



**TRIPARTITE NTBs ONLINE REPORTING, MONITORING AND ELIMINATING
MECHANISM MEETING TO LAUNCH THE SMS REPORTING TOOL**

9th-10th April 2013; Cresta Golf View Hotel, Lusaka, Zambia

REPORT

1. OPENING AND WELCOME

1.1. Introductory and Opening Remarks

Ms. Lisebo Mositsi, Programme Officer – Regional Trade, in the SADC Secretariat made welcoming remarks on behalf of the Chair of the Tripartite Task Force. In her opening remarks, Ms. Lisebo thanked the Government of the Republic of Zambia for hosting the meeting and for the hospitality extended to all the delegates since their arrival in Lusaka. She informed the meeting that the objective of the SMS/Texting tool is to enhance the functionality of web based online reporting system for purposes of increasing the pace at which NTBs are identified. She pointed out that the tool will be applied by all economic operators especially the small to medium enterprises.

1.2. The meeting was attended by delegates from the following Member/Partner States; a: Burundi, D.R. Congo, Kenya, Malawi, Mozambique, Rwanda, South Africa, Tanzania, Uganda, Zambia, and Zimbabwe. Representatives of the following private sector institutions attended: FESARTA, FCFASA, Federation for Business Women Focal Point (FEMCOM-DRC), COMESA, EAC, and SADC Cross Border Traders associations, Transporters, Clearing agents and COMESA Trade Information Desk Officers (TIDOs). In attendance were also representatives of COMESA, EAC, SADC, TMSA, and TMEA. The list of participants is attached as Annex I.

1.3. The Bureau was constituted by Chairs of the three Regional Economic Communities (RECs) as follows:

Chair:	Mozambique
Vice Chair:	Uganda
Rapporteur:	Burundi

2. ADOPTION OF THE AGENDA

The meeting adopted the agenda as outlined below:

1. Registration
2. Adoption of the Agenda and Organisation of Work
3. Election of Bureau
4. Opening Remarks; Tripartite Task Force Chairperson, SADC
5. Report on the development of the SMS Reporting System including demonstration on the functionality of the system, TMSA
6. SMS system launch and training for Focal Points /stakeholders (Interventions from Regional CBTAs)
7. NTBs faced by the Small scale traders and the Transport Sector
8. Consideration of updated NTBs Elimination Matrices

- (i) Long standing NTBs
 - (ii) Policy and regulatory NTBs – Member States to confirm status and recommend way forward
9. Bilateral Consultations on outstanding /longstanding NTBs
 10. Visibility and awareness of the SMS Reporting System (Breakaway Groups)
 11. SMS Linking possibilities in the EAC (Breakaway Groups)
 12. Report back on bilateral consultations
 13. Discussions and conclusions
 14. Report writing
 15. Adoption of the Report

3. REPORT ON THE DEVELOPMENT OF THE SMS REPORTING SYSTEM INCLUDING THE DEMONSTRATION ON THE FUNCTIONALITY OF THE SYSTEM AND OFFICIAL LAUNCH OF THE SYSTEM

3.1. Report on the Development of the SMS Reporting System

Ms. Vonesai Hove, NTB Expert, TradeMark Southern Africa (TMSA) presented a Report on the Development of the SMS Reporting System. She briefed the meeting that the SMS Reporting Tool is an alternative facility to enable stakeholders report NTBs encountered in situations where they do not have access to other reporting tools, telephone, fax, or internet. It is envisaged that the SMS facility is mostly going to benefit small scale traders and the transport sector, who include cross border traders.

3.2. Explanation of Functionality of the SMS Reporting System

Officials from Octoplus who are the Online System designers explained to the meeting on the functionality of the SMS Reporting System. The demonstration indicated that users will be able to send SMS / text messages to a central line in a designated coordinating country. This facility will be managed by a system administrator who may be an independent administrator, appointed RECs etc. The central line will be linked to the online NTB reporting system. The SMS System Administrator will process and verify all SMS complaints in liaison with Focal Points. Genuine complaints will be posted into the online system and forwarded to Focal Points for follow up and action. The SMS Reporting Tool is a 6 stage process as outlined below:

1. Complainant sends text message or registers a complaint online;
2. Complaint stored in the NTB system and Administrator notified;
3. Administrator assigns RECs and Focal Points to resolve complaint;
4. RECs and Focal Points start resolution process and post comments;
5. Administrator changes status of complaint to Resolved in the System;
and
6. Complainant notified that the complaint has been resolved.

