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**REPORT OF THE COMESA, EAC AND SADC TRIPARTITE NON-TARIFF  
BARRIERS (NTBS) FOCAL POINTS ONLINE SYSTEM ORIENTATION AND  
TRAINING WORKSHOP**

**10<sup>th</sup> to 11<sup>th</sup> March 2011**

**Nairobi, Kenya**

**REPORT OF THE COMESA, EAC AND SADC TRIPARTITE NON-TARIFF BARRIERS  
(NTBS) FOCAL POINTS ONLINE SYSTEM ORIENTATION AND TRAINING  
WORKSHOP HELD IN NAIROBI, KENYA, 10<sup>TH</sup> – 11<sup>TH</sup> MARCH 2011**

**1.0 OPENING AND WELCOME**

1.1 The representative of the Ministry of Trade, Kenya, Mr. Peter Mwaniki welcomed the delegates to Nairobi and to the Training Workshop for Focal Points on the Tripartite non-tariff barriers (NTBs) Online Mechanism. In his remarks Mr. Mwaniki underscored the importance of resolution to reported NTBs in order to enhance intra-regional trade. He extended his appreciation to the development cooperating partners, Trade Mark Southern Africa and Trade Mark East Africa and the 3 Regional Economic Communities for facilitating the workshop.

1.2 Mr Gerald Ajumbo, Principal Trade officer (International) EAC also chair of the Tripartite Arrangement made welcome remarks on behalf of all the three RECs. After the welcome remarks, he took the meeting through the expected workshop objectives and outputs as follows:

- Focal Points should be able to manage and administer the NTBS Online System to enhance the pace of resolution of NTBs;
- To operationalize the time-frames for processing of complaints as agreed in the 1<sup>st</sup> Joint COMESA, EAC, SADC NTBs Focal Points Meeting held on 10-11 March 2009 in Johannesburg and as endorsed by the RECs Policy Organs; and
- Networking of Focal Points.

**1.3 Attendance**

The meeting was attended by 66 delegates from the following 23 Tripartite countries: Botswana, Burundi, Comoros, Democratic Republic of Congo, Ethiopia, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Rwanda, Seychelles, South Africa, Sudan, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe. Representatives from the RECs, TradeMark East Africa and TradeMark Southern Africa also attended the meeting.

The list of participants is appended as Annex I.

## **2.0 ADOPTION OF THE AGENDA AND ORGANISATION OF WORK**

The meeting adopted the following agenda for the meeting.

1. Registration
2. Opening Remarks; Tripartite Chairman
3. Tripartite Online NTBs Reporting and Monitoring Mechanism-TMSA
4. Online System Orientation and Training-Octopus/TMSA
5. Progress report on the elimination of the online/offline non-tariff barriers by Member States
6. Progress report with regards to establishment of National Monitoring Committees by Member States
7. Comments on the draft mechanism for the elimination of non-tariff barriers within the Tripartite arrangement of COMESA, EAC, SADC.
8. Recommendations and way forward

## **3.0 TRIPARTITE ONLINE NTBS REPORTING AND MONITORING MECHANISM-PRESENTATION BY TMSA**

The representative from TradeMark Southern Africa, Mrs Vonesai Hove, NTBs Expert, also the administrator of the Tripartite Online NTBs Reporting and Monitoring Mechanism provided an overview of the Online Mechanism. She informed the meeting that the design of the online mechanism provides for a dynamic database which allows for real time monitoring. The mechanism also provides for active stakeholder involvement in eliminating NTBs and enhances cooperation among the Tripartite Member States, government and private sector partners.

The meeting was informed of the supporting institutional framework that would enable effective implementation of the Mechanism. These included the establishment of NTBs Monitoring Unit in the COMESA, EAC and SADC Secretariats, National Monitoring Committees and National NTBs Focal Points in Member Countries as well as Private Sector Focal Points. Mrs Hove recalled that the 1<sup>st</sup> meeting of the Tripartite NTBs Focal Point agreed to timeframes for processing and resolution of NTBs but however regretted that there were policy and operational challenges faced in eliminating NTBs. She then urged countries to resolve all NTBs of 3 months and above as a matter of urgency and establish National Monitoring Committees by 2012 where there are none.

