ECOWAS COMMISSION-WAMI
REPORT OF STUDY ON TRADE CAPACITY OF
MEMBER STATES OF THE WAMZ

ACCRA, GHANA
AUGUST 2012
<table>
<thead>
<tr>
<th><strong>What is this Report all about?</strong></th>
<th>This is a maiden report of the assessment of the trade capacity of the Member States of the WAMZ. It aims to highlight challenges encountered by the Member States in implementing ECOWAS trade obligations and to deepen understanding about low intra-regional trade, trade policy issues as well as multilateral trading systems.</th>
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<tr>
<td><strong>Using this Report</strong></td>
<td>This report is divided into four thematic areas comprising trade capacity of the WAMZ Member States, country status of implementing the ETLS, guidelines for trade in services negotiations and sanctions against Member States for non-compliance with ECOWAS trade and trade-related protocols, conventions and decisions. It also has a section summary of recommendations on all the four thematic areas.</td>
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<tr>
<td><strong>Who is it for?</strong></td>
<td>Mainly for trade and trade-related policy makers. Individuals interested in regional trade issues. It could also be useful for researchers interested in international trade</td>
</tr>
</tbody>
</table>
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ACKNOWLEDGEMENTS

The report of the study on trade capacity of Member States of the WAMZ was prepared under the general direction of the West African Monetary Institute’s Acting Director-General, John H. Tei kitcher, and jointly supervised by Abdoulaye Barry, Director, Operations and Regional integration as well as Lassane Kabore, Director, Multilateral Surveillance of the ECOWAS Commission. This report was co-authored by staff of WAMI and ECOWAS Commission.

The West African Monetary Institute (WAMI) in collaboration with the Economic Community of West African States (ECOWAS) Commission conducted joint trade field study missions to the West African Monetary Zone (WAMZ) Member States from April to June 2012. The purpose of the visits was to hold stakeholder consultations on issues relating to Member States’ capacity to trade.

The missions paid courtesy calls on the relevant country authorities including Ministers, Permanent Secretaries/Chief Directors as well as Chief Executive Officers (CEOs) of parastatals. Discussions were also held with senior government officials of various Ministries, Departments and Agencies as well as organised business groups. The studies were conducted through a combination of questionnaires, written submissions, desk reviews and interviews.

This report is a collaborative effort of the staff of the ECOWAS Commission and WAMI, and reviewed by the WAMZ Trade Experts’ Group as well as the ECOWAS-WAMI Joint Task Force on trade and trade-related issues. The management of WAMI acknowledges with great appreciation the financial support received from the African Capacity Building Foundation (ACBF) for the participation of WAMI staff in the field studies.

The mission avails itself of this opportunity to express its profound gratitude to the WAMZ country authorities for their continued cooperation and commitment to the WAMZ programme. The teams thanked all organisations and individuals for their invaluable contributions towards the success of this assignment. The list of officials consulted in each country is attached as Appendix 5.

Disclaimer

The report of the study on Trade Capacity of Member States of the WAMZ and the opinions and recommendations reflected therein are not necessarily entirely those of the Member States of the WAMZ. The authors also wish to exonerate those that have commented upon it from responsibility or any outstanding errors or omissions.
FOREWORD
Acting Director-General of WAMI
John H. Tei Kitcher

The main goal of the ECOWAS is to promote cooperation and integration in order to raise the standard of living of its citizens. Convinced by this overarching goal, the ECOWAS Monetary Cooperation Programme (EMCP) was established in 1987 to consolidate and fast-track the economic integration agenda of ECOWAS. Due to unanticipated delays experienced in the implementation of the EMCP, a second monetary zone, the West African Monetary Zone (WAMZ) now comprising, The Gambia, Ghana, Guinea, Liberia, Nigeria and Sierra Leone was set up in 2000, to fast track the ECOWAS monetary integration cooperation programme. Article 11 of the statute establishing the West African Monetary Zone (WAMZ) made provision for the setting up of the West African Monetary Institute (WAMI) with the mandate to carry out preparatory activities leading to the take-off of the WACB and introduction of a single currency.

Since its establishment, WAMI has been mainly pursuing the goal of introducing a single currency in the zone by monitoring the performance of Member States on the WAMZ prescribed macroeconomic convergence criteria on semi-annual basis. The Member States are required to comply with a set of quantitative convergence criteria as well as structural benchmarks as a precursor to the monetary union. WAMI provides policy recommendations to Member States so as to achieve and sustain macroeconomic convergence. Adequate institutional arrangements are also being put in place in the run-up to the economic and monetary unification.

Following the recognition by the WAMZ authorities, the importance of effective trade integration for the WAMZ programme, WAMI in 2005 as contained in the “Banjul Declaration”, was assigned an expanded work programme including the promotion of good trade governance, monitoring and reporting on Member States’ compliance with ECOWAS trade integration obligations as well as providing analytical advisory services on trade among other issues. The authorities also recognized the significant contribution of trade to GDP and the positive multiplier effect it can have on socio-economic development of the economies of the WAMZ.

Despite its potential significant contribution, intra-zonal trade accounts for less than 10 percent largely due to prevalence of informal cross-border trade, non-tariff barriers to trade, supply side capacity rigidities and breaches of trade and trade-related protocols, conventions and decisions by the Member States.

In its efforts to effectively deliver on the above mentioned expanded work programme, trade integration constitutes an important pillar in the Institute’s strategic plan (2010-2015). Accordingly, WAMI has instituted the WAMZ Trade Ministers’ Forum, which peer reviews Member States’ performance on their implementation of ECOWAS trade and trade-related

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1 WAMI has so far conducted five such forums.
protocols and decisions and the extent to which Member States take advantage of the ECOWAS free trade regime. In collaboration with WAMI, the Forum endeavours to highlight challenges that constrain attainment of regional trade integration objectives, and provides recommendations to address them.

Furthermore, WAMI has also forged closer collaboration and partnership with the ECOWAS Commission through the ECOWAS-WAMI Joint Task Force\(^2\) on Trade and Trade-related Issues, to carry out joint activities, of which this report is an outcome. Similarly, strategic partnership has been established with the African Development Bank, AFREXIM Bank, and Africa Capacity Building Foundation (ACBF) for the promotion of trade integration in the WAMZ.

The findings of this report showed that since the free trade regime was established, through the introduction of the ECOWAS Trade Liberalisation Scheme (ETLS) in 1990, intra-ECOWAS trade has been below 17 percent while trade between WAMZ countries has been below 10 percent. The report also indicated that trade has continued to be concentrated in a few markets outside the ECOWAS, in narrow and undynamic goods, culminating in non-achievement of desired trade objectives. Trade infrastructure capacity deficit and production capacity limitations have featured prominently in the report, calling for greater concerted effort in removing non-tariff barriers to trade, enhancing trade facilitation and improving transportation across countries.

It is WAMI’s expectation that through adequate institutional responses by the Member States, intra-zonal and intra-regional trade would be intense and kept high. If the institutional capacity support project being proposed in this report comes to fruition and complemented by country support and commitment, deeper trade integration would be realized, making the introduction of the single currency more meaningful.

\(^2\) The Joint Task Force has so far conducted 8 meetings since its inception in 2010.
EXECUTIVE SUMMARY

The WAMZ Authority, through its Banjul Declaration of 2005, recognised that effective trade integration was essential to realising their aim of establishing a monetary union. Accordingly, WAMI was assigned the responsibility of promoting trade integration in the zone. In that vein, the WAMZ Trade Ministers at their fourth meeting held in Freetown, Sierra Leone on May 18th and 19th, 2011, directed WAMI in collaboration with the ECOWAS Commission to carry out a number of assignments on trade and trade-related issues. These assignments included, an assessment of the institutional capacity of WAMZ Member States to implement ECOWAS trade obligations; an evaluation of the status of implementation of the ECOWAS Trade Liberalisation Scheme (ETLS); proffer recommendations for a sanctions regime for non-implementation of ECOWAS trade obligations; and provide guidelines for Member States’ negotiations on trade in services.

This report is a compilation of the findings of the field studies on the assignments mentioned above. With respect to the assessment of the capacity of Member States to implement ECOWAS trade obligations, capacities required to implement multilateral trade obligations are cross-cutting ranging from infrastructure and logistics to human resources. The findings have shown that WAMZ Member States lack the competitive productive supply capacities and their non-compliance with technical barriers to trade (standards and technical regulations) pose difficult obstacles for them to fulfil their obligations and prevent them from effectively utilising the opportunities of international markets.

With regard to the implementation of the ETLS since its adoption, some progress have been made relating to setting up of the National Approvals Committees (NAC) and the registration of companies wishing to participate in the scheme. In respect of other protocols affiliated with the scheme such as free movement of persons, all the Member States do observe visa free movement of persons and have abolished entry permits. Citizens of the community can travel to any country in the region on ECOWAS passport or laissez-passer. All the Member States grant to the community citizens a 90-day stay without a residence permit. However, the existence of non-tariff barriers limits gains from increased market access. It is not only road blocks that impede trade in the zone and the region at large but also non-tariff measures that may reflect public policy concerns. These measures could be as restrictive as the barriers and in effect have invariably the same adverse impact on trade integration. The existence of non-tariff barriers of any form undermines the gains from ETLS especially for new entrants and constraints diversification efforts, across products as well as markets.

While recognising that the ETLS rules of origin seek to ensure that Member States benefit from market access entitlements relative to competition from third party countries, it is also important to avoid making them overly restrictive or uncoordinated with emerging product networks and business strategies, which may render the scheme ineffective.

As regard to issues relating to practical guide for WAMZ Member States for the conduct of trade in services negotiations, the study shows that WAMZ Member States stand to benefit from trade in services provided that capacity to supply improves. Participation in international trade negotiations especially the services sector requires adequate preparation. WAMZ Member States are inadequately equipped and poorly prepared for trade negotiations in general and trade in
services in particular. The legal framework that underpins the mandate for trade negotiations ought to be thoroughly understood. Relevant human capacities are relatively weak in the institutions that conduct negotiations on behalf of the countries. The teams are assembled for trade negotiations on an ad hoc basis and the composition is not representative of the competencies required for the negotiations. Inter-institutional coordination is weak and background analytical work that would underline the basis for the negotiations is mostly not done.

Within the multilateral framework and in particular for the EPA negotiations, the fundamental principles on which the activities of the ECOWAS Commission are focused on for preparing the negotiations on trade in services, include the following:

- the progressive liberalization of the services sector, capacity development and improvement of the competitiveness of the trade in services sector;
- the liberalization by the EU of access to markets, especially for modes of delivery that are specific to West African exports;
- the liberalization of access to markets in the main sectors and for modes of supply of interest to West Africa for its exports;
- the special treatment granted to West Africa; the taking into account of the serious difficulties of the least developed countries because of their special economic situation and of their development needs;
- the possibility of resorting to the provisions of Articles IV, X and XIX of the GATS for taking safety measures in order to avoid distortions of the markets in services, in case of threat of serious damage.