3.3. Official Launch of the Short Messaging System (SMS)

The SMS Reporting Tool was officially launched by Dr. Francis Mangeni, Director of Trade, Customs and Monetary Affairs, COMESA Secretariat. In his remarks, Dr. Mangeni reiterated that the persistence of Non-Tariff Barriers and the trade loss arising from their existence makes it imperative that we redouble efforts towards both the identification and elimination of NTBs. He noted that the NTBs SMS reporting system was a key milestone in scaling up the elimination campaign on trade restrictive measures such as NTBs thus enhancing the process of identifying NTBs and contributing to promoting a conducive environment for trade expansion. He pointed out that the SMS reporting mechanism by virtue of its coverage of the small and medium enterprises, dubbed the 'engines of growth' increases transparency and visibility of barriers constraining intra-regional trade. He informed the meeting that the three RECs have attached very substantial expectations on the launch of this SMS reporting instrument and it is the ultimate desire to obtain the rewarding and satisfying results that can justify the expectations of all the Tripartite Member/Partner States and our supporting partners. Finally, he thanked the government of Zambia, the Systems designers and TMSA for their leadership and catalytic role in the development of the system. He also commended all the Tripartite Countries for their participation in improving the system in readiness for its operation.

3.3.1. During the discussions the following queries were raised:

- i. Who will be responsible for maintaining the SMS Reporting system?
- ii. Who will be responsible for the verification of the NTB reported on the SMS Reporting system?
- iii. How will repeated NTBs be treated; will they be clustered?
- iv. How long will the Administrator take to notify the Focal Points?
- v. How will Focal Points be appointed?
- vi. Why should the SMS Reporting system first send the complaint to the SMS System in South Africa and not to the National Focal Points?
- vii. How will evidence be uploaded into the SMS Reporting System for the NTBs that need to be accompanied by evidence?
- viii. Why hasn't the SMS Reporting System borrowed from best practices in other regional initiatives. For example, the SMS Reporting System has 6 processes, which are bureaucratic while the Tanzania Chamber of Commerce Online NTB Monitoring System has only 3 processes. Similarly, the Tanzania Chamber of Commerce Online NTB Monitoring System has a full time Coordinator whose mobile phone is automatically alerted whenever an NTB is registered in the system.
- ix. How will the SMS Reporting System handle the problem of absence of Focal Points from station?
- x. Whereas the Advertisement/Sticker for the SMS Reporting Tool contains information on steps to follow in reporting an NTB, it does not include information on what will be done after complaints have been reported. This is likely to discourage use of the system.

- 3.3.2. In response to the queries raised, the Secretariat clarified that the Capital Cost of setting up the system has been met from TMSA support. However, Member/Partner States will be expected to meet the cost of running the system beyond TMSA support

On verification of the NTB reported in the SMS Reporting Tool, the meeting was informed that the initial SMS will be received by the System Administrator who will screen it before forwarding it to the Focal Points.

Regarding the appointment of Focal Point, the meeting recalled that five (5) Focal Points are already in place in almost all the Tripartite Member/Partner States. It was also noted that, to date some Member States had not appointed their Focal Points.

On uploading documentary evidence into the SMS Reporting Tool, the meeting was advised that the online system already has provision for uploading documents by stakeholders.

On shortening the stages of the SMS Reporting Tool, the meeting was advised that the six -stage process of the SMS Reporting Tool is necessary to allow screening of the NTBs prior to them being forwarded to the Focal Points for action and that the process happens within few seconds and that it protects Focal Points from unnecessary spam mail.

On how volumes of repeated NTBs will be handled; it was agreed that the system would bundle the NTBs into clusters.

3.3.3. The meeting agreed that

- (a) The RECs should mobilise resources that will enable them anchor the SMS Reporting Tool to the SMS Administrator;
- (b) Member/Partner States and RECs to dedicate full time officers responsible for NTBs and managing NTBs reporting and monitoring tools to expedite processing of complaints and coordination of the Tripartite NTB programme;
- (c) The SMS Reporting Tool should interface with the Simplified Trade Regimes currently being pursued in the region;
- (d) To encourage use of the SMS Reporting Tool, the publicity materials should include information on action that will be taken once a company/trader has reported an NTB;
- (e) The Online Reporting System should be linked to existing and future national online systems e.g. Tanzania Chamber of Commerce Online NTB Monitoring System; and
- (f) The SMS Reporting System, like all other Tripartite NTBs reporting and monitoring tools, will undergo continuous improvement.

