows and exchange of information between SADC member states, SADC-Geneva-based representatives and the SADC Secretariat.

To ensure that the recommendations emerging from the Report are relevant and useful for policymakers on the national and regional levels, the findings and recommendations of the Report were discussed with SADC member states, SADC Geneva-based representatives and the SADC Secretariat. The findings were also discussed with the WTO, the African Union and the United Nations.

The recommendations emerging from the Report are relevant and useful for policymakers on the national and regional levels. They are aimed at ensuring that the region can benefit from the multilateral trading system.

In conclusion, the SADC Secretariat has a key role in the implementation of the trade protocol. It is also responsible for coordinating the efforts of SADC member states in the WTO and other regional integration organizations. The recommendations emerging from the Report are relevant and useful for policymakers on the national and regional levels. They are aimed at ensuring that the region can benefit from the multilateral trading system.

ABBREVIATIONS AND ACRONYMS

| ACP | African Caribbean and Pacific |
| AGOA | Africa Growth and Opportunity Act |
| COMESA | Common Market for Eastern and Southern Africa |
| ESA | East African Community |
| EDF | European Development Fund |
| EPA | Economic Partnership Agreement |
| EU | European Union |
| FAW | Food Agriculture and natural Resources |
| GATT | General Agreement on Tariffs and Trade |
| MTN | Multilateral Trade negotiations |
| MTN-W | Multilateral Trade Negotiations - WTO |
| PMU | Project Management Unit |
| REC | Regional Economic Community |
| SADC | Southern African Development Community |
| SADC-NAM | Southern African Development and Namibia |
| SEZ | Special Economic Zones |
| TFTA | Tripartite Free Trade Area |
| WTO | World Trade Organization |

ANNEXES

| ANNEX A - DRAFT QUESTIONNAIRE SURVIE FOR THE SADC WTO PROJECT | 58 |
| ANNEX B - LIST OF PARTICIPANTS, | 62 |
| ANNEX C - WORK PROGRAMME FOR WORKSHOP ON ENHANCING THE PARTICIPATION OF SADC MEMBER | 69 |
| ANNEX D - SUMMARY OF OUTCOMES OF WORKSHOP ON ENHANCING THE PARTICIPATION OF SADC MEMBER | 72 |
| ANNEX E - LIST OF PARTICIPANTS: WORKSHOP ON ENHANCING PARTICIPATION OF SADC MEMBER | 75 |

ACO | African Caribbean and Pacific |
AGOA | Africa Growth and Opportunity Act |
COMESA | Common Market for Eastern and Southern Africa |
ESA | East African Community |
EDF | European Development Fund |
EPA | Economic Partnership Agreement |
EU | European Union |
FAW | Food Agriculture and natural Resources |
MTN | Multilateral Trade negotiations |
MTN-W | Multilateral Trade Negotiations - WTO |
PMU | Project Management Unit |
REC | Regional Economic Community |
SADC | Southern African Development Community |
SADC-G | Southern African Development and Namibia |
SEZ | Special Economic Zones |
TFTA | Tripartite Free Trade Area |
TIFI | Trade, Industry, Investment and Finance |
TIFS | Terms of Reference |
TOS | Trade & Development Studies Centre |
WIFI | World Intellectual Property Organization |
WTO | World Trade Organization |
1.0 INTRODUCTION AND BACKGROUND TO THE ASSIGNMENT

The role of regional economic communities in the development of trade in Africa is widely recognised. Currently, intra-African trade stands at 10 per cent. This is in sharp contrast to other developing regions of the world. In Asia and Latin America, the levels of intra-regional trade are 60 and 20 per cent, respectively. There are a number of reasons accounting for the low level of intra-African trade. These include the lack of coordination among the regional economic communities, the failure of harmonisation among the various regional trade agreements, and the presence of trade barriers such as those imposed by the non-tariff barriers. In addition, African countries have been less exposed to external markets, which would have been minimally affected by the global financial crisis.

The project is expected to enhance the capacity of the SADC region’s trade officials and other key stakeholders to participate effectively in multilateral trade negotiations through fuller understanding of the multilateral trade agreements and the WTO’s negotiating processes. The project will also improve trade law and policy analysis at the secretariat, allow SADC countries to coordinate their positions in the WTO and the EU negotiations, and promote harmonisation among the various regional trade agreements. The project will also contribute towards the achievement of the key elements of harmonisation of multilateral trade agreements, particularly those relevant to African countries such as the Agreement on Textiles and Clothing and the Agreement on Government Procurement.

The project should promote consistency in the negotiating positions adopted by SADC member states in the EPA and the Doha Round. Whereas EPA member states are expected to liberalise their trade, SADC members will also consider, especially the result that the single undertaking approach should be abandoned in the negotiations.

The project was implemented so as to strengthen the coordination role of the SADC Secretariat by improving its technical and operational services.

1.1 PROJECT’S OBJECTIVES AND GOALS

The project is expected to enhance the capacity of the SADC region’s trade officials and other key stakeholders to participate effectively in multilateral trade negotiations through fuller understanding of the multilateral trade agreements. The project is also expected to improve trade law and policy analysis at the secretariat, allow SADC countries to coordinate their positions in the WTO and the EU negotiations, and promote harmonisation among the various regional trade agreements.

The project was implemented so as to strengthen the coordination role of the SADC Secretariat by improving its technical and operational services.
considering the human capacity and financial constraints in many SADC countries, and the need to ensure consistency of negotiating positions on the parallel negotiations being undertaken by SADC member states, it is important for the countries to have an effective coordination mechanism. Effective knowledge of the countries cannot cope and there is a risk of them being able to achieve objectives and different objectives and the negotiations resulting in implementation agreements. It is therefore important that SADC member states find a way to coordinate their positions on the negotiating issues. This phase was about the delivery of the workshop, which took place in Johannesburg from 27-29 March 2012. It was attended by all participants, from all SADC member states. The participants were provided with handouts and transcripts of the workshop.

3.0 STATE OF COORDINATION BETWEEN SADC COUNTRIES AND SADC SECRETARIAT ON TRADE ISSUES

Considering the human capacity and financial constraints in many SADC countries, and the need to ensure consistency of negotiating positions on the parallel negotiations being undertaken by SADC member states, it is important for the countries to have an effective coordination mechanism. Effective knowledge of the countries cannot cope and there is a risk of them being able to achieve objectives and different objectives and the negotiations resulting in implementation agreements. It is therefore important that SADC member states find a way to coordinate their positions on the negotiating issues.

3.1 UNDERSTANDING OF THE MULTILATERAL TRADING SYSTEM AND ITS IMPLICATIONS

Understanding the WTO Agreements and the way the WTO works as an institution is important if a country is to locate advantage of the multilateral trading system to核查 its trade opportunities and in the process achieve greater and longer-term growth. There is a need for knowledge of the WTO and the multilateral trading system in SADC countries. Very few government officials are acquainted with the rules and the rules guide the functioning of WTO, there are no established mechanisms for regular interaction between the WTO and its member states. This is in part because the Secretariat has not played a major role in disseminating information to its member states. SADC member states have not received the information they need to effectively use the WTO and its potential.

3.2 COORDINATION AT NATIONAL, REGIONAL AND MULTILATERAL LEVELS

While all SADC member states have national and multi-stakeholder consultation mechanisms that work satisfactorily in some member states, the problems for regional and multilateral trade negotiations are weak. Given that the SADC Secretariat is an integral part of the WTO negotiations, it is important to consider how to coordinate the efforts.

2.1 DELIVERABLES

THE WORK PLAN AND TIMING OF KEY

In Geneva, interviews were held from 23 January to 1 February 2012 with all SADC Permanent Missions, except those of the Democratic Republic of Congo and Madagascar. These interviews were conducted by the Secretariat and are referred to in this report as Annex A. A meeting at the SADC Permanent Missions was held to discuss the preliminary findings and to solicit further information in the Secretariat. Before the meeting, the Secretariat was given an overview of the situation.

Consultations were also held with Senior Officials from Geneva-based International Organisations dealing with multilateral trade issues, including the WTO, UNCTAD, South Centre and WTO. The interviews help explain how these organisations could provide targeted technical and analytical support to SADC Member States, Geneva-based Trade Officials and the SADC Secretariat.

Phase 2: This phase concerned the preparations for the workshop in Johannesburg in March 2012. It commenced with a week-long meeting of the SADC Secretariat, officials from the SADC Secretariat. The purpose was to ensure the support the SADC Secretariat was giving to the countries interested in the composition of the STF, the Secretariat’s role and the Doha negotiations, to as to the results of the fact-finding missions to Brussels and Geneva. The subjects to be covered by the workshop were discussed in these consultations. The Secretariat should be very proactive and focus on ensuring that the knowledge of the participants about existing WTO Agreements and the Doha negotiations.

Phase 4: This phase was about the delivery of the workshop, which took place in Johannesburg from 27-29 March 2012. It was attended by all participants, from all SADC member states. The participants were provided with handouts and transcripts of the workshop. As agreed the resource persons telephoned their participants to make their recommender SADC member states, and they encouraged the participants in the workshop to be more proactive throughout the sessions. The workshop was subject to the constraints of the participants who said that they had a professional schedule that would interrupt their participation. There were no substantial discussions on WTO rules and procedures and the Secretariat could not make the meetings more interactive and encourage the exchange of views among the participants. The workshops were designed in such a way that each participant was followed by a thorough discussion on the issues that emerged from the presentations, identification of SADC member states, interests in the negotiations, and an assessment of whether the special and differential treatments provided in these negotiations were adequate. The workshop is an annex to this report as Annex D.

Phase 5: This phase concerned the consultations held with the SADC Secretariat, ACP MTS PMU, the WTO and UNCTAD, to make sure the consultations more interactive and encourage the exchange of views among the participants. The consultations were designed in such a way that each participant was followed by a thorough discussion on the issues that emerged from the presentations, identification of SADC member states, interests in the negotiations, and an assessment of whether the special and differential treatments provided in these negotiations were adequate. The consultations were also held with Senior Officials from Geneva-based International Organisations dealing with multilateral trade issues, including the WTO, UNCTAD, South Centre and WTO. The interviews help explain how these organisations could provide targeted technical and analytical support to SADC Member States, Geneva-based Trade Officials and the SADC Secretariat.

Phase 6: This phase concerned the preparations for the workshop in Nairobi and in Geneva in May 2012. In Nairobi, the workshop was held with all SADC Permanent Missions. The purpose was to ensure the support the SADC Secretariat was giving to the countries interested in the composition of the STF, the Secretariat’s role and the Doha negotiations, to as to the results of the fact-finding missions to Brussels and Geneva. The subjects to be covered by the workshop were discussed in these consultations. The Secretariat should be very proactive and focus on ensuring that the knowledge of the participants about existing WTO Agreements and the Doha negotiations.

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The consultations revealed that the consultations were more likely to coordinate their positions on the negotiating issues with the SADC Secretariat.
3.3 CAPACITY TO IDENTIFY PRO-DEVELOPMENT REFORMS AND APPROPRIATE POLICIES TO BENEFIT FROM THE MULTILATERAL TRADING SYSTEM

While membership of the WTO can be beneficial for SADC member states, it is important that the countries adopt appropriate policies which would position the countries to benefit from the multilateral trading system. Member countries of the WTO are committed to reducing tariffs and non-tariff barriers which would benefit their exporters and promote their trade and economic growth. SADC countries, which are members of the WTO, have a special role to play in the reform of the (WTO's) institutional mandate, predominantly to ensure that developing countries do not suffer as a result of the loss of their preferences at the WTO. SADC member states have also committed to raise their trade barriers and make their policies as trade-friendly as possible. To achieve these, SADC countries have agreed to carry out trade negotiations at the WTO and have also supported the negotiations by setting up the WTO Negotiating Committee and the SADC Negotiating Body. These two bodies have been instrumental in the implementation of trade reforms which have led to a significant reduction in tariffs and non-tariff barriers.

4.0 SADC COUNTRIES AND THE DOHA ROUND

SADC countries are recognised in the multilateral trading system. Their share in world trade is around 0.5%. As an example of South Africa, they have a special role to play in the negotiation of preferential agreements which would benefit their exporters and promote their trade and economic growth. SADC countries, which are members of the WTO, have a special role to play in the reform of the institutional mandate of the WTO, with the aim of ensuring that developing countries do not suffer as a result of the loss of their preferences at the WTO. SADC member states have also committed to raise their trade barriers and make their policies as trade-friendly as possible. To achieve these, SADC countries have agreed to carry out trade negotiations at the WTO and have also supported the negotiations by setting up the WTO Negotiating Committee and the SADC Negotiating Body. These two bodies have been instrumental in the implementation of trade reforms which have led to a significant reduction in tariffs and non-tariff barriers.

4.1 SADC MEMBER STATES' INTERESTS IN THE DOHA NEGOTIATIONS

Like other African countries, SADC member states have offensive and defensive interests in the negotiations. Their overall objective is to have a level-playing field which would offer them the opportunity to derive significant benefits from the multilateral trading system and to develop their countries by raising their level of exports through increased market access for products of export interest to them. SADC member states are also active in the ACP Group to advance their common interests in the negotiations. The ACP Group has been instrumental in advocating that there should be full participation, inclusiveness and transparency in the negotiations and that the proposals of African countries should be taken into account. The ACP Group has also been able to secure significant concessions for African countries in the negotiations. For example, the Agreement on Textiles and Clothing (ATC) was reached only after the ACP Group was able to secure significant concessions for African countries in the negotiations.

The SADC Secretariat has been active in the negotiations and has been able to secure significant concessions for African countries in the negotiations. For example, the Agreement on Textiles and Clothing (ATC) was reached only after the ACP Group was able to secure significant concessions for African countries in the negotiations. The SADC Secretariat has also been active in the negotiations and has been able to secure significant concessions for African countries in the negotiations. For example, the Agreement on Textiles and Clothing (ATC) was reached only after the ACP Group was able to secure significant concessions for African countries in the negotiations.

SADC countries have two broad objectives, namely flexibility for their economies and the protection of their infant industries. Their share in world trade is around 0.5%. As an example of South Africa, they have a special role to play in the negotiation of preferential agreements which would benefit their exporters and promote their trade and economic growth. SADC countries, which are members of the WTO, have a special role to play in the reform of the institutional mandate of the WTO, with the aim of ensuring that developing countries do not suffer as a result of the loss of their preferences at the WTO. SADC member states have also committed to raise their trade barriers and make their policies as trade-friendly as possible. To achieve these, SADC countries have agreed to carry out trade negotiations at the WTO and have also supported the negotiations by setting up the WTO Negotiating Committee and the SADC Negotiating Body. These two bodies have been instrumental in the implementation of trade reforms which have led to a significant reduction in tariffs and non-tariff barriers.

From a defensive point of view, SADC member states strongly support the exemption of developing countries, small and vulnerable economies, from the requirements of the WTO's institutional mandate. SADC member states also support the negotiations by setting up the WTO Negotiating Committee and the SADC Negotiating Body. These two bodies have been instrumental in the implementation of trade reforms which have led to a significant reduction in tariffs and non-tariff barriers.

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The workshop took place in Johannesburg from 27-29 March 2012. It had the following key objectives:

- Identify issues of common interest for SADC member states and explore better coordination at national and regional levels through enhancing, inter alia, effective communications between SADC Secretariat, Brussels and Geneva-based missions as well as the missions of the member states and between Brussels and Geneva-based missions as well as the missions of the member states.
- To enhance the effective participation of SADC member states in regional and multilateral trade negotiations, SADC member states and other African countries have been relatively active in the negotiations.

SADC member states are also supportive of proposals that might prevent WTO dispute settlement during the transition period.

With respect to the TRIPS issues, SADC member states and other African countries have been fairly active in the discussions.

4.2 SADC MEMBER STATES’ REACTION TO THE STALEMATE IN THE DOHA NEGOTIATIONS

SADC member states and other African countries have been at the forefront during the protracted stalemate of the Doha Round negotiations. They have been active in the way that they have made offers in the WTO-MC-nominated categories assigned to them in the framework arising out of differences between the key players on a limited number of issues. They have argued that such offers have enabled them to retain flexibility in the way to the conclusion of the Round without giving up on the key players.

Unfortunately, SADC member states have insisted vociferously that the single undertaking approach should be abandoned and that the Round should proceed.

SADC member states have insisted that SADC countries should continue to make offers to the extent to which they have been made to avoid the blocking of the process.

SADC member states have also been keen to ensure that the elimination of subsidies on exports remains a key point of contention in the negotiations.

SADC member states are keen to ensure that the continent-wide free trade area that is currently under negotiation remains a key issue in the negotiations.

SADC member states are also concerned about the issue of special and differential treatment in the negotiations.

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5.0 WORKSHOP ON ENHANCING THE PARTICIPATION OF SADC MEMBER STATES IN REGIONAL AND MULTILATERAL TRADE NEGOTIATIONS

Following the fact-finding missions to Brussels, Geneva and Bonn, it is the responsibility of the workshop to draw on the experience and best practices that have been identified during the fact-finding missions to enhance the participation of SADC member states in regional and multilateral trade negotiations.

- To enhance the effective participation of SADC Member States in regional and multilateral trade negotiations, identify issues of common interest for SADC member states and explore better coordination at national and regional levels through enhancing, inter alia, effective communications between SADC Secretariat, Brussels and Geneva-based missions on WTO issues.
- To build up the multilateral trading system and its implications for SADC Member States.
- To improve capacity of SADC member states to derive benefits from the market opening opportunities at the multilateral level.
- To strengthen regional institutional framework for managing regional and multilateral trade negotiations.
- To implement multilateral trading commitments in support of SADC regional agenda.
5.1 PARTICIPANTS

The workshop was attended by senior trade officials, including Brussels and Geneva-based trade officials and other senior government officials and diplomats representing the governments of the SADC member states, the SADC Secretariat, and other stakeholders. The participants engaged in discussions on various aspects of trade negotiations and coordination mechanisms. The discussions highlighted the importance of effective coordination in the SADC region to ensure that member states derive the maximum benefits from their participation in the multilateral trading system.

5.2 DELIBERATIONS

The three-day workshop was designed to encourage free-ranging discussions on all issues included in the programme. Participants from all SADC member states with the exception of Madagascar attended the workshop. The SADC Secretariat was adequately represented, with the key technical personnel participating in the discussions. The participants engaged in discussions on various aspects of trade negotiations and coordination mechanisms. The discussions highlighted the importance of effective coordination in the SADC region to ensure that member states derive the maximum benefits from their participation in the multilateral trading system.

The participants endorsed the idea of the WTO and the Doha negotiations. They became aware of the nature of SADC member states to all aspects of the negotiations and formed their professional and personal attitudes. They discussed the main challenges facing SADC in terms of responding to the main challenges facing the WTO and the Doha negotiations. They were aware of the successful conclusion of the Doha Round and its impact on SADC member states. They also discussed the impact of the multilateral trade negotiations on their trade policies and their preferences in key markets. They were aware of the importance of the WTO and the Doha negotiations and their impact on SADC member states. They were aware of the impact of the multilateral trade negotiations on their trade policies and their preferences in key markets.

5.3 PARTICIPANTS FEEDBACK

To determine whether the workshop had met its objectives, evaluative forms were distributed to the representatives of the SADC member states. The feedback forms were then analysed to determine the success or otherwise of the workshop. The representatives of the SADC member states were also asked to rate the success of the workshop on a scale of 1 to 5. The feedback forms were then analysed to determine the success or otherwise of the workshop.

6. CONCLUSIONS AND RECOMMENDATIONS

The three-day workshop brought together key stakeholders from the SADC region to discuss the coordination of the SADC Secretariat in trade negotiations and its role in ensuring that SADC member states derive the maximum benefits from their participation in the multilateral trading system. The workshop highlighted the importance of effective coordination in the SADC region to ensure that member states derive the maximum benefits from their participation in the multilateral trading system. The workshop also discussed the challenges faced by SADC member states in the area of trade liberalisation and their implications for the SADC region. The workshop concluded with a number of recommendations aimed at strengthening the coordination role of the SADC Secretariat in trade negotiations and ensuring that SADC member states derive the maximum benefits from these negotiations.

Recommendations:

1. The need for the SADC Secretariat to coordinate annual reviews on the regional integration in the SADC region.

2. The need for the SADC Secretariat to coordinate annual reviews on the regional integration in the SADC region.

3. The need for the SADC Secretariat to coordinate annual reviews on the regional integration in the SADC region.

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7. The need for the SADC Secretariat to coordinate annual reviews on the regional integration in the SADC region.

8. The need for the SADC Secretariat to coordinate annual reviews on the regional integration in the SADC region.
It was agreed that the outcomes of the workshop will be presented to meetings of the SADC Trade Negotiating Forum (TNF) in May 2012 and meetings of the Committee of Senior Officials (Trade) and the Committee of Ministers of Trade (CMT) scheduled for June 2012 for their consideration and follow up.

ANNEXES

ANNEX A - QUESTIONNAIRE GUIDELINES FOR THE SADC MTS PROJECT

Section One

The importance and knowledge on the MTS and its implications of SADC Member States

- To which Countries, International Organisations and UN Agencies are you accredited?
- What is your staff complement?
- In terms of priority, how do you rank the WTO vis-à-vis other International Organisations and UN Agencies?
- How many officers are working on the WTO?
- Are these officers also training other civil servants or UN Agencies? If so indicate which ones?
- If you have an economic, is there sufficient focus on economic diplomacy in its foreign policy? If so, what significance is placed on the WTO and multilateral trade negotiations?
- In the deployment of officials to Geneva, particularly those that come to work on WTO issues, have they any prior training or recognition of particular qualifications, skills or expertise?

Section Two

Coordination at the National, Regional and Multilateral Levels

- Which institutions are involved in Trade Policy Formulation and implementation in your country?
- Do you have a national coordination framework to prepare positions on bilateral, regional and multilateral agreements? Who are the stakeholders?
- What is the role of the various stakeholders?
- Are you satisfied with the level of technical capacity to deal with multilateral trade issues in your national machinery?
- Does your country convene regular meetings or workshops on multilateral trade issues?
- Do you refer issues for guidance on MTNs to your national coordination machinery and are you satisfied with the speed and quality of the responses?
- In your view is the level of engagement of the national coordination machinery the same on dealing with bilateral, regional + multilateral trade issues?

Section Three

SADC Secretariat and Member States capacity to identify and implement pre-development reforms and appropriate policies to benefit from the MTS

- What are your country’s priorities in the WTO Doha Development Round of MTNs i.e. what are the critical issues?
What in your view should constitute the Development Agenda?

Are SADC member states agreed on their development priorities given their different levels of economic development and classification—emerging, developing, LDCs and SVEs?

Should SADC develop a common position on Aid for Trade and what should be the areas of focus?

Are SADC LDC members agreed on the MC8 LDC package?

Given the impasse in the Doha Round what opportunities exist for SADC to accelerate its market integration initiatives as well as negotiations for the TFTA?

EPA negotiations are expected to result in a WTO-compatible trading framework between SADC member states and the EU. How can SADC member states ensure that the sequencing of negotiations as originally planned is maintained?

Do SADC member states want the MC8 LDCs to look for alternative views on these matters or do they want to negotiate for policy space to move up the value chain?

What role should the rest of SADC member states play in ensuring that the unity of developing and least developed countries is maintained, as well as the solidarity with the BRICS enhanced in the MTNs?

Section Four

Improved Communication and flows of information exchange between SADC Member States, SADC Geneva Based representatives and the SADC Secretariat

Do you think that the setting up of a SADC Geneva-based coordination machinery that meets on a regular basis can improve information and communication flows?

Given the small size of SADC Missions vis-à-vis the many meetings of both the regular Committees and negotiating bodies, do you think the system of designating focal points or agreed area is useful?

Have you chaired any WTO Committee or negotiating body?

Do you believe that being designated a focal point or chairing a Negotiating Body will improve your capacity to be fully engaged with WTO processes and procedures?

Do you think that such level of engagement will enhance SADC’s opportunity to influence rather than merely follow WTO processes and procedures?

To what extent would such a responsibility compell you to harness and share the analytical capacity of development friendly agencies and institutions such as UNCTAD, South Centre, KITSD, etc., in developing SADC positions?

Do you think that such a responsibility will enhance the quality of briefs going to SADC Member States, Trade Ministers and the Secretariat and leading to an appropriate SADC response?

What role should the rest of SADC member states play in ensuring that the unity of developing and least developed countries is maintained, as well as the solidarity with the BRICS enhanced in the MTNs?

ANNEX 8- LIST OF INTERVIEWEES

<table>
<thead>
<tr>
<th>No.</th>
<th>COUNTRY</th>
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<tr>
<td>1</td>
<td>Botswana</td>
<td>H.E. Samuel Outlule</td>
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<td>D/Ambassador</td>
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<td>H.E. Brave R. Ndisale, Ph.D</td>
<td>Ambassador Ex. Ord. P.</td>
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<td>Seychelles</td>
<td>Beryl Samson</td>
<td>M. Counsellor</td>
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<tr>
<td>5</td>
<td>Tanzania</td>
<td>H.E. Sieres Uthevasa Wiley</td>
<td>Ambassador</td>
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<tr>
<td>6</td>
<td>ACP – PMU</td>
<td>Nelson Nellings</td>
<td>OGW</td>
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<tr>
<td>7</td>
<td>ACP Secretariat</td>
<td>Robert Bach</td>
<td>Prog. Director</td>
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<tr>
<td>8</td>
<td>ACP Secretariat</td>
<td>Morgan Mkhity</td>
<td>Expert, Trade Policy and Commodities</td>
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<td>9</td>
<td>SWITZERLAND</td>
<td>Morgan Mkhity</td>
<td>Expert, Trade Policy and Commodities</td>
</tr>
<tr>
<td>10</td>
<td>Angola</td>
<td>H.E. Apolone Gorge Correia</td>
<td>Perm. Representative, Agri. Attaché</td>
</tr>
<tr>
<td>Country</td>
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<td>Lesotho</td>
<td>H.E. Dr Motlhakane</td>
<td>Ambassador &amp; Plenipotentiary</td>
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<td>Mauritius</td>
<td>H.E. Shree Servansing</td>
<td>Ambassador &amp; First Secretary</td>
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<td>Mozambique</td>
<td>H.E. Frances Rodrigues</td>
<td>Ambassador &amp; First Secretary</td>
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<td>Namibia</td>
<td>Mr Madjumo</td>
<td>Chargé d'Affaires</td>
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<td>South Africa</td>
<td>Ephraim Mogashoa</td>
<td>Counsellor</td>
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<td>Swaziland</td>
<td>H.E. Thembayena</td>
<td>Ambassador &amp; Permanent Representative</td>
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<td>Tanzania</td>
<td>H.E. Dr. Matern Lumbanga</td>
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<td>Zambia</td>
<td>Ms C. Lishomwa</td>
<td>Permanent Representative</td>
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<td>Zimbabwe</td>
<td>H.E. Mr J. Manzou</td>
<td>Ambassador</td>
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**Annex D: Summary Outcomes of Workshop on Enhancing the Participation of SADC Member States in Regional and Multilateral Trade Negotiations**

27 – 29 March 2012

**Johannesburg, South Africa**

**Presenter: Trades Centre Experts, UNCTAD and WTO Secretariats**

**Mechanisms for Coordination**

Presenter: UNCTAD Secretariat

**WEDNESDAY 28 MARCH 2012**

**SESSION 5**

09:30 – 10:00 Overview of WTO Principles and Institutional Framework

**Objective:** Provide a detailed presentation on key WTO fundamental principles, institutional framework, the decision-making process, and the role of the rules-based multilateral trading system. Focus on outcomes of the recently concluded 9th WTO Ministerial Conference.

**Presenter:** WTO Secretariat, Trades Centre Experts

10:00 – 11:00 Development issues in the DDA, in particular the work programme on special and differential treatment

**Objectives:** Development issues in the DDA, in particular the work programme on special and differential treatment for developing and least-developed countries.

**Presenter:** Trades Centre Experts

11:15 – 13:00 WTO Rules on Regional Trade Agreements

**Objectives:** Overview of developments in the DDA context, the outcomes of the recently concluded 9th WTO Ministerial Conference.

**Presenter:** WTO Secretariat, Trades Centre Experts

**COFFEE BREAK**

**WEDNESDAY 29 MARCH 2012**

**SESSION 6**

09:30 – 10:00 Overview of developments in the Doha Development Agenda negotiations: State of Play, Key Challenges

**Objective:** Overview of developments in the Doha Development Agenda negotiations; the outcomes of the recently concluded 9th WTO Ministerial Conference.

**Presenter:** WTO Secretariat, Trades Centre Experts

10:15 – 11:30 Developing States’ negotiations, LDC status and salient issues

**Objectives:** Developing States’ negotiations, LDC status and salient issues for the SADC Member States.

**Presenter:** WTO Secretariat, Trades Centre Experts

11:45 – 13:15 General Agreement on Trade in Services (GATS)

**Objectives:** General Agreement on Trade in Services (GATS), the basic principles and salient issues for the SADC Member States, rules negotiations, LDCs, Least Developed Countries, special and differential treatment.

**Presenter:** UNCTAD Secretariat, Trades Centre Experts

**LUNCH BREAK**

**THURSDAY 29 MARCH 2012**

**SESSION 7**

09:30 – 10:00 The importance of effective coordination among SADC Member States as a way to advance the trade agenda;

**Objectives:** The importance of effective coordination among SADC Member States as a way to advance the trade agenda.

**Presenter:** Trades Centre Experts

10:15 – 11:30 Broad development objectives, common (divergent) negotiating and development interests, and benefits of SADC Member States membership

**Objectives:** Overview of the negotiations of Non-Agricultural Market Access issues (NAMA) and salient issues for the SADC Member States, issues under negotiations for the SADC, Member States, talks negotiations, LDCs, Least Developed Countries, special and differential treatment for developing and least-developed countries.

**Presenter:** UNCTAD Secretariat, Trades Centre Experts

**COFFEE BREAK**

**SESSION 8**

10:45 – 11:30 WTO Rules on Regional Trade Agreements

**Objectives:** WTO Rules on Regional Trade Agreements and the state of play of the negotiations on rules, salient issues for the SADC Member States, proposal under consideration.

**Presenter:** Trades Centre Experts

11:45 – 13:15 General Agreement on Trade in Services (GATS)

**Objectives:** General Agreement on Trade in Services (GATS), the basic principles and salient issues for negotiations for the SADC Member States.

**Presenter:** UNCTAD Secretariat, Trades Centre Experts

**LUNCH BREAK**

**SESSION 9**

13:45 – 15:30 Development issues

**Objectives:** Development issues in the DDA, in particular the work programme on special and differential treatment in favour of developing and least-developed countries.

**Presenter:** Trades Centre Experts

**COFFEE BREAK**

**SESSION 10**

15:45 – 17:00 Broad development objectives, common (divergent) negotiating and development interests of SADC Member States as a way to advance the trade agenda

**Objectives:** Broad development objectives, common (divergent) negotiating and development interests of SADC Member States as a way to advance the trade agenda.

**Presenter:** Trades Centre Experts

17:15 – 18:30 Review Session and Discussions

**Objective:** Review and discussion of the day’s activities and outcomes.

**Presenter:** WTO Secretariat

**SESSION 11**

18:45 – 20:00 Evaluation and Closing

**Objective:** Evaluation and closing of the workshop.

**Presenter:** Trades Centre Experts, UNCTAD and WTO Secretariats

**Review Session and Discussions**

**Evaluation and Closing**
A. INTRODUCTION

1. The workshop on Enhancing the Participation of SADC Member States in Regional and Multilateral Trade Negotiations was organized by the SADC Secretariat in cooperation with TRADES Centre with financial support from the ACP WTO (Multilateral Trading System) Programme as well as the Commonwealth and South Africa’s Programmes. South Africa’s Programme stimulates South African exports, promotes and enhances regional trade within the Southern African Development Community (SADC), and supports WTO reforms.

2. **The main objectives of the workshop were:**
   - To enhance the effective participation of SADC Member States in Regional and Multilateral Trade Negotiations, ensuring their alignment in support of SADC Member States’ and regional interest in agricultural negotiations and a balanced outcome.
   - To facilitate the full integration of SADC Member States into the Multilateral Trading System. It covered the following specific subjects:
     - Negotiations on agriculture, SADC, services, trade facilitation, and key interests and concerns of SADC countries.
     - Region’s Trade Agreements.
     - Regional Trade Agreements.
     - Mechanisms for coordination and consultations on WTO issues at the national, regional, and multilateral levels.

3. **The Workshop considered the main elements of the Doha Work Programme and the contribution it could make in facilitating the full integration of SADC Member States into the Multilateral Trading System. It covered the following agenda subjects:**
   - The WTO Doha Development Agenda (DDA) State of Play and Outcome of the 8th WTO Ministerial Conference (MC8).
   - Negotiations on agriculture, SADC, services, trade facilitation, and key interests and concerns of SADC countries.
   - Region’s Trade Agreements.
   - Mechanisms for coordination and consultations on WTO issues at the national, regional, and multilateral levels.

B. SUMMARY OF PROCEEDINGS AND WAY FORWARD

4. **The WTO representative made presentations on:**
   - The state of play in the Doha negotiations, the outcome of the MC8, and how SADC Member States can prepare themselves in view of the implications of the negotiations, the new regulations, and how the WTO recognizes the tiered formula for developed, SVEs, and LDCs.

5. The presentation by the WTO Secretariat and the commentaries by TRADES Centre experts were well received and appreciated by the participants. A number of speakers indicated the need to prepare the region to react properly to the many challenges that the WTO Secretariat foresees, including climate change, energy, investment, competition, global value chains, and exchange rates.

6. The presentations by the WTO Secretariat and the commentaries by TRADES Centre experts were well received and appreciated by the participants. A number of speakers indicated the need to prepare the region to react properly to the many challenges that the WTO Secretariat foresees, including climate change, energy, investment, competition, global value chains, and exchange rates.

7. Participants argued that the single undertaking approach protects the interests of developing countries and ensures a balanced outcome in multilateral trade negotiations. Participants also cautioned against overloading the multilateral trade agenda because of their relevance to the MTS in the 21st Century. Participants agreed that the presentations and discussions around the issues covered.

8. Regarding the State of Play and Outcome of the 8th WTO Ministerial Conference (MC8), the workshop made the following observations and recommendations on the way forward:
   - SADC Member States take note that the current impasse provides room for reflection on current positions and interests, and for further engagement in the Doha, SADC, and other relevant negotiations.
   - SADC Member States need to work together in the Single Undertaking approach within understanding the limitations that the single undertaking approach imposes.
   - There should be a consideration of issues to be prioritized for further negotiations for SADC countries in line with the instructions from Ministers at MC8 taking into account that developing countries and least developed countries have understood that the SADC countries should aim to align with the outcomes of the 8th WTO Ministerial Conference (MC8).

9. The presentations by the WTO Secretariat and the commentaries by TRADES Centre experts were well received and appreciated by the participants. A number of speakers indicated the need to prepare the region to react properly to the many challenges that the WTO Secretariat foresees, including climate change, energy, investment, competition, global value chains, and exchange rates.

10. A representative from the SADC Secretariat informed the meeting that the SADC Secretariat had already carried out the SADC Regional Trade Policy document which will provide a framework for agricultural development and development within the region in the medium to long term. A copy of the document was handed to the participants.

11. In the ensuing discussions, participants emphasized the need to continue supporting the SADC Agriculture Sector in order to address the needs of developing countries which would result in a reduction of developed countries’ tariffs by 20% and developing countries by 40%. Several interventions were supportive of the Chair’s proposals on regional support and export subsidies which seem to discriminate the use of subsidies by developed countries and advanced developing countries. They emphasized the need to preserve the flexibilities of the draft model text for developing, SADC, and LDCs. Many speakers repeated the need to ensure that the SADC regional discussions on the SADC agricultural policy and increased local production, value addition, and enhanced food security of the region.

12. Recommendations on WTO agricultural negotiations:
   - Regional positions serving out the development of the SADC Regional Agricultural Policy should be shared with SADC Member States.
   - There is need for SADC Member States to reflect and carry out simulations on the flexibilities currently under negotiation in the three pillars of the WTO (market access, tariffs, and agricultural policies).
   - SADC countries should assess the implications of the 2009 Generics Agreement on Tropical Products Preference.
The following emerged as the key issues for the SADC region:

1. Regional Trade Agreements

On TF, the following recommendations were made:

- SACU Member States should contribute positively to the implementation of the SADC TF protocols by securing additional flexibilities for the SADC region.
- SACU Member States should support the implementation of the SADC TF protocols by maintaining a clear linkage between implementation of obligations and economic benefits.
- SACU Member States should continue to support the implementation of the SADC TF protocols by ensuring that the SADC TF protocols are effectively implemented.

2. Services Negotiations

The following recommendations were made on NAMA:

- SACU Member States should develop a strategy to assist SACU Members to negotiate additional flexibilities in the NAMA negotiations.
- SACU Member States should consider the appropriate modalities for the implementation of the SADCTF protocols in the context of the NAMA negotiations.
- SACU Member States should support the implementation of the SADC TF protocols by ensuring that the SADC TF protocols are effectively implemented.

3. Trade Facilitation Negotiations

The following recommendations were made on TF:

- SACU Member States should continue to support the implementation of the SADC TF protocols by ensuring that the SADC TF protocols are effectively implemented.
- SACU Member States should support the implementation of the SADC TF protocols by maintaining a clear linkage between implementation of obligations and economic benefits.
- SACU Member States should continue to support the implementation of the SADC TF protocols by ensuring that the SADC TF protocols are effectively implemented.

4. Regional Trade Agreements

The following recommendations were made on NAMA:

- SACU Member States should develop a strategy to assist SACU Members to negotiate additional flexibilities in the NAMA negotiations.
- SACU Member States should support the implementation of the SADC TF protocols by maintaining a clear linkage between implementation of obligations and economic benefits.
- SACU Member States should continue to support the implementation of the SADC TF protocols by ensuring that the SADC TF protocols are effectively implemented.

5. Trade Facilitation Negotiations

The following recommendations were made on TF:

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6. Regional Trade Agreements

The following recommendations were made on NAMA:

- SACU Member States should support the implementation of the SADC TF protocols by maintaining a clear linkage between implementation of obligations and economic benefits.
- SACU Member States should continue to support the implementation of the SADC TF protocols by ensuring that the SADC TF protocols are effectively implemented.
- SACU Member States should continue to support the implementation of the SADC TF protocols by ensuring that the SADC TF protocols are effectively implemented.
SADC Member States support the review or flexible interpretation of Article XXIV of GATT 1994 so as to enable developing and least developed countries entering into Free Trade Areas with developed countries to be allowed to assume lesser obligations and implement them over a longer timeframe.

SADC Members should support the provision of legal clarity to the following systemic issues in line with the ACP proposals:

- Substantially all trade (SAT);
- Other regulations of commerce (ORC);
- Transition periods;
- Other restrictive regulations of commerce (ORRC).

Any reforms to existing provisions on RTAs should take into account their developmental aspects.

7. Development Issues - Focus on Special and Differential Treatment

Presentation and Discussions.

27. A presentation on development issues focused on the WTO special and differential treatment work programme. The five categories of GATT are alluded to and how countries that are benefiting from thepreferential treatment can optimise on the WTO provisions to maximise their trade with developed WTO.

28. Participants offered some reflections on how SADC countries can make use of the WTO and partner institutions can come up with innovative initiatives to address the trade-related constraints which negatively affect the capacity of SADC countries to take advantage of the rules-based MTS to expand and diversify exports.

Recommendations

1. After extensive discussions the following recommendations were made:

- SADC Member States attach significant importance to special and differential treatment. They would like to see progress on the agreement-specific proposals tabled by the African Group;
- They would like the GST and financial assistance to be made an integral part of all engagements being negotiated under the DDA. They are opposed to non-binding language as it serves no useful purpose;
- SADC Member States should assess the impact of DQF for LDCs to the region in view of their integration into the MTS.

8. Mechanism for Coordination

Presentation and Discussions.

30. The consultants made a presentation on the need for a coordination mechanism among SADC at the national and regional levels. The presentation which was a summary of findings by the consultants on interviews carried out with SADC ambassadors in Geneva, Brussels and the SADC Secretariat in Botswana generated a lot of discussions. The need for a coordination mechanism that would bring into sharp focus developments at the regional and multilateral trade negotiations in order to ensure coherence in these negotiations was highlighted.

Recommendations

1. In conclusion, the workshop highlighted the need for better coordination both on national and regional level on issues related to WTO and agreed as follows:

- The need for the SADC Secretariat to undertake annual missions to Geneva to brief the SADC Missions on the regional integration issues in the SADC region.
- The need for SADC to establish an office in Geneva as a goal of the organisation;
- The need for SADC to apply for permanent observer status to the WTO, namely, to the General Council and other relevant Committees and bodies.

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ANNEX E - LIST OF PARTICIPANTS: WORKSHOP ON ENHANCING PARTICIPATION OF SADC MEMBER COUNTRIES AND THE ROLE OF SADC SECRETARIAT IN REGIONAL AND MULTILATERAL TRADE NEGOTIATIONS

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<tr>
<td>1. Angola</td>
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<td>13.</td>
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<td>17.</td>
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<td>21.</td>
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<tr>
<td>Mr. Tunde Oke</td>
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**The focus of the next Aid for Trade Global Review will be Global Value Chains.**