These principles as well as an indicative list of priority services sectors on which the negotiations will be focussed on were established, particularly in the joint West Africa-EU report on services. The criteria used for sector selection included economic importance, significance of trade flows, likeliness of change in trade flows, multiplier effects and export potential. The conclusions of the June 2009 meeting of the leading negotiators considered the continuation of the negotiations on trade in services after the conclusion of the agreement dealing mainly with goods and the support for development relating to the EPA. Thus, for the follow-up of preparing the negotiations, ECOWAS sponsored in 2010 a regional study on trade in services, with the purpose of taking inventory of issues on trade in services in West Africa. The study focused on the situation of the reviewed sectors, indicating the main characteristics of those sectors, the weaknesses and constraints preventing their development, the main agents operating in these areas, the regulation in place as well as the forms of liberalization undertaken by the countries.

Finally, in respect of the proposal for an appropriate sanctions regime, it was underscored that sanctions for non-compliance with ECOWAS protocols do exist; however, it is the lack of enforcement that hinders compliance. In the interest of mutual benefit and cooperation among the members of the zone, it was the considered opinion of some Member States that litigation among them should be de-emphasised to the extent possible and rather dialogue and alternative means of settling issues should be encouraged in tandem with the spirit of integration.
# LIST OF ABBREVIATIONS

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<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>ACBF</td>
<td>African Capacity Building Foundation</td>
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<td>ACP</td>
<td>Africa, Caribbean and Pacific</td>
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<td>ASM</td>
<td>Agricultural Safeguard Mechanism</td>
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<td>ASYCUDA</td>
<td>Automated System for Customs Data</td>
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<tr>
<td>CEO</td>
<td>Chief Executive Officer</td>
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<td>CEPS</td>
<td>Customs, Excise and Preventive Services</td>
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<td>CET</td>
<td>Common External Tariff</td>
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<tr>
<td>CIF</td>
<td>Cost, Insurance and Freight</td>
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<td>CL</td>
<td>Compensatory Levy</td>
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<tr>
<td>DPT</td>
<td>Digressive Protection Tax</td>
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<tr>
<td>ECOWAS</td>
<td>Economic Community of West African States</td>
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<td>EDAIF</td>
<td>Export Development and Agricultural Development Fund</td>
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<td>EDI</td>
<td>Electronic Data Interchange</td>
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<td>EEG</td>
<td>Export Expansion Grant</td>
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<td>EMCP</td>
<td>Economic and Monetary Cooperation Programme</td>
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<tr>
<td>ENU</td>
<td>ECOWAS National Unit</td>
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<td>EPA</td>
<td>Economic Partnership Agreement (EPA)</td>
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<td>EPADP</td>
<td>Economic Partnership Agreement Development Programme</td>
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<td>ETLS</td>
<td>ECOWAS Trade Liberalisation Scheme</td>
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<td>EU</td>
<td>European Union</td>
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<td>FOB</td>
<td>Free on Board</td>
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<td>GATS</td>
<td>General Agreement on Trade in Services</td>
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<td>GCNet</td>
<td>Ghana Community network</td>
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<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
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<td>GICCS</td>
<td>The Ghana Integrated Cargo Clearance System</td>
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<tr>
<td>GIEPA</td>
<td>The Gambia Investment and Export Promotion Agency</td>
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<td>GIPC</td>
<td>Ghana Investment Promotion Centre</td>
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<td>GRA</td>
<td>Ghana Revenue Authority</td>
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<td>IBAS</td>
<td>Indigenous Business Advisory Services</td>
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<td>ICT</td>
<td>Information Communication Technology</td>
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<td>IICTN</td>
<td>Inter-Institutional Committee on Trade Negotiations</td>
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<td>ISRT</td>
<td>Inter-State Road Transit</td>
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<td>IT</td>
<td>Information Technology</td>
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<tr>
<td>MFN</td>
<td>Most Favoured Nation</td>
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<td>NAC</td>
<td>National Approvals’ Committee</td>
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<td>NEPAD</td>
<td>New Economic Partnership for Africa Development</td>
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<td>NIPC</td>
<td>Nigeria Investment Promotion Commission</td>
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<td>National Revenue Authority</td>
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<td>SDF</td>
<td>Social Development Fund</td>
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<td>SLIEPA</td>
<td>Sierra Leone Investment and Export Promotion Agency</td>
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<tr>
<td>SME</td>
<td>Small Medium Enterprise</td>
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<td>SMEs</td>
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<tr>
<td>ToR</td>
<td>Terms of Reference</td>
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<tr>
<td>UEMOA</td>
<td>Union Economique et Monétaire Ouest Africaine</td>
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<tr>
<td>Acronym</td>
<td>Description</td>
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<tr>
<td>WACB</td>
<td>West African Central Bank</td>
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<td>WAMI</td>
<td>West African Monetary Institute</td>
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<td>WAMZ</td>
<td>West African Monetary Zone</td>
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<td>WATH</td>
<td>West Africa Trade Hub</td>
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<td>WTO</td>
<td>World Trade Organisation</td>
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PART ONE: BACKGROUND

The West African Monetary Zone (WAMZ) comprises The Gambia, Ghana, Guinea, Liberia, Nigeria and Sierra Leone. It was established by the Authority of Heads of State and Government in 20003, to create a second monetary zone in ECOWAS with the aim to fast track the ECOWAS Monetary Cooperation Programme (EMCP) that commenced in 1987. Cape Verde is an observer. The Statute establishing WAMZ also made provision for the setting up of WAMI with the mandate to: (i) set up the West African Central Bank (WACB), (ii) carry out technical preparations required for the introduction of the eco (the proposed single currency in the zone), and (iii) prepare the framework for monetary and exchange rate management in the zone.

The WAMZ Authority, through its Banjul Declaration of 2005 recognised that effective trade integration was crucial to ensuring the success of plans to establish a monetary union. Accordingly, WAMI was assigned an expanded work programme intended to establish a durable economic and monetary union including the responsibility of promotion of trade integration in the zone.

It was in recognition of the low level of intra-regional trade and the desire to improve trade integration in the zone, that the Ministers of Trade of the WAMZ at their Fourth Forum held in Freetown, Sierra Leone, on May 18 - 19, 2012, directed the West African Monetary Institute (WAMI) in collaboration with the ECOWAS Commission to conduct trade field studies in the WAMZ on four thematic areas. The areas covered by this report are:

(i) assessment of the WAMZ Member States’ capacity to implement ECOWAS trade integration obligations;
(ii) assessment of the status of implementation of the ECOWAS Trade Liberalisation Scheme (ETLS) in the WAMZ;
(iii) development of appropriate sanctions against Member States which breach ECOWAS Protocols and Conventions on trade and trade-related issues; and
(iv) examination of trade in services in the zone to adequately inform the WAMZ Trade Ministers’ negotiations during the next round of the Doha negotiations on trade in services.

Acting on the directive of the Trade Ministers, WAMI initiated the process by drawing up the Terms of Reference (ToR) for the assignments and convened an ECOWAS-WAMI Joint Task Force meeting, an inter-institutional working group charged with the responsibility of monitoring, evaluating and reporting to the relevant authorities, issues relating to trade and trade-related matters. The meeting reviewed the ToR and agreed on the modalities for carrying out the assignments. Joint field visits to WAMZ Member States were undertaken between April to June 2012, to engage stakeholders on policy dialogue relating to the thematic areas stated above and collected relevant documentations. Authorities consulted during the visits included ECOWAS Commission, Ministries, Departments and Agencies associated with trade and related issues as well as private sector operatives involved in regional trade.

The methodology adopted in carrying out the assignments was premised on wide consultations of stakeholders, interviews and focused group discussions. The study included desk review in

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3 Liberia became a member of the WAMZ in February 2010.
order to provide a comprehensive presentation of the situation and offer recommendations for improvement. The field visits were preceded by desk review of the relevant literature, and development of a set of questionnaire administered in the field. Subsequent to an internal review process at the institute, an Experts’ Committee meeting was convened to review the study before submission to the Fifth Trade Ministers’ Forum for validation.

The findings of the study was presented and deliberated on at the fifth meeting of the Ministers held in October 2012 and hosted by the Ministry of Trade and Industry of the Republic of Ghana. The expected outcome of assignment was two-fold; first is to compile the findings into a book, to be used as reference material on trade integration in the WAMZ. Second, to develop a project document intended to mobilise resources to enhance the capacities of Member States to improve trade integration in the zone and effectively implement ECOWAS trade commitments.

Following this background, the rest of the report is organised as follows: part 2 discusses the capacities of WAMZ Member States to implement ECOWAS trade obligations; evaluation of the Member States’ implementation of the ETLS is discussed in part 3; part 4 outlines practical guidelines for trade in services negotiations; part 5 highlights issues relating to sanctions for breach of ECOWAS protocols and the report concludes with a summary of recommendations.
PART TWO: CAPACITY TO IMPLEMENT ECOWAS TRADE OBLIGATIONS

1.0 Introduction

Capacities required to implement multilateral trade obligations including ECOWAS obligations are cross-cutting ranging from infrastructure, logistics to human resources. WAMZ Member States are signatories to many multilateral trade agreements. But the lack of competitive productive supply capacities and the lack of compliance with technical barriers to trade (standards and technical regulations) pose difficult obstacles for the WAMZ Member States to fulfil their trade obligations and prevent them from effectively utilising the opportunities of international markets. The reasons for the WAMZ Member States’ failure to exploit the opportunities offered by the international markets are not only for the want of reduction in tariffs and quotas, but the lack of capacity to produce according to international market requirements, lack of ability to prove compliance of products and producing enterprises with requirements set by international buyers, and lack of capacity to integrate into the multilateral trading system and fully implement its rules and regulations.

WAMZ Member States have inadequate capacities to produce goods that could compete favourably in terms of quantity, quality and price in export markets. Although some of them may have competitive advantage in agricultural products, only a small proportion of the produce is processed. In addition to the need to improve their productive capacities so as to have an adequate volume and wider range of goods to sell, they also have to compete in a demanding rules-based trading system. Thirdly, WAMZ Member States are confronted with the challenge of effective participation in multilateral trade negotiations. It is evident that without the requisite human (trade economists, trade layers, statisticians, skilled negotiators), institutional (customs, standards, ministries, investment bureaus, chambers of commerce, immigration, police, banks) and infrastructure (roads, ports, harbours, telecommunications, electricity) capacities, WAMZ Member States cannot expand the quantity and quality of goods and services they supply at competitive prices to the rest of the world.

Following this introduction, the rest of the sections are organised as follows: section two highlights ECOWAS trade integration obligations, section three discusses the implementation the ECOWAS trade obligations including challenges while the final section concludes and proffers recommendations.

2.0 ECOWAS Trade Integration Obligations

The aims of the Community include promotion, cooperation and integration leading to the establishment of an economic union in West Africa in order to raise the living standards of its peoples and to maintain and enhance economic stability, foster relations among Member States and contribute to the progress and development of the region. In order to achieve these aims the Community undertook to carry out by stages; the establishment of a common market through:

(i) liberalisation of trade among Member States by the abolition of customs duties levied on imports and exports, and the abolition of non-tariff barriers among Member States in order to establish a Free Trade Area at the Community level;
(ii) adoption of Common External Tariff (CET) and common trade policy vis a vis third countries; and

(iii) the removal of obstacles to the free movement of persons, goods, service and capital and the right of residence and establishment among Member States.

The trade integration obligations were designed to deepen intra-regional trade and foster greater collaboration among Member States. As part of efforts to achieve the above objectives, Member States committed themselves to some obligations including the following trade obligations: (i) ETLS; (ii) Convention Relating to Inter-State Road Transit (ISRT); (iii) Free Movement of Persons, Right of Residence and Establishment; (iv) ECOWAS Common External Tariff (CET), (v) Customs Procedures and; (vii) Economic Partnership Agreement (EPA).

2.0.1 ECOWAS Trade Liberalisation Scheme

The ETLS is the set of rules of the ECOWAS by which goods from ECOWAS Member States that meet prescribed origin conditions are imported free of customs duties and taxes of equivalent effect and non-tariff barriers to another Member State. Among others, the implementation of the ETLS requires setting up of a National Approvals Committee (NAC) comprising the Ministry of Trade, Ministry of Industry, Ministry of Finance, Customs Department, ECOWAS National Unit (ENU) and the Chambers of Commerce and Industry (see Part Three for a more detailed write-up on the ETLS).

2.0.2 Convention Relating to Inter-State Road Transit (ISRT)

The Convention allows the transportation of goods from one Customs Office in a member state to another Customs Office in another Member State free of duties, taxes and restriction while in transit. All Member States are required to observe an axle load limit of not exceeding 11.5 tonnes, implement ISRT bond guarantee system, maintain ISRT logbook, and use vehicle insurance brown card for cross border vehicular movement. A National Road Transit Facilitation Committee is required to be set up, to ensure that all measures necessary are taken to avoid stoppage of ISRT consignments in transit. Non-adherence to the Convention has caused border operatives to justify harassment of drivers of the consignments, which has gradually resulted in discontinued trading by some registered enterprises.

The Gambia

The Gambia implements the ISRT and has set up a national transport facilitation committee. Major access routes to Senegal, the country’s only neighbour, have been constructed. Official check points on the main The Gambia-Senegal transit corridor have been reduced to five and manned by traffic police officers only. Periodic checks are conducted by relevant authorities to ensure compliance. However, in respect of compliance with the axle load limit of 11.5 tonnes as stipulated by the ECOWAS Commission, mobile weigh bridges are required to ensure full compliance with the convention. Furthermore, (many) transit vehicles with consignments do not meet the laid down vehicular specifications. The truck owners’ associations are yet to comply with the directive to do so. Enforcement has been relaxed since it is recognised that cost of changing fleet is beyond the reach of transporters.
Meanwhile, movement of goods and persons through Senegal has proved very challenging due to imposition of technical barriers on trucks originating from The Gambia. However, it was observed that bilateral relations between The Gambia and Senegal are being revitalised through the reactivation of the Senegalo-The Gamb Permanent Secretariat to improve trade relations between the two countries. Strengthening of bilateral relations between the two countries is expected to improve trade between the two states.

**Ghana**

Ghana continues to implement the ISRT Convention. Weigh bridges have been fixed along designated points on transit routes and compliance with axle load and vehicular specifications is enforced, but this has caused a reduction in transit traffic from Tema, the main port, to Burkina Faso and Niger.

GICCS has been installed in the country. This system helps to improve Customs control of landed cargo and the visibility of cargo status to commercial users. The GISSC thus replaces the current GCNet Front End Systems for submission of Manifest and Bill of Entry. It also provides cargo tracking capabilities which will enable users (importers, port authorities and inland container terminals) to have accurate information on the movement of container or cargo. This is intended to promote trade in transit business, movement of goods and services among ECOWAS member states and thereby enhance revenue generation for government.

The National Transit Facilitation Committee has not been able to eliminate delays on transit vehicles, even when they comply with the specifications, at border posts and checkpoints at some sections of the transit routes. This is in spite of the use of the tracking system. To enable a more efficient implementation of the convention, Ghana, Burkina Faso and Mali, in a Northern Corridor Pilot Scheme, have agreed in principle to use a single bond system for transiting vehicles with consignments from departure to destination. The European Union is financing the construction of joint border posts at selected border posts. Completion is expected to reduce delays at the posts.

**Guinea**

The implementation of the ISRT convention has become effective in Guinea under the provisions of the 2011 Government budget and the directives of the circular n°008/MDB/CAB/DGD dated 12 March 2012 issued by the Director General of Customs. The electronic tracking system, which facilitates transiting of goods across country, is yet to be introduced. Delays are observed at border posts and numerous illegal roadblocks have emerged at the transit routes, which have also attracted the concern of the stakeholders, including civil society, being a serious obstacle to free movement. Consequently, directives have been issued to eliminate all the unofficial roadblocks. Weigh bridges have not yet been fixed on transit routes and the National Road Transit Facilitation Committee is yet to be set up. The ISRT bond guarantee system is set up and the vehicle insurance brown card is currently required for cross border vehicular movement.
Liberia

Liberia is yet to adopt the Convention. The country acknowledges the need to do so, but will require external financial support.

Nigeria

Continued existence of multiple check points on the transit corridors is a major impediment to cross-border trade. Axle load limit of 11.5 tonnes is mostly not observed by the truckers and the absence of mobile weigh bridges does not help matters. However, in cases where truckers have met specifications and have required documentation and have been cleared at the preceding checkpoint, the vehicle is stopped at the next checkpoint.

The bond guarantee system is not being effectively implemented in that the bond is being paid at each border and mostly refunded at final destination instead of purchasing the bond once at a price equivalent to 0.5 percent *ad valorem* at the customs office of departure and getting refunded at the final destination.

Sierra Leone

The country has adopted the ISRT Convention. However, the bond guarantee system is yet to be fully operational. The ISRT logbook is yet to be introduced. Truck specifications relating to axle load and container size are yet to be enforced. Financing is required to install weigh bridges. The National Transit Facilitation Committee was not observed to be operational.

In accordance with the Convention, Sierra Leone has reduced the number of check points. However, transporters do encounter delays at border points due to the burden of multiplicity of vehicle standards, inspection requirements, customs procedures as well as axle weight limits.

The authorities have completed construction and rehabilitation of major transit routes between Sierra Leone and Liberia, and work is in progress to complete other highways linking Sierra Leone and Guinea.

2.0.3 Free Movement of Persons, Right of Residence and Establishment

The protocol obliges Member States to abolish all obstacles to the freedom of movement, right of residence and establishment of community citizens. It further guarantees the protection of these rights by Governments of Member States as enshrined in Articles 59, paragraph 1-3 (immigration) of the ECOWAS revised treaty of 1993.

The Gambia

The country observes visa free entry for community citizens but non- Gambians are charged discriminatory residence permit fees. The country is yet to adopt ECOWAS common passport but it has harmonised its immigration and emigration forms with that of ECOWAS format. In respect of right of establishment, the GIEPA Act (2010) stipulates that the country encourages and facilitates foreign investment on the basis of mutual benefit and observance of the laws of
The Gambia and international treaties to which the country is a party. A person may invest in and operate an enterprise in all fields of lawful economic activity in The Gambia. However, the Minister responsible for matters relating to industry may, by regulations, compile a list of investment areas closed to foreign investors in The Gambia. In that regard, according to the Financial Regulations Act (2008) non-nationals are not allowed to operate foreign exchange bureaus.

**Ghana**

ECOWAS citizens are allowed entry without visa and the country has adopted the ECOWAS common passport. For community citizens wishing to reside in the country, an equivalent fee of US$28.40 is charged, while an equivalent of US$57.00 is charged for non-ECOWAS citizens. Ghana has adopted ECOWAS passport and has also harmonised its immigration and emigration forms with the ECOWAS one.

In the matter of right of establishment, community citizens have the right to establish according to national laws. Clause “18” of the Ghana Investment Promotion Centre Act 1994, No. 478, states that the sale of anything whatsoever in the market, petty trading, hawking or selling from a kiosk, operation of a taxi service and car hire service (a non-Ghanaian may undertake this service where there is a minimum fleet of ten new vehicles), all aspects of pool betting business and lotteries, except football pools, and operation of beauty salons and barber shops are reserved for citizens and shall not be undertaken by a person who is not a citizen. Fees for registration of companies are same for both national and non-nationals once conditions have been met. Ghana has bilateral investment treaties with a number of countries that provide protection for foreign investors including protection against expropriation. It is working on completing a bilateral trade and investment treaty with Nigeria.

An enterprise in which foreign participation is permitted under the law shall not be established or operated by a person who is not a citizen unless in the case of a joint enterprise with a citizen partner, there is investment by the other person of foreign capital of not less than US$10,000.00 or its equivalent worth in capital goods by way of equity participation, or where the enterprise is wholly owned by that person there is an investment of foreign capital of not less than US$50,000.00 or its equivalent worth in capital goods by way of equity capital. In case of trading enterprise involving only the purchasing and selling of goods which is wholly or partially owned by a person who is not a citizen, there shall be an investment of foreign capital or its equivalent in goods worth at least US$300,000.00 by way of equity capital and the enterprise shall employ at least 10 citizens. However, Ghana is considering changes to its investment law and may raise investment thresholds for foreign participation.

To help remove bottlenecks impeding the implementation of ECOWAS protocols, Ghana launched the Border Information Centres at Aflao and at Paga with assistance from the West Africa Trade Hub/USAID to provide information to both the public and private sectors on general trading rules and procedures, to facilitate border processing, reduce costs and delays, and finally increase trade among ECOWAS states.
**Guinea**

Guinea has abolished visa entry requirements for ECOWAS citizens and it has adopted common ECOWAS passport and harmonised its immigration and emigration forms in line ECOWAS format. ECOWAS citizens are granted, free of charge, the right to stay in Guinea up to the stipulated 90 days under the protocol after which one is required to regularise his stay. Guinea has adopted the common ECOWAS passport. Currently, the cost of registering a business is the same for both nationals and non-nationals. The investment code of Guinea, passed in 1987 and revised in 1992, authorises private investment of all types: foreign private, mixed foreign and local, and mixed public and private. The Guinean government provides a guarantee, in the Investment Code, that it will not, except for reasons of public interest, take any steps to expropriate or nationalize foreign or locally held assets or businesses. Foreign investors and corporations receive the same treatment as Guinean nationals in this regard.

**Liberia**

Visa free movement of ECOWAS citizens is observed in Liberia. The country has adopted the common ECOWAS passport but has not yet harmonised its immigration and emigration forms with that of ECOWAS. Community citizens have the right to reside in the country up to 90 days and thereafter are required to regularise their stay in accordance with the national laws. With respect to the right of establishment, community citizens are allowed to establish enterprises according to the laws of the land.

However, the country’s investment Act of 2010 has reserved the ownership of a number of selected businesses exclusively for Liberians. These businesses include: supply of sand, block making, peddling, travel agencies, retail sale of rice and cement, ice making and sale of ice, tyre repairs shops, auto repair shops with investments of not less than $500,000, shoe repair shops, retail sale of timber and planks, operation of gas stations, video clubs, operation of taxis, importation or sale of second-hand clothing, distribution in Liberia of locally manufactured products, and importation or sale of used cars except authorised dealership which may deal in certified used vehicles of their make.

On the other hand foreign investors may invest in the following activities provided they invest no less than $500,000. If a Liberian partner maintains at least 25 percent equity stake, the foreign investor need only invest $300,000. These activities include: production and supply of stone and granite, ice manufacturing, commercial printing, advertising agencies, graphics and commercial artists, cinemas, production of poultry products, operation of water purification or bottling plant (specifically the production and sale of water in sachets), entertainment centres not connected with a hotel establishment, sale of animal and poultry feed, operation of heavy duty trucks, bakeries, and sale of pharmaceuticals. Furthermore, according to the Liberian Medical and Dental Council Act (2009) membership shall be open to Liberian physicians and Surgeons practicing within the Republic of Liberia.
Nigeria

Visa free entry for community citizens is being observed. The country has introduced the ECOWAS passport and harmonised its immigration and emigration forms with that of ECOWAS format. The right to stay in the country for at least 90 days is also being observed. On the right of residence, it was noted that there is reciprocal discrimination in the payment of fees for residence permits by citizens of ECOWAS Members States. In respect of the right of establishment for ECOWAS citizens, the Nigeria Investment Promotion Commission (NIPC) Act No. 16 of 1995 stipulates that any Nigerian or any non-Nigerian may invest and participate in the operation of any enterprise in Nigeria. Any person who intends to establish an enterprise to which this Act applies shall do so in accordance with the provisions of the Companies and Allied Matters Act, 1990.

Sierra Leone

The country admits community citizens, visa free entry and grants them right to remain in the country up to 90 days after which they are required to regularise their stay. Any ECOWAS citizen wishing to stay beyond 90 days would be required to pay resident permit fees as determined by the authorities. The common ECOWAS passport has been adopted and the immigration and emigration forms aligned with that of ECOWAS. On the issue of right of establishment, the Sierra Leone Investment and Export Promotion (SLIEPA) Act (2007) does not discriminate between her nationals and ECOWAS Community citizens for business registration fees. Rules relating to setting up and operating a business are applied equally to nationals and community citizens.

2.0.4 ECOWAS Common External Tariff (CET)

Article 3 of the revised ECOWAS treaty indicates that one of the main objectives for the creation of the Community is the establishment of a common market through trade liberalisation and the adoption of a Common External Tariff. Consequently, the Authority of Heads of State and Government, at its 29th session, adopted per Decision A/DEC.17/01/06, the ECOWAS CET for ECOWAS Member States. The ECOWAS CET was originally based on UEMOA CET of four (4) band tariff that was amended in 2008 into five (5) band tariff as follows: 0% for essential social goods, 5% for essential commodities, raw materials and capital goods, 10% for intermediate products, 20% for consumer goods and 35% for specific goods for economic development.

Member States have all agreed to adopt and apply the same ECOWAS CET rates. In fact, some Member States including The Gambia, have already aligned their tariff lines with the CET, while others await the conclusion of the negotiations on the items to be placed under the 5th band.

2.0.5 Customs Clearance Procedures

ECOWAS commitments relating to customs clearance procedures require Member States to harmonise and automate the clearance procedures. This is to ensure predictability and reduced costs during clearance of goods. The ECOWAS Community Customs Code is not yet ready to be rolled out to the Member States. The mode of documentation and procedures for the clearance of
goods is varied across the countries. Every Member State uses its set of documentation and procedures for trade facilitation.

**The Gambia**

A Trade Facilitation Committee, set up in 2007 to monitor trade facilitation issues, including the free movement of goods and people, carries out country-wide sensitisation of stakeholders every year on free movement of goods as well as the implementation of the Convention on Inter-State Road Transit. There has been some degree of automation for clearance of goods as ASYCUDA\(^4\)++ has been deployed at strategic ports of entry and exit.

In the absence of the Community Customs code, The Gambia has adopted international best practice in customs administrative procedures in the clearance of goods.

**Ghana**

The ECOWAS Community Customs Code is at the formulation stages and the Member States including Ghana are actively involved in policy dialogue and consultation leading to finalisation of the code. That notwithstanding, Ghana’s customs procedures have been harmonised with current ECOWAS and WTO procedures. Customs clearance in Ghana has recently improved substantially, with the private company GCnet managing the electronic processing of trade and customs documents and facilitating transit trade to landlocked countries through Ghana. GCNet has been deployed at all the country’s approved entry/exit points Ghana is currently using Electronic Data Interchange (EDI) and has introduced a single window system.

**Guinea**

As regards to automated customs clearance, Guinea has installed ASYCUDA++ and deployed them at Conakry and Kamsar customs post. However, the system is yet to be deployed at the remaining entry and exit points, including the border with Mali. For the valuation of goods, Guinea applies the pre-shipment inspection method.

**Liberia**

Trade facilitation has been enhanced through the introduction of ASYCUDA World\(^5\) and the automation of customs procedures at the two major ports. This has resulted in significant reduction in average clearance time at these ports. The authorities intend to roll out the automation and ASYCUDA processes to cover the entire country with technical and financial support from development partners. Customs procedures have been modernised and a three-year strategic plan has been formulated and approved by Cabinet for implementation.

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\(^4\) Automated System of Customs Data (ASYCUDA) is an electronic system of customs data processing for clearance of goods.

\(^5\) Similar to ASYCUDA, ASYCUDA World as well as ASYCUDA++ are both electronic customs data processing platforms for clearance of goods.
**Nigeria**

ASYCUDA++ has been deployed at a number of strategic entry and exit points. Progress on finalising the draft Community Custom Code for the ECOWAS Region is underway but being hampered by capacity constraints. Nigeria, however, applies World Customs Organization rules in customs administrative procedures. Nigeria applies international best practices in respect of customs administrative procedures.

**Sierra Leone**

With respect to automated customs clearance procedures, (ASYCUDA)++ have been adopted and deployed at Freetown Port and plans are underway to roll out similar facilities to major entry and exit points across the country. That notwithstanding, it was observed that more computer accessories have to be provided across board if clearance procedures are to be simplified.

### 2.0.6 Trade Policy and Trade Promotion

The ECOWAS Treaty calls for the establishment of a regional trade policy. Formulation of this policy is currently ongoing. In the interim, all WAMZ Member States have adopted national trade policies which will be harmonised with the regional trade policy. The policies are not being implemented partly due lack of funding. However, some Member States had mainstreamed the trade policies into national development frameworks with the expectation of getting funding through donor support.

### 2.0.7 Economic Partnership Agreement (EPA)

EPA is a Free Trade Agreement between Europe and countries of the ACP region including West Africa. The West African side is composed of the ECOWAS and the Islamic Republic of Mauritania. The mandate for the negotiations for the partnership Agreement between West Africa and European Union has been given to the ECOWAS Commission in collaboration with the UEMOA Commission by decision number A/DEC.11/12/01 of December 21, 2001. A negotiation roadmap was adopted on the 4th of August 2004 with three principal categories of action to be undertaken as follows: (i) the deepening of the regional integration process, (ii) improvement of competitiveness, strengthening of capacity and upgrading of enterprises, and (iii) preparation and conduct of negotiations.

. The region is committed to progressively liberalising trade in order to reciprocate market access the EU provides for the region in order to comply with WTO principles. The EPA negotiations are conducted at regional level on the basis of structured negotiations at three levels which maintain the involvement and the monitoring of negotiations by Member States.

According to the preliminary annual report (2012) of the ECOWAS Commission, the EPA negotiations have stalled due to unresolved issues relating to the scope and duration of liberalisation of the West African market; financing of the EPA development programme (EPADP); application of the most favoured nation (MFN) clause; application of the Non-execution clause; obligation to negotiate with third party countries which have a customs Union with the European Union; and Development–friendly rules of origin.
Despite the differences noted above, it is imperative West Africa and EU find appropriate solutions to the challenges posed by the loss of revenue following the removal of tariffs. It is necessary for EPA regional fund to be implemented. This must be complemented by economic and fiscal reforms to improve the competitiveness of the region as well as the mobilisation of resources to implement the Economic Development programme of the EPA

3.0 Implementation of ECOWAS trade obligations: Capacity Challenges

Member countries will be able to participate effectively in regional and international trade if they strengthen their human, institutional and infrastructural capacity. Without that, they will not be able to expand the quantity and quality of goods and services they can supply to world markets at competitive prices.

3.0.1 Human Capacity

Human capacity refers to the professionals governments rely on for advice on WTO matters: trade lawyers, economists, skilled negotiators. A country that lacks these professionals is clearly at a disadvantage when implementing existing trade agreements, when negotiating new ones, and when handling trade disputes.

Functions of the Ministry of Trade and Industry require several and specialised competencies. The study revealed that even though a few were found, staff strength and competencies were inadequate. The ECOWAS Commission is currently supporting Member States to build trade capacity through a trade negotiations capacity building project. However, this project does not cover all the capacity needs identified. All the Ministries of Trade/Commerce and Industry of Member States require adequate staffing levels; at least two specialists are required in the following areas: trade economics, trade law, trade negotiations, market access and compliance. The staff strength needs to be complemented and retained through better conditions of service. The Gambia for example lacks sufficient number of subject matter specialist in the areas of international trade law and trade negotiations. In Nigeria, the Federal Ministry of Trade and Investment is not well resourced to attract and retain the required competent staff for formulating strategies and implementing negotiated outcomes. Relatively low salaries in the public sector of the WAMZ discourage attraction and retention of required talent and skills.

3.0.2 Institutional capacity

Institutional capacity refers to the institutions that businesses and governments rely upon for trade, such as customs, national standards authorities, and delegations representing the country at various trade negotiations meetings and other trade-related for a including the WTO. Trade and trade policy ultimately suffers if these institutions are inadequate.

Coordination

In all the countries, agencies like investment promotion agencies, export promotion bodies, have been established to complement efforts to support trade, industry and services while Ministries formulate policies and play oversight roles. In a number of instances coordination between the Ministry of Trade and the agencies is weak while collaboration between the Ministry of Trade
and other Ministries is not strong. In Nigeria and Sierra Leone for example the level of coordination between the Ministries of Trade and trade-related Ministries and other institutions that are associated with the implementation of trade issues is weak. The Ministry of Finance in Sierra Leone is the National ECOWAS Unit, and the Ministry of Trade is the lead institution for the implementation of ETLS whilst the Ministry of Foreign Affairs is the lead institutions for the implementation of ETLS in Ghana and Nigeria. In Liberia, the ECOWAS National Unit is housed in the Ministry of Planning (there are plans to merge the Ministry of Planning and the Ministry of Finance). The National Approvals’ Committee has the mandate to receive and screen applications for compliance with the rules of origin and make recommendations to the designated authority for the issuance of approvals. It was noted that the Customs Department in most of the countries does not play its expected role in the screening of the applications and this has led to high level of rejections.

In Ghana and Liberia, close collaboration between the Investment Promotion Agencies and the Ministry of Trade/Commerce was not observed. In all the countries a functioning, coordinating, inter-institutional committee on trade issues at a high level that meets regularly to adopt positions and monitor implementation of the national trade policy and strategy was not found.

**Budgetary Funding**

Budgetary funds seem not to be sufficient to carry out basic activities of trade in Member States. Similarly, due to inadequate public capital investment, infrastructure services for trade, i.e. electricity, water, roads, rail and air transport (except in Nigeria) are poor in WAMZ countries. Private capital investments in telecommunications services sector abound in all the countries. Substantial public investment programmes, and in some instances, in partnership with the private sector is required to support supply capacities.

It was noted that the ECOWAS Commission remits funds to Member States for the sole purpose of using the funds for ECOWAS integration activities, including trade. In all the countries it was not clear how the funds when received are absorbed effectively for the intended purpose.

**Performance Tracking**

There are structures in place to monitor performance of activities of the Ministry of Trade and its agencies or trade-related ministries, departments and agencies in some Member States but absent in others. There are no specialised non-governmental civil society organisations for the protection of consumer rights and think-thanks for public policy discussions on standards, consumer rights and protection in The Gambia and Guinea. Increasingly, though private sector and civil society organizations and parliamentarians demand better performance on trade issues in Ghana. This was also observed in Sierra Leone (performance tracking approach was evident in Ghana and Sierra Leone where it seems to be yielding results).

**Trade Negotiations**

It was observed that preparations in terms of formulating national strategies and conducting multi-stakeholder consultations and inter-institutional coordination prior to trade negotiations are weak. The country teams that are assembled for various trade negotiations including bilateral,

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6 4.5 percent of Community levy to Member States to support some trade related activities.
regional and multi-lateral, are often \textit{ad hoc} in nature. Being a sector that is cross-cutting, trade requires negotiating at a top-notch level for the best possible outcome for every issue including commodity and service market access. However, it should be noted that in some countries, there is weak coordination between the national structure in charge of negotiations and the Geneva group of negotiators. Considering available natural resources and export opportunities Member States have, every type of trade specialist is required in order to ensure that negotiations are conducted to the benefit of the countries. It emerged from the study that the countries do not have enough of or do not have at all the specialists. Training and re-training is required (but not limited to the) in the following disciplines: trade economists, trade law, trade statisticians, trade compliance analyst, investment lawyers, trade negotiators.

\textit{Market Intelligence}

A thorough knowledge of the export destination is imperative and knowledge of trade and other customs procedures is helpful to the exporter. Appropriate information on goods imported into the potential market, income levels and the political situation needs to be regularly provided through the internet to exporters. This was found to be largely in practice in Ghana through the Ministry of Trade Information Centre. Such a function is not well developed or is absent in the rest of the other countries. It was also noted that ability to provide reliable trade statistics was seriously limited across the countries. A lot more effort is required in this area for policy analysis and support to industry and exporters.

\textit{Innovation}

In investment laws of the Member States, there is no obligatory provision for investors to transfer technology to local counterparts. Member States on their own have found it difficult, if at all, to bring about innovation in products to compete in international markets. In Ghana and Nigeria, there exists a scientific and industrial research institution that is expected to give technological support to industry. In The Gambia, Guinea, Liberia and Sierra Leone, research for technological advancement is underdeveloped. However, there is a lot of room for collaboration between training institutes and industry.

\textit{Financial Support for External Trade}

High export performing countries have specialized financial institutions that give and guarantee credit to exporters to help them extend credit to their buyers in other countries. In Nigeria, the Export-Import Bank has long been established though with little capital and so has not had full impact. A well-managed export-import bank or Export Credit Guarantee and Insurance Scheme could boost exports. A privately owned export-import bank Guaranty Financial Company exists in Ghana. In addition, Ghana has established an Export Development and Agricultural Fund (EDAIF). A Venture Capital Fund also exists (though with limited funds). No such institution exists in the other four Member States but the commercial banks do provide import and export financing facilities for businesses.

\textit{Institutional and Financial Support to SMEs}

In spite of the estimated high number of SMEs, institutional support to SMEs is weak and uncoordinated in the countries. In Ghana, there is a long established functioning National Board for Small Scale Industries, which needs more financial support for its activities. In addition to the
existence of the Social Development Fund (SDF), The Gambia has set up the Indigenous Business Advisory Services (IBAS) and there are numerous Village Savings and Credit Associations (VISACAS) that support Small and Medium Enterprises. The small and medium scale enterprises development agency of Nigeria also gives support to small businesses.

**Standards**

Ghana and Nigeria have attained the required regional levels of standards and certification. There are regulatory bodies that can ensure compliance. The Gambia and Sierra Leone have now established standards bureaus. Guinea’s standards office requires revamping. Liberia is in the process of establishing a standard bureau. All the Member States participate in the West African Regional Quality Programme. However, there is no regular regional forum for standards organisations in the Zone or ECOWAS. All the countries require training at various levels.

**Supply Capacity**

Exports of The Gambia include fish and groundnuts, cashew nuts and garments. There are four firms that have capacity to supply detergents to neighbouring countries but are constrained in their efforts by high productions costs and cross border challenges. Apart from the mainstay exports of fish and groundnuts (and tourism), supply of agricultural and other manufactured products are limited. Guinea, Liberia and Sierra Leone are natural-resource rich in forest, rubber, diamond, iron ore, favourable arable land, water, and deposits of oil and industrial production potential abounds in several sectors, but manufacturing is yet to take off. Ghana and Nigeria have a relatively large and functioning manufacturing sector. However, the capacity of the manufacturing sector in Nigeria is constrained by unstable supply of electricity. In Ghana, water dependent industries are hampered by inadequate pipe borne water supply. Commercial agricultural industries in the zone are dependent on rain because irrigation scheme are not wide spread.

**Compliance with Trade Laws, Agreements, Decisions**

There was no evidence of a framework for monitoring compliance with trade laws, statutes, agreements, etc. The legal instruments relating to trade are documented in several legislative instruments and not compiled into a single compendium for ease of reference. The Ministry of Justice is sub-optimally staffed, in particular the drafting units. The Ministries of Justice Trade in the countries could not provide a list of such international agreements that countries have ratified or a related monitoring strategy. Fast track commercial courts as well as alternative dispute resolutions have been established across the zone, however, delays in the dispensation of justice are still being experienced.

**Trade Relations**

Even though trade development is the focus of economic relations between Member States there are no regular structured meetings between the countries on the subject.
3.0.3 **Infrastructural Capacity**

Infrastructure refers to the physical setup required for trade to happen: roads, ports, telecommunications, etc. Again, countries lacking infrastructure will find it difficult to develop trade.

There is infrastructure deficit in the zone as it relates to road, rail, air, and marine transportation. While substantial improvement continued to be observed in the telecommunication industry in all the WAMZ Member States in terms of teledensity, penetration, innovation, as well as quality of service, formidable challenges persist in the areas of air transportation, road networks and rail links. Electricity generation and transmission capacities are inadequate in the Member States characterised by frequent power outages and load-shedding. Supply of electricity is unstable in The Gambia, Guinea, Liberia and Nigeria while it is fairly stable in Ghana.

Work is in progress on transit corridors of many Member States. Rail transportation is weak and poorly interconnected in Ghana, Guinea, Liberia and Nigeria, while it is absent in The Gambia. However Ghana is committed to revamping its railway network. A new railway between the capital Accra and the port at Tema was completed recently.

### 4.0 Conclusion and Recommendations

#### Conclusion

The extent to which Member States have developed institutions, policies and services facilitating liberalised trade in terms of market access, border administration, transport and overall business environment is unsatisfactory. Human, institutional and infrastructure capacities required for effective trade integration are inadequate in the zone. Other factors that inhibit trade in the zone include inappropriate production technologies and skills, high cost or delays caused by transportation, burdensome procedures at border posts as well as non-tariff barriers to trade. If these inadequacies persist, low intra-regional trade would also continue unless appropriate measures are taken to progressively address them.

#### Recommendations

i. Given the lack of capacity at country level across the zone in terms of human, infrastructure and institutional requirements, for the effective implementation of the ECOWAS trade obligations, the study recommends a project proposal for capacity development for the WAMZ Member States and to seek funding for and on their behalf. The objective of the proposed project would be to improve trade governance and strengthen trade facilitation as well as support the implementation of the trade policies of the Member States. This project will reinforce and complement the existing initiatives in the domain of human capacity building, institutional and infrastructure.

ii. Member States should endeavour to provide necessary logistics such as scanners, weigh bridges, tracking systems for consignments of goods in transit and more automation for trade facilitation and to provide support to SMEs. Considering the significant capital investment required to provide infrastructure for trade, country authorities are urged to
forge public-private partnerships for the provision of essential services such as electricity, water, maritime transportation, railways as well as air links.

iii. Member States are encouraged to build trade analytical capacity of relevant institutions. While there are universities, economic management training institutes and customs staff training colleges in the region, there is not yet any institution of higher learning that specialises in trade and regional integration issues. A regional institute for trade should be established funded by the ECOWAS Commission.

iv. There is need for technical assistance and project support to Member States which require funding.

v. Establish and sufficiently fund Export-Import banks and venture capital funds, where unavailable in Member States, to support exports and start-up businesses. Special incentive schemes, backed with sufficient funds, for small and medium scale enterprises will be helpful.

vi. Include, where absent, ECOWAS trade protocols in the training curriculum of law enforcement agencies i.e. immigration, police and customs officials.

vii. Member States are encouraged to harmonise and update their shipping laws aimed at promoting the liberalisation of maritime services between the countries. Develop maritime and railway transportation infrastructure in the zone. All the capitals in the zone could be linked by sea. Sea link initiative should be accelerated to bridge the maritime transportation gap.

viii. ECOWAS Commission should spearhead the formation of a regional standards organisation for the purpose of harmonising standards of the Member States into a common regional standard.
PART THREE: COUNTRY STATUS OF IMPLEMENTING THE ETLS

1.0 Introduction

The ECOWAS trade liberalisation scheme (ETLS) was adopted by ECOWAS to serve as a tool for the establishment of a common market. The ETLS came into existence first in 1979 and only covered agricultural goods, artisans, and handcrafted products. However, in 1990 it was expanded to include industrial goods. The expansion created the need for rules defining the notion of ECOWAS “originating products”. The rules of origin define whether an industrial product can be considered as originating from the ECOWAS region. Taking advantage of proximity and the large ECOWAS market, and other trade supporting protocols discussed in Part One, it has been expected that through active participation in the scheme, from 1979 to to date, at least in some products, each Member State would be experiencing the following: increased competitive advantage in a number of production areas, economies of scale, technological responsiveness, investment and economic growth, acceleration of reforms and definition of national economic policies.

The objective of this section is to take stock of progress made in the implementation of the scheme, uncover challenges encountered, identify gaps and proffer recommendations for effective implementation of the scheme in the zone.

After this introduction, the rest of the sections are organised as follows: an overview of ETLS is covered in section two, status of compliance of Member States to the ETLS is recounted in section three, section four enumerates the challenges of implementing ETLS, while section five concludes and provide recommendations.

2.0 Overview of the ETLS

The following product groups will benefit from ETLS provided they originate from the ECOWAS region:

1. agricultural and livestock products,
2. fishery products from the sea, rivers or lakes,
3. mining products,
4. artisanal handicrafts, and
5. industrial goods.

The following goods do not require an ETLS certificate of origin to be traded duty free within the region but the appropriate sanitary and phyto-sanitary certificates must be obtained from the countries of origin for agricultural goods:

1. Agricultural and livestock products,
2. handmade articles manufactured with or without the use of tools, instruments or implements directly operated by the craftsman (see Trading in the ECOWAS Free Trade Area, ETLS Rules for Traders, first edition 2012).

Exemption from customs duties and from taxes with similar effects does not however include value added tax and excise duties if they prevail in a member state. Industrial goods in transit
proceeding to and from member states are exempt from customs duties and taxes with similar effects.

2.1 Criteria for determining originating products

2.1.1 Mandatory Registration

A National Approvals’ Committee shall be established to receive applications for registration of companies and products under the ETLS ordinarily resident in their jurisdiction. Every participating Member State shall constitute a National Approvals’ Committee comprising the following Ministries, agencies, and organisations: Ministry of Trade, Ministry of Industry, Ministry of Finance (Customs Department), Ministry of Integration (ECOWAS National Unit), National Chamber of Commerce and Industry and any other institution that may be deemed appropriate. The NAC shall be presided over by the representative of the national authority designated to grant such approvals. It is the responsibility of Member States to give approval to their enterprises and products that fulfil the conditions of rules of origin and forward the list of such approved products and related dossiers to the ECOWAS Commission. The ECOWAS Commission is responsible for the distribution of the list of approved products sent by Member States. Companies and goods must be registered by the National Approvals’ Committee and must appear on the list of approved products published by Ecowas Commission. The registration of products and companies is done by the National Approvals’ Committee of each Member State. The approval information is transmitted to the ECOWAS Commission for a region-wide notification.

2.1.2 Rules of Origin of Community Goods

Goods shall be considered as originating from Member States if they have been wholly produced in Member States (see Appendix 2 for goods wholly produced in the Member States), in accordance with the provisions of Article 3 of the protocol on ETLS; or they have been produced in Member States but contain raw materials which were not wholly obtained from Member States, provided that such materials have undergone operations and processes that confer Community origin, as defined in Article 4 of this protocol.

Originating products consisting of materials wholly produced or sufficiently transformed in one or several Member States shall be considered as products originating from the Member State in which the last processing or transformation took place, in as much as the processing or transformation carried out there exceeds the processing and transformation defined in Article 5 of this protocol.

However, for goods not wholly produced in the community, but their production requires the exclusive use of materials which are to be classified under a different tariff heading from that of the product, this rule shall be accompanied by a list of exemptions mentioning the cases where the change in the heading is not a determining factor or, imposing additional conditions. The list shall be established by a Regulation of the Council of Ministers.

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7 The Protocol referred to is the ECOWAS Trade Liberalisation Scheme, Protocols and Regulations, May 2004
If the use of local content in the production of a good constitutes a value-addition of at least 30 percent of the ex-factory price of the finished goods, it shall be considered of community origin.

**Box 1: ECOWAS Rules of Origin**

**Rule 1:**

Wholly produced goods: Goods are regarded as wholly produced within ECOWAS if at least 60 percent of the total quantity of raw materials used originate from the ECOWAS region.

**Rule 2:**

Change in tariff heading: Every product can be classified according to the list developed by the World Customs Organisation (WCO) (the HS tariff classification). This list is made up of numbers broken down into:

- **Chapters** – 2 digits,
- **Headings** – 4 digits,
- **sub-headings** – six digits

If the finished product requires the exclusive use of materials which are classified under a different tariff heading from that of the finished product it can be traded duty free. There is a list of exceptions to this rule mentioning the cases where the change in tariff heading is not substantial enough to grant originating status.

**Rule Three**

If input materials received a value addition of at least 30 percent of the ex-factory price of the finished goods. The goods are considered as originating from the region and can be traded duty free within the region.

Source: ECOWAS Commission

**2.1.3 Certificate of origin**

All goods registered under the ETLS must have certificate of origin. Goods must appear on the list of products annexed to the decisions liberalising trade in these products. See figure 1 below for sample certificate of origin.
Figure 1: ETLS Certificate of Origin

Source: ECOWAS Commission
3.0 Country Compliance with ETLS

All WAMZ countries have signed up to the ETLS but the level of compliance varies from one country to another. While some countries are largely compliant with the provisions of the scheme by putting in place institutional frameworks for effective implementation of the scheme, others have the structures in place but the level of institutional coordination is too inefficient to allow for smooth functioning of the scheme.

The Gambia

The Gambia has set up the National Approvals’ Committee. Available data indicated that a total of 17 companies and 35 products were registered by the NAC of The Gambia since the country began implementing the scheme. However, 3 of the registered companies have since gone out of business, remaining 14 companies and 32 products. Goods exported under the ETLS were
laundry soap, iron rod, groundnut cake, oxygen, carbon dioxide, shower cream, shampoos and detergents. Main export destinations were Senegal and Sierra Leone. Petroleum products, plywood, cement, bottled water, fruit juice were ETLS commodities imported, mainly from Ivory Coast, Senegal and Ghana.

The country is yet to create a web-site exclusively dedicated to dissemination of information on ETLS. However, in the interim, it is using the Ministry’s website to disseminate information on ETLS and other related matters. Despite the low level of sensitisation activities in respect of ETLS, the authorities have set up inter-institutional Committee comprising relevant stakeholders. The Committee embarked on a test convoy in relation to the convention relating to Inter-State Road Transit (ISRT) and also conducted a number of radio and television programmes in respect of public education on ETLS.

Constraints to effective participation in the ETLS include high production cost, low capacity of most companies, denial of ETLS treatment to The Gambian exports under the ETLS at border posts and several shortcomings in trade facilitation procedures of member country trading partners. A specific issue of concern is the border closure by Senegal from time to time. This affects the transit of goods from The Gambia to third destinations.

**Ghana**

Ghana has adopted the ETLS and put in place relevant institutions and structures required for the effective implementation of the scheme. The scheme is being implemented and the country has as at December 2010, registered 300 companies and 900 products. However, the authorities had concerns relating to issues of reciprocity and other implementation matters citing the existence of prohibition list in other Member States as well as the computation of value addition method of some goods of community origin.

In respect of dissemination of relevant information relating to ETLS to the business community, Ghana has prepared a national sensitisation programme intended for a country-wide coverage and is seeking support from the ECOWAS Commission for implementation. However, in the interim the Ghana Revenue Authority Customs Division of CEPS have engaged a consultant to redesign its web page with sufficient ETLS content. Although the Ghana Revenue Authority Customs Division is member of the NAC, it has not been assigned a lead role in the screening of applicants for participation in the scheme.

**Guinea**

Guinea has adopted the ETLS and set up the national approvals committee. Guinea admits and exports products under the ETLS. It has registered 14 companies but only 10 are active. Currently, products exported include cereals, fish, potatoes, iron rods, wood and plastic materials. Its main trading partners in ECOWAS are Sierra Leone, Mali, Liberia, Ivory Coast, Ghana, and Guinea Bissau. Guinea continues to comply with provisions relating to imports under the scheme. The authorities are making efforts to domesticate both the ETLS and the CET. Sensitisation activities are generally low and the authorities are yet to develop a dedicated website for ETLS.
**Liberia**

Liberia has signed the ETLS protocol. However, it has not yet set up the National Approvals’ Committee. In the interim, the country attends and participates in the regional meetings of the National Approvals’ Committee. It exports and imports no product under the ETLS.

**Nigeria**

Nigeria has adopted and is implementing the ETLS. As of the first half of 2011, 568 companies and 1,145 products were registered under the scheme. Nigeria is a dominant player in the scheme accounting for 50 percent of the companies and 40 percent of the products registered under the ETLS. However, the implementation of the scheme is marred by the existence of non-tariff barriers (NTBs) along the transit corridors as well as the existence of a prohibition list of goods and ineffective institutional coordination.

In spite of the existence of the ban list, the authorities are progressively reducing the number of items registered under the ban list. It was observed that the number of items under import ban was reduced from 44 in 2008 to 26 in 2010. There were also indications of gradual decline in the number of tariff lines under import ban since 2005 when 1011 HS-tariff lines (or from 19.6 percent of the total lines) was reduced gradually to 600 HS-lines (or to 11.7 percent of the total lines) in 2008. The outstanding items in the import prohibition list are for protection of public moral; and protection of human, animal or plant life or health. Nevertheless, the remaining items under import ban are to be reviewed as soon as appropriate alternative mechanisms for dealing with issues that necessitated the import ban in the first instance are addressed.

The country also has in place export prohibition applied to some products with a view to ensuring self-sufficiency (mainly on maize, raw cassava and rough timber) to encourage value addition (mainly raw hides and skins, rough and sawn timber, scrap metals, unprocessed rubber latex and rubber lumps), and to preserve cultural heritage (mainly artefacts and antiques). Notwithstanding export prohibition, the authorities have set up export development fund as well as Export Expansion Grant (EEG). The EEG is a post shipment financial incentive grant to the Nigerian exporters who have exported a minimum of five million naira worth of goods of Nigerian origin.

The authorities observed that the ETLS application form is technical and it posed challenges to applicants in completing it. One such challenge is the computation of value addition/determination of local content of the product if it is not wholly produced in the Community to determine the rule of origin. These problems are further compounded by the delay in the issuance of no-objection by the ECOWAS Commission. In some instances it takes up to six months to issue no-objection after the approval of the National Approvals’ Committee. The susceptibility of the ETLS certificates to forgery was also expressed as concern and if not addressed it could undermine the credibility of the scheme.

Sensitisation on the ETLS was noticeably low and the authorities are yet to construct an ETLS dedicated website for the information of the public.
Sierra Leone

Sierra Leone has signed the ETLS and set up the Nationals Approvals’ Committee. NAC is composed of key stakeholders comprising Ministry of Trade and Industry, Ministry of Finance and Economic Development, National Revenue Authority (NRA), Sierra Leone National Chamber of Commerce, Industry and Agriculture.

Since its inauguration in June 2011, it has so far received applications from three companies. Human and institutional capacity constraints were cited as the major challenges in the execution of its functions. Notable among the constraints for the implementation of the ETLS is access to required guidelines for the processing the applications. The authorities also expressed concern over the susceptibility of the ETLS certificates to forgery due to weak security features. However, efforts are being made to establish closer links with the ECOWAS Commission to solicit necessary support for the effective functioning of the NAC.

No Company or product was registered under the Scheme since the country’s adoption of ETLS in 2005. However, records indicate that ETLS goods imported into Sierra Leone originate mainly from Nigeria, Ghana, Senegal and Cote-d’Ivoire. The importation of some ETLS products i.e. plastic wares pose challenges to the local plastic industry as their market share dwindles.

The authorities periodically undertake sensitisation programmes to inform and encourage the private sector to take advantage of the scheme. But the authorities are yet to set up an ETLS dedicated website for the information of the public.

Institutional coordination and collaboration between the Ministry of Trade and Industry and agencies related to the implementation of the ETLS was weak. The administration of the scheme is steered by other institutions with marginal role for the Ministry of Trade.

4.0 Challenges of Implementing ETLS

Based on the discussions in the preceding sections on the country compliance with ETLS in section three, the following challenges were drawn.

- The ETLS application form is technical and it poses challenges to applicants in completing it. Determination of rules of origin is challenging. One such challenge is the computation of value addition/determination of the value of local content of the product if it is not wholly produced in the Community. These problems are further compounded by the delay in the issuance of no-objection by the ECOWAS Commission. In some instances it takes up to six months to issue no-objection after approval by the National Approvals’ Committee and submission to the ECOWAS Commission.

- The existence multiple procedures for customs clearance in the ECOWAS region cause delays at the ports and border posts. Lack of harmonisation of customs clearance documentation requirements cause delays at the borders and add to the cost of transit trade. Continued existence of road blocks and the associated unsavoury practices on the transit corridors also contribute to the high transactions cost. Lack of good transit routes, existence
of multiple check points and the absence of rail links and the maritime transportation do not help matters either.

- Verification of the authenticity of the ETLS certificates is challenging. The certificate of origin lacks robust security features and is susceptible to forgery. In the event of detection of suspected falsified certificate, verification is a challenge especially where updated registered and approved products and companies are unavailable.

- Continued existence of non-tariff barriers to trade in the form of harassment by security personnel, unsavoury practices i.e. corruption at border posts, too much paper work and proliferations of numerous road blocks along the transit corridors impaired trade integration. It is not only non-tariff barriers that affect trade in the region, tariff barriers also do. The major tariff barriers include imposition of import duty, statistical tax on exports, computerised tax, processing fees, transit fees and parking tax.

- The axle load limit is not being effectively observed due to lack of weigh bridges in most of the Member States. The bond guarantee system under the ISRT is not being effectively implemented in the zone in that the bond is being paid at each border and mostly refunded at final destination instead of purchase the bond once at a price equivalent to 0.5 percent ad valorem at the customs office of departure and get refunded at final destination.

- Weak institutional coordination for policy implementation at national level is a major challenge across the zone. Although customs departments are part of the NAC, their involvement in the determination of the rules of origin is more of an observatory role. Closely linked to this are inadequate trade support infrastructures. Ministries of Trade/Commerce which have the statutory responsibility for trade issues lack the requisite skills to effectively implement policies. Lack of subject matter specialists in Trade and its allied domains have been observed in all the Member States. Apart from a Customs staff training college in Ghana and Nigeria, there is no other such skill training centre in the zone.

- Apart from WTO assisted periodic trade policy reviews, Member States do not conduct country trade policy and institutional assessment to gauge policy environment required for good trade governance and effective trade facilitation.

- The level of awareness of the ETLS among the business community in some of the Member States is low. Simplified and reader friendly ICT materials are not available in any of the Member States. Nation-wide radio, road shows and television programmes on the scheme are seldom done. Bill boards and banners were not observed in any of the countries visited.
<table>
<thead>
<tr>
<th>Type of Complaint</th>
<th>Background of complaint</th>
<th>Commissions action</th>
<th>Legal Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tariff Barriers</strong></td>
<td>Liberia refuses to implement the protocol on the free movement of goods</td>
<td>The ECOWAS Commission has received official complaints from Cote d'Ivoire, Ghana, Guinea and Nigeria, from approved enterprises (Nestlé, and Seven Up bottling) that are facing obstacles in the exportation of their products. The Commission advices that Liberia should implement the protocol.</td>
<td>Protocol A/P1/1/03 on the definition of the originating products from the member States of ECOWAS</td>
</tr>
<tr>
<td><strong>Tariff Barriers</strong></td>
<td>Guinea refuses to grant access to a Senegalese company with approved products from GMD.</td>
<td>The ECOWAS Commission tried to have a discussion with Guinea NAC without success. The approved products originating from Senegal were returned</td>
<td>Protocol A/P1/1/03 on the definition of the originating products from the member States of ECOWAS</td>
</tr>
<tr>
<td><strong>Tariff barriers on transit products</strong></td>
<td>Nigeria made a complaint about the cost of the transit fees in Togo and Benin that are arbitrary</td>
<td>The ECOWAS Commission drew attention of Togo and Bénin to this complaint</td>
<td>Convention A/P.4/5/82 on the IRST art 23 of the revised treaty and additional convention A/SP.1/5/90</td>
</tr>
<tr>
<td><strong>Tariff barriers</strong></td>
<td>Nigeria called on the Commission to contest the origin of a product that has been approved under the ETLS.</td>
<td>The ECOWAS Commission formed a task force to go to Benin for investigation in the factory of the said company with resource persons, representatives of ECOWAS, representatives from Benin, Cote d’Ivoire, and Nigeria</td>
<td>Protocol A/P1/1/03 on the definition of the originating products from the member States of ECOWAS</td>
</tr>
<tr>
<td><strong>Obstacles the</strong></td>
<td>Senegal has submitted a document to the Commission concerning a product which should be approved</td>
<td>The ECOWAS Commission suspended the issue and will</td>
<td>Protocol A/P1/1/03 on the</td>
</tr>
<tr>
<td>Deliverance of the approval on a specific enterprise</td>
<td>Under ETLS.</td>
<td>Discuss with Member states.</td>
<td>Definition of the originating products from the member States of ECOWAS</td>
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</tr>
<tr>
<td>Tariff barriers</td>
<td>Senegal informed the Commission on the case of tariff barriers for products originating in ECOWAS in Sierra Leone</td>
<td>After discussion with Sierra Leone the case has been sorted out and the product circulated within the country</td>
<td>Protocol A/P1/1/03 on the definition of the originating products from the member States of ECOWAS</td>
</tr>
<tr>
<td>Tariff Barriers</td>
<td>The ECOWAS Commission has been called on by Nigeria on the change of name of some companies (LACASSERA and FLOUR MILLS and ELEME) that stopped the movement of the products to Ghana</td>
<td>The Commission proceeded on the notification of the change of name to allow the enterprise to benefit the ETLS</td>
<td>Protocol A/P1/1/03 on the definition of the originating products from the member States of ECOWAS</td>
</tr>
<tr>
<td>Tariff barriers</td>
<td>Nestlé West Africa has called on the Commission regarding their HS code that is obsolete and need to be updated to the 2007 and 2012</td>
<td>The Commission has proceeded to the updating of this HS from 2007 to 2012 and products moved freely in Niger.</td>
<td>Protocol A/P1/1/03 of the definition of the originating products from the member States of ECOWAS</td>
</tr>
</tbody>
</table>

Source: ECOWAS Commission

**5.0 Conclusion and Recommendations**

**Conclusion**

The basic institutional structures required for the implementation of the ETLS are in place in almost all the countries. However, a lot more ought to be done for the countries to fully enjoy the potential of the scheme in terms of access to a larger market, local entrepreneurial development, and reduction of unemployment as well as 100% retention of export earnings. These benefits could not be realised due a number of factors including the failure of the Member States to domesticate the protocols into their national laws, existence of non-tariff barriers to trade, lack of adequate awareness and sensitisation of the scheme as well as import and export prohibitions.

Full implementation by all Member States of the provisions of the ETLS will unlock the enormous potential of trade integration in the region; otherwise the purpose for which the scheme was set up will be defeated.
Recommendations

i. In the spirit of solidarity, integration and good-neighbourliness, Member States should reactivate their Joint Commissions where it exist and meet regularly to facilitate improvement in trade relations and initiate one where unavailable. Encourage inter-agency cooperation especially among customs and immigration institutions of neighbouring countries. Neighbours may encourage market days at border towns.

ii. Protectionist policies adopted in pursuit of domestic objectives are difficult to reconcile with those of regional integration schemes and create an environment that is incompatible with the integration of regional markets. To avoid this and foster greater policy harmonisation, national policies should be synchronised with the regional protocols to make them generally favourable to international trade.

iii. Member States should create their website and link it to the ECOWAS ETLS dedicated website. They should deploy ICT platform at Customs and Ministries of Trade/Commerce to facilitate online verification of approved companies and products and make available the approved list of products and companies at all customs posts. Member States should include civic education on the rights and responsibilities of community citizens as part of their sensitisation programmes.

iv. By virtue of its mandate and technical competence, customs departments should play their expected role on the National Approvals Committee for the screening of applications and assessment of the rules of origin.

v. ECOWAS Commission should include additional security features on the ETLS certificates to minimise the risk of counterfeit and periodically review the vulnerability of the certificates to forgery.

vi. Member States should establish and maintain an up-to-date database for ETLS registered companies and products for ease of reference and for statistical as well as planning purposes.

vii. Member States should regularly conduct sensitisation programmes on the scheme to educate and inform exporters, importers, customs officials and other relevant agencies.

viii. Member States should reinforce their capacity to supply, deploy the ASYCUDA ++ to other border posts and install mobile weight bridges along the transit corridors.

ix. Considering the technical nature of rules of origin, it is important for ECOWAS Commission to prepare a manual on rules of origin in a very user friendly format and disseminate it through appropriate media.

x. In addition to the removal of non-tariff measures, Member States are urged to remove numerous road blocks and security checkpoints on international highways to reduce delays, harassment and extortion. Joint border posts and patrols by neighbouring states
should be encouraged. Member states should be encouraged to limit the personnel at border posts to essential staff such as customs and immigration.

xi. ETLS compliant goods should be removed from the list of banned products where they may exist.
1.0 Introduction

The legal framework for the conduct of negotiations in trade is set out in the General Agreement on Trade in Services (GATS). GATS seeks to encourage trade in services by providing clear multilateral rules. However, progress on negotiations on trade in services has been slow and characterised by a series of suspensions of the discussions. The first Round of negotiations started in January 2000 called the Doha Development Agenda (DDA) which intended to refine and expand the rules by which World Trade Organisation (WTO) Member States conduct foreign trade with one another.

By July 2006, the DDA negotiations, including the services negotiations were suspended, because major WTO Member States could not agree on the terms or modalities for negotiations in agriculture and non-agriculture market access. However, the negotiations were resumed in 2007 and continued through 2009. In 2009, negotiators from major groups of developed and developing countries attempted to agree on the basic elements of a draft text; but failed yet again to reach a consensus on the basic negotiating modalities. Another attempt was made in 2010, but that too yielded little progress as the services negotiations continued to be dominated by the negotiations on agricultural and non-agricultural market access, which also showed little progress. Overall, it appeared that WTO member countries have been reluctant to liberalise services trade beyond their commitments already established under the GATS.

Participation in international trade negotiations especially the services sector requires adequate preparation. WAMZ Member States are inadequately equipped and poorly prepared for trade negotiations in general and trade in services in particular. The legal framework that underpins the mandate for trade negotiations ought to be thoroughly understood. Relevant human capacities are relatively weak in the institutions that conduct negotiations on behalf the countries. The teams that are assembled for trade negotiations are on a ad hoc basis and the composition does not reflect the competencies required for the negotiations. The inter-institutional coordination is weak and background analytical work that would inform the basis for the negotiations is mostly not done.

In the absence of a roadmap and confronted with generally weak negotiating, regulatory and implementation capacities, Member States of the West African Monetary Zone (WAMZ), including other Member States of the ECOWAS, are often handicapped in their ability to engage meaningfully in services negotiations at WTO level. Often, such difficulties translate into negotiating positions and levels of bound commitments that connote considerable precaution. As a result, ECOWAS countries fail to make the most of opportunities for the service sector that negotiations present.

Following this introduction, the remainder of this part of the Report is organised as follows: section two is an overview of the GATS followed by a recount of the model guide for trade in services negotiations for developing countries discussed in section three. Section four discusses WAMZ institutional framework for trade in services negotiations. Challenges confronting
WAMZ Member States in the conduct of trade in services and implementing negotiated outcomes are covered in section five. Section six concludes and proffers recommendations.

2.0 Overview of the General Agreement on Trade in Services (GATS)

2.1 Definition and Concept of GATS

GATS was conceived and negotiated by WTO member states. It is the legal framework that guides the negotiations and defines the disciplines in trade in services for WTO Member States. It is a multilateral trade obligation among WTO Member States entered into force in January 1995. It is the first multilateral trade Agreement to cover trade in services. It emanated from the Uruguay round negotiations (1986-1993), designed to provide for the extension of the multilateral trading system to include services. According to Article I:2 of the GATS (1994), trade in services is defined as the supply of a service:

(a) from the territory of one Member into the territory of any other Member;
(b) in the territory of one Member to the service consumer of any other Member;
(c) by a service supplier of one Member, through commercial presence in the territory of any other Member
(d) by a service supplier of one Member, through presence of natural persons of a Member in the territory of any other Member.

2.2 Rationale, Objective and Guiding Principles of the GATS

In view of achieving progressive liberalisation and pursuant to Article XIX of the GATS, WTO Member States are committed to entering into further rounds of service negotiations. The rules of the GATS are geared toward opening up business opportunities in service sectors to foreign firms by discouraging discriminatory policies. Countries, subject to some exceptions, are required to treat firms from other countries equally (most-favoured-nation principle) and in some sectors as favourably as they treat their own firms (national treatment principle). Thus, the GATS national treatment (Article XVII) rule does not only prohibit discrimination, but it also prohibits anything a government might do that modifies the conditions of competition in favour of local service suppliers in some sectors which a member has committed to opening up. In line with Article XVI (Market Access) of the GATS relating to market access rules, no government should do anything in the committed sectors (those specified in the country schedule of specific commitments) that would limit:

i. the number of service suppliers (including through quotas, monopolies, economic needs tests, or exclusive service supplier contracts);
ii. the value of services transactions or assets;
iii. the number of service operations or quantity of service output;
iv. the number of natural persons that may be employed;
v. the forms of legal entity; or
vi. the participation of foreign capital.
The objectives of the GATS as stipulated in the preamble to the GATS agreement and Article IV include the following: (1) creating a credible and reliable system of international trade rules; (2) ensuring fair and equitable treatment of all participants (principle of non-discrimination); (3) stimulating economic activity through guaranteed policy bindings; and (4) promoting trade and development through progressive liberalisation.

The GATS is built on three key pillars. Every WTO Member State has to observe certain general obligations that apply despite the existence of specific commitments as contain in Articles II, III, IV:2, VIII:1, IX, and XV:2, relating to MFN, basic transparency, availability of legal remedies, compliance of monopolies and exclusive providers with MFN obligation, consultation on business practices and consultation on subsidies that affect trade respectively. The first pillar deals with the basic obligations which apply to all Member States of the WTO. The second pillar relates to national schedules of commitments which are subject to a continuous process of liberalisation and the final pillar addresses the special situations of individual services sectors.

The first part of the basic agreement outlines its scope — specifically, services supplied from the territory of one Member to another; services supplied in the territory of one Member to the consumers of any other (for example, tourism); services provided through the presence of service providing entities of one Member in the territory of any other (for example, banking); and services provided by citizens of one Member in the territory of any other (for example, construction projects or consultancies).

The second part sets out general obligations and disciplines. The Most Favoured Nation (MFN) obligation outlined in Article II, stipulates that each Member “shall accord immediately and unconditionally to services and service providers of any other Member, treatment no less favourable than that it accords to like services and service providers of any other member state”. However, it is recognised that MFN treatment may not be possible for every service activity and, therefore, it is expected that parties may indicate specific MFN exemptions. Conditions for such exemptions are included as an annex to the exemptions and provide for reviews after five years and a normal limitation of 10 years on their duration as outlined in Article XIX: I.

The final part contains provisions on market access and national treatment which would not be general obligations but commitments, for some sectors, made in national schedules. Thus, in the case of market access, each party “shall accord services and service providers of other Members treatment no less favourable than that provided for under the terms, limitations and conditions agreed and specified in its schedule”. The goal of the market-access provision is to progressively eliminate the following types of measures: limitations on numbers of service providers, on the total value of service transactions or on the total number of service operations or people employed. Equally restrictions on the kind of legal entity or joint venture through which a service is provided or any foreign capital limitations relating to maximum levels of foreign participation are to be progressively eliminated. In the case of national treatment, Article XVII requires “In the sectors inscribed in its Schedule, and subject to any conditions and qualifications set out therein, each Member shall accord to services and service suppliers of any other Member, in respect of all measures affecting the supply of services, treatment no less favourable than that it accords to its own like services and service suppliers.”
2.3 Mandate and Scope of Negotiating Trade in Services

A document titled “Guidelines and Procedures for Negotiations on Trade in Services” (S/L/93) was approved by the WTO Council for Trade in Services. The document builds to a large extent on relevant GATS provisions, in particular Article IV (‘Increasing Participation of Developing Countries’) and Article XIX (‘Negotiation of Specific Commitments’).

The scope of GATS stipulates that there shall be no a priori exclusion of any service sector or mode of supply. Special attention shall be given to sectors and modes of supply of export of interest to developing countries. MFN Exemptions shall be subject to negotiation. In such negotiations, appropriate flexibility shall be accorded to individual developing country Members.

Negotiations to liberalise market conditions for trade in services are conducted mainly on the basis of “request-offer” procedure. Members send requests directly to each other suggesting the improvements they are seeking for their services and service suppliers; specifying in their initial offers how and to what extent they are willing to take binding commitments in response to these requests.

This may begin a series of bilateral or plurilateral bargaining sessions. Any member may submit a request, the offer, in the form of an improved “schedule” of commitments, would apply to all members.

Unlike requests, which are not provided to the WTO Secretariat, offers are circulated to all members as a WTO document. At the conclusion of the negotiations, final offers become legally binding commitments specifying the conditions under which trade in services is granted.

Negotiations in trade in services are conducted mainly along two main tracks:

(i) Bilateral and/or plurilateral negotiations: This approach seeks to improve market conditions for trade in services. It involves improving specific commitments on market access and national treatment (i.e. ensuring that privileges given to local companies are also given to foreign companies) and promoting Most-Favoured Nation treatment (more equal treatment among WTO members)

(ii) Multilateral negotiations among all WTO members to establish any necessary rules and disciplines (such as on domestic regulation, emergency safeguard measures, government procurement and subsidies) which will apply to the whole WTO membership, with certain special provisions for developing and least-developed countries.

Complete details about the framework of the negotiations are contained in the Guidelines and Procedures for the Negotiations on Trade in Services (S/L/93) summarised in Box 2.
Box: 3
Modalities and Procedures for Negotiations in Trade in Services

i. The negotiations shall be conducted in Special Sessions of the Council for Trade in Services, which will report on a regular basis to the General Council, in accordance with decisions taken by the General Council.

ii. Negotiations shall be transparent and open to all Members and acceding States and separate customs territories according to Decisions taken in this regard by the General Council.

iii. The starting point for the negotiation of specific commitments shall be the current schedules, without prejudice to the content of requests.

iv. Liberalisation shall be advanced through bilateral, plurilateral or multilateral negotiations. The main method of negotiation shall be the request-offer approach.

v. There shall be appropriate flexibility for individual developing country Members for opening fewer sectors, liberalizing fewer types of transactions, progressively extending market access in line with their development situation and, when making access to their markets available to foreign service suppliers, attaching to such access conditions aimed at achieving the objectives referred to in Article IV of GATS.

vi. Based on multilaterally agreed criteria, account shall be taken and credit shall be given in the negotiations for autonomous liberalization undertaken by Members since previous negotiations. Members shall endeavour to develop such criteria prior to the start of negotiation of specific commitments.

vii. The Council for Trade in Services in Special Sessions shall continue to carry out an assessment of trade in services in overall terms and on a sectoral basis with reference to the objectives of the GATS and of Article IV in particular. This shall be an on-going activity of the Council and negotiations shall be adjusted in the light of the results of the assessment. In accordance with Article XXV of the GATS, technical assistance shall be provided to developing country Members, on request, in order to carry out national/regional assessments.

viii. To ensure the effective implementation of Articles IV and XIX:2, the Council for Trade in Services in Special Session, when reviewing progress in negotiations, shall consider the extent to which Article IV is being implemented and suggest ways and means of promoting the goals established therein. In implementing Article IV consideration shall also be given to the needs of small service suppliers of developing countries. It shall also conduct an evaluation, before the completion of the negotiations, of the results attained in terms of the objectives of Article IV.

ix. While the Council for Trade in Services in Special Sessions may establish subsidiary bodies as it deems necessary, the proliferation of such bodies should be avoided to the maximum extent possible. Existing subsidiary bodies shall be utilised to their maximum capacity.

x. The needs of smaller delegations should be taken into account, e.g. by scheduling meetings in sequence and not in parallel.

xi. The Council for Trade in Services in Special Sessions shall, when appropriate, develop time schedules for the conduct of the negotiations in accordance with any relevant decisions taken by the General Council.
3.0 Model Guidelines for Trade in Services Negotiations

In the conduct of negotiations for trade in services, each party seeks to achieve a negotiated outcome that would reflect a reasonable balance between its needs on one hand and the demands of its trading partners on the other. In order to achieve the best possible outcome of the negotiations, Feketekuty (2009) and Marconini and Sauvé (2010) formulated a sample practical guide for developing countries for the conduct of negotiations in trade in services.

This model is premised on five cardinal pillars. These pillars are: mapping a strategy for services in national development plans, developing an informed negotiating strategy or identifying capacity needs, conducting service negotiation on the basis of offers and requests, implementing negotiated outcomes and supplying services that comply with international standards.

Pillar One: Mapping a strategy for services in national development plans

Member States should develop an informed national negotiating strategy with a clearly articulated road map and aligned them with their national strategies for services in national development plans. In doing so, a cross-sectional, multi-disciplinary steering committee under the supervision of the Ministry of Trade/Commerce must be established and accorded the required legal backing. Such a Committee should familiarize itself with basic concepts of the GATS to prevent them from acting, unintentionally, in contravention of commitments under the GATS and enable them to negotiate effectively. The following checklist could be very useful to ensure that a well-articulated strategy has been designed and mapped to the national development plan accordingly:

1. The design of the national development plan requires that services be considered in terms of the overall economy
2. Services sector road-map should begin with the establishment of a steering committee covering multi-issues and cross sectoral.
3. The designation of a focal point to ensure a coordinating function, identify the key functions of services in a road map and oversee the implementation of the strategy. The creation of an effective coordination process should be domiciled in the Ministry of Trade, with close collaboration with other Ministries and Agencies responsible for conducting trade negotiations for reasons of building consensus with due attention to consistency and coherence on negotiating points and avoidance of the risk of contradictory pronouncements on the same negotiating point.
4. The national development plan should factor in the analysis, requirements in the national policy objectives such as prudential regulations, universal access, preservation of cultural diversities and high professional standards
5. The boundary between public and private should also be properly delineated as well as the boundary of state sovereignty discussed in service policy.

Pillar Two: Developing an informed negotiating strategy or identifying capacity needs

National development strategies must be determined before preparing for international negotiations to ensure that an informed national policy position is established. This will enable
the negotiators to respond to the complex regulatory and policy issues that may come up in service negotiations. After clearly articulating an economy-wide strategy for services, government should prioritise service-related policy responses.

Governments need to gather significant knowledge and make informed market offers before liberalizing the services sector. This involves establishing proper channels of communications with key stakeholders, a full inventory of measures and understanding of the regulatory regime, identifying the opportunities and challenges of exporters; determining the capacity needs of negotiators, ministries and regulatory agencies; and assessing the likely economic and social impacts of liberalisation scenarios.

**Pillar Three: Conducting service negotiation on the basis of offers and requests**

The conduct of negotiations