4. NTBS FACED BY THE SMALL SCALE TRADERS AND THE TRANSPORT SECTOR (INTERVENTIONS FROM THE REGIONAL CROSS BORDER TRADE ASSOCIATIONS)

Mr. Augustine Tawanda, representing the Southern Africa Cross Border Traders Association (SACBTA) made a presentation on the NTBs faced by the Small Scale Traders. The presentation identified the following key NTBs facing Small Scale Traders:

- i Payment of a punitive presumptive tax/ advance income tax because of lack pro activity & innovation in policy formulation; loss of revenue due to difficulty in claiming VAT refunds from trading partners;
- ii. Rules of Origin that discriminate against SMEs/CBTAs while exempting corporates;
- iii Centralisation of SPS and health related processes;
- iv Lack of windows of credit trade; and
- v Road blocks; visa entry restrictions, and arbitrary customs valuations which give rise to incidences of corruption.

4.1 In order to overcome the NTBs faced by SMEs/CBTA the Meeting agreed that:

i) a Tripartite CBTA communication strategy be developed to:

- create awareness among traders at their places of work i.e. flea markets and other trader concentration zones;
- Empowerment for CBTAs to not only articulate their issues but also to assert their rights and fight corruption; and
- Strengthening of structured advocacy spaces such as NMC for the NTB program & National Working Groups for the Simplified Trade Regime program which accommodate CBTAs.

ii) In addition the meeting recommended that the COMESA Trade information Officers/desks need to be empowered as they not only help capture data at border but also facilitate an organised cross border trade transactions and report NTBs on behalf of Traders.

5. CONSIDERATION OF UPDATED NTBS ELIMINATION MATRICES

5.1. Longstanding NTBs

The meeting considered status of unresolved NTBs in the online system contained in document **TP/NTB/2013/3 – LONGSTANDING NTBS AS AT 25TH MARCH 2013**. Progress reports from bilateral consultations between Member/Partner States were presented. A total 16 NTBs were reported as resolved while progress reports on elimination were given for the remaining NTBs in the Matrix.

5.1.1 In the discussions, Member/Partner States status agreed to the following:

- i. Focal Points should speed up the process of elimination of outstanding NTBs. It was observed that some of the NTBs had been in the system for periods ranging from 265 to 1300 days.
- ii. COMESA and SADC should consider adopting the EAC time bound programme for elimination of NTBs which has proved to be an effective tool for processing and eliminating reported NTBs.
- iii. Member/Partner States should submit progress reports on the outstanding NTBs to the Trade facilitation meetings and NTBs Forums scheduled for May and June 2013.
- iv. Member/Partner States should submit registers of NMC members with contact details to facilitate communication between/among NMC members in the region where necessary to ensure speedy processing or resolution of NTBs.
- v. The regional private organisations, such as FESARTA, FCFASA and others when reporting NTBs of a regional nature, should identify the complainants by the region and Member/Partner reporting or imposing.

The updated Longstanding NTBs Matrix is herewith attached as Annex II.

5.2. Policy and Regulatory NTBs

The meeting noted the status report and analysis of resolved NTBs of a policy and regulatory nature which remain in force in Member states tabulated in document **TP/NTB/2013/4** and hereto attached as Annex III.

5.3. Bilateral Consultations on outstanding/longstanding NTBs

Bilateral consultations were held between the Member/Partner States present. Following the bilateral consultations 14 NTBs were resolved. A number of bilateral consultations are scheduled for the near future to resolve outstanding NTBs.

Country presentations:

5.3.1 Republic of Kenya

- NTB 33: Should be deleted as it is similar to NTB 441.
- NTB 52: Malawi reported that it be reported as resolved.
- NTB 451 442, 441 446: What is reflected in the matrix is accurate. Kenya and Uganda are scheduled to have bilateral meetings to resolve them.
- NTB 420: Kenya and Zambia requested the COMESA Secretariat to organise a bilateral between the two countries in order to arbitrate between them. COMESA Secretariat should also give a proper interpretation of the Rules of Origin.

5.3.2 Republic of Rwanda

- NTB 468: The matter has been resolved.
- NTB 529: A bilateral meeting between Rwanda and Burundi will be held between 16 May – 10th of June 2013.

5.3.3 United Republic of Tanzania

- NTB 388: There is an ongoing study by Tanroad, which will give guidance on the number of weighbridges on the road.
- NTB 431: A verification mission to authenticate whether the products conform to the Rules of Origin was undertaken and the NTB has been resolved.
- NTB 494: Was a one off incident which has been resolved.
- NTB 521: Only restriction on products which attract duty are on products imported by EABL outside the EAC. The NTB is therefore resolved.
- NTB 522: Was a one off incident which has been resolved.
- NTB 508: The matter is resolved.
- NTB 512: Had consultations with South Africa and agreed it was a one off incident and if any issues arise they should contact Tanroad office at the Border. South Africa to provide confirmation from complainant whether this NTB is still occurring at Tunduma Border Post.
- NTB 519: URT requires some information from the Burundi. Agreed that URT and Burundi will tackle the NTB at a bilateral level and update the meeting accordingly.

5.3.4 Republic of South Africa

- NTB 478: Mozambique will investigate and provide South Africa with feedback.
- NTB 549: The NTB has been resolved.
- NTB 425: South Africa Department of Trade and Industry will write a letter to the Ministry of Economy of DRC with a copy to Ministry of Finance, Ministry of Foreign Affairs and SADC Secretariat, to request their assistance in ensuring that this NTB is resolved. South Africa will

- further liaise with Focal Points of DRC on this matter.
- NTB 480: Zambia Focal Point will consult their Road Development Agency and provide South Africa with feedback.
 - NTB 488: South Africa should consult the Complainant to clarify exactly what fees were charged and report back to the Zambian Focal Point.
 - NTB 514: According to Zambia Focal Point it is not compulsory for transporters to park their trucks in the secure areas as they can park along the road. Zambia will consult with Authorities to confirm this and report back to South Africa.
 - NTB 515: Collection of Fees by Municipal Council on behalf of the Road Development Agency will consult authorities to inform and provide information to South Africa.
 - NTB 525: Zambian law that requires foreign transporters carrying dangerous goods to purchase a licence to transport the goods at a cost of USD750. Zambia to consult and verify the amount being charged on foreign trucks. NTB 526: Zambia Focal Point will consult with Department of Agriculture and provide South Africa with feedback.
 - NTB 565: Zambia Focal Point will consult with the Road Development Agency and provide South Africa with feedback.

5.3.5 Republic of Uganda

- NTB 450: Negotiations are ongoing between the Government and the World Bank to build the infrastructure. Uganda shall update on what the World Bank has agreed.
- NTB 473: Uganda reported that Certificates are issued at the border so this NTB has been resolved. Rwanda intervened that it is only simplified certificate of origin for small scale traders that are available at the border but that for large scale traders has to be obtained from Kampala. Uganda undertook to confirm on whether Certificates of origin for large scale traders are available at the border.

5.3.6 Republic of Zambia

- NTB 530: Zambia expressed concern on the language used on reporting this NTB. The TTF Secretariat undertook to correct such language in future.
- NTB 400: Zambia filled in the questionnaire. However South Africa has come up with new requirements. Zambia has requested for more information from South Africa on the new requirements. South Africa intervened that the South Africa Department of Agriculture are in consultation with Zambian Companies and will give full information once they have consulted.
- NTB 420: Zambia wrote to Kenya to provide more information on how they were meeting the 35% value addition threshold. Kenya has not responded to Zambia.
- NTB 433: This has never been an issue of Rules of Origin. System Administrator should change it to be an issue of SPS. Mission by Kenya took place from 29 October to 2 November 2012 and report of

the meeting is ready. Zambia will communicate to Kenya when they are ready to discuss the report. Kenya intervened to point out the challenge of lack of timelines on responses from Zambia.

- NTB 513: Consulted relevant authorities and informed that the operating time for all the border agencies are the same; they close at 6 p.m. This was a one off incidence and should therefore be deleted from the matrix as it is resolved.
- NTB 514: Zambia confirmed with relevant authority that parking in private car yard is not a must and truckers are allowed to park along the road where there is no fee. It is up to the truck drivers to choose where to park. This is not an NTB and should be recorded as resolved.
- NTB 515: Zambia reported that the municipal councils collect the fees on behalf of the Road Development Agency but will confirm with the authority and provide feedback. Focal Point was already in consultations with stakeholders and endeavours to submit comments during SCTF meeting.
- NTB 534: Mozambique reported that she is looking into this issue but that it was probably an oversight on the part of the officer on duty on that day. This NTB was therefore resolved.
- NTB 553: Zambia reported that consultations with relevant authorities had revealed that this was private parking and the State had no say over the fees. However, trucks were free to park along the road side. This matter is therefore resolved.
- NTB 565: Zambia consulted relevant authorities who confirmed that trucks can still load from any town and pay from any town not necessarily going to Ndola. Zambia Public Sector Focal Point indicated that they would consult the Road Development Agency and provide feedback. Road user fees are charged according to distance therefore transporters can load their goods and pay in Ndola or Lusaka or any other place where there is payment office. The NTB was resolved.

5.3.7 Republic of Mozambique

- NTB 534: Matter was a one off incidence occasioned by officer on duty and should be deleted. There is no need for Mozambique to put this information in writing. NTB was resolved.
- NTB 478: Mozambique is still waiting for more details from National Road Services.
- NTB 549: Mozambique requested South Africa to provide proof of payment on the said charges as this is not legal in Mozambique. NTB should be reported as resolved.
- NTB 570: This amount is the amount charged ranging from USD75-100 per trip. NTB should be reported as resolved.

5.3.8 Republic of Malawi

- NTB 172: Malawi reported that Malawi Revenue Authority had embarked on a programme to improve customs processes and that Malawi would submit progress report at the forth coming SADC Trade

facilitation Committee meeting scheduled for May 2013.

5.3.9 The Meeting agreed that:

- i) For purposes of facilitating future bilateral consultations, Member/Partner States should urgently submit to the Administrator the names and contact details of the NMCs by 10th May 2013. The Administrator should thereafter circulate the contact details of the NMCs to the Member/Partner States.
- ii) Prior to attending Tripartite NTB meetings, all Focal Points should consult with relevant authorities in their countries on NTBs reported against their country and attend the meeting with concrete proposals on way forward. The practice of Focal Points attending Tripartite meetings without concrete proposals on resolution of NTBs identified should be discouraged.
- iii) Member/Partner States should provide to the Administrator the outcome of all future bilateral consultations for purposes of updating the Tripartite NTB Elimination Matrix.

6. VISIBILITY AND AWARENESS OF THE SMS REPORTING SYSTEM

The meeting discussed how to promote visibility and awareness of the SMS Reporting System and made the following recommendations: following needs to be done:

- Compact CDs and videos be distributed in transport buses, tracks and taxis;
- Stickers in selected halls, border posts, buses in local languages;
- Use of electronic media e.g. TV and Radio to publicise the system;
- Peer educators nominated and educated by the sector;
- Participation of mobile phone service providers;
- Posters in various strategic areas with clear information on SMS reporting;
- Use of print media through press releases;
- Improvement of the poster by adding: When did it happen? Company/Trader names and contact details, and what action will be taken once complaint made.
- Capacity building for Focal Point on use of the SMS Reporting tool.

The comprehensive report on visibility and awareness of the SMS Reporting System is herewith attached as Annex IV.

6. SMS LINKING POSSIBILITIES IN THE EAC

The meeting recommended that national online reporting mechanisms be linked to the Tripartite system. The United Republic of Tanzania

will be host the East African SMS number. The design team comprising Octoplus, and TCCIA were tasked to work on operationalising the SMS reporting for the EAC region. EAC Secretariat should mobilise resources to implement an EAC SMS Tool.

7. ANY OTHER BUSINESS

8 Intervention by FESARTA

FESARTA informed the meeting that the Africa Road Transport Forum will take place from 18th-19th April 2013 in Johannesburg. The Forum will bring the private and public sector together to find solutions to critical problems along the corridor including NTBS. There will be presentations from high profile personalities in the region. The Forum will be held back to back with SSATP REC meeting. The meeting participants were encouraged to participate in the Forum.

8. ADOPTION OF REPORT AND CLOSING OF THE MEETING

The Report was adopted by the Chairperson, Vice Chairperson and Rapporteur on 10th April 2013 as reflected under:

Chairperson

Ms. Rita Freitas
(Republic of Mozambique)

Vice Chairperson

Ms. Georgina Mugerwa
(Republic of Uganda)

Rapporteur

Ms. Dorine Ntibaneneje
(Republic of Burundi)