### **3.1 DISCUSSIONS ON THE PRESENTATION**

3.1.1 The meeting observed that currently the system administrator is a representative from TMSA and that the project funding from TMSA may end at a point in time and therefore it was recommended a transition mechanism should be put in place by the RECs in the near future to manage and administer the online system.

3.1.2 In appreciating the key role the private sector plays in eliminating and reporting Non-Tariff Barriers the meeting agreed that as important stakeholders they should be given access into the system.

3.1.3 In the discussions that ensued, there was a concern on the legal bearing enforcing the implementation and use of the mechanism for the elimination of Non-Tariff Barriers within the Tripartite arrangement since it is an annex to the FTA whose negotiations are yet to commence. It was however pointed out that the Tripartite Member States were already utilizing the system and taking cognizance of the negative effects of NTBs, Member States may wish to fast-track the implementation of the Mechanism. The meeting observed that should Member States agree to fast-track implementation of the NTBs Mechanism, it will necessitate putting in place modalities to operationalize the Mechanism including resource mobilization.

3.1.4 It was unanimously agreed that the Secretariats should implement a sustainable capacity building programme for all the Member States for the smooth implementation of the NTBs elimination mechanism.

### **4.0 PRESENTATION AND DISCUSSION ON THE NEW NTBS WEBSITE**

The new improved and upgraded website with additional features was presented to the meeting by the Web designer, Octopus Ltd. Further recommendations were made as follows:

- Private Sector Focal Points be accorded administrators' access into the system.
- NMC Chairpersons be given Focal Points status.
- The resolutions status for the NTB reported should be captured in the public window of the system.
- The NTBs online system website should be linked to the websites of relevant public and private sector institutions in the member states.

## **5.0 ONLINE SYSTEM TRAINING**

Participants were given online training on processing of the online reports to ensure expeditious elimination of NTBs website.

## **6.0 ESTABLISHMENT OF NATIONAL MONITORING COMMITTEES BY MEMBER STATES**

The meeting took note of the status with regards to the establishment of NMCs in the Tripartite Member States and commended the EAC region for having fully functional NMCs. Burundi, Rwanda, Tanzania, Kenya, Uganda, Comoros, Zambia, DRC, Malawi and Swaziland have established their NMCs and observed that some countries have already established trade facilitation committees whose functions include facilitating elimination of NTBs.

## **7.0 PROGRESS REPORTS ON THE ELIMINATION OF THE ONLINE/OFFLINE NON-TARIFF BARRIERS BY MEMBER STATES**

The meeting noted that 60% of the reported NTBs have been resolved and 25% are still outstanding. Focal Points submitted progress reports on the resolution of outstanding NTBs by Member States.

## **8.0 RECOMMENDATIONS AND WAY FORWARD**

- Assessment of legitimacy of long standing barriers to speed up process of resolution.
- Implementation of agreed capacity building programme.
- All Member States who have not yet established NMC should be urged to do so. Where substitute structures exist, NMC TORS to be incorporated into the work of such structures and notified to the Secretariats.
- Private Sector Focal Points be accorded administrators' access into the system.
- NMC Chairpersons be given Focal Points status.
- The resolutions status for the NTB reported should be captured in the public window of the system.
- The NTBs online system website should be linked to the websites of relevant public and private sector institutions in the member states.
- Member States should notify the REC Secretariats of all national laws, regulations and procedures that impact on regional trade for circulation to Tripartite Member States.

## **9.0 AOB**

Date and venue of the next meeting will be notified in the future.

## **10 CLOSURE OF THE MEETING AND ADOPTION OF THE REPORT**

There being no further business the report was adopted and the meeting ended at 18:15 hrs.

## **COMESA, EAC, SADC**

11<sup>th</sup> March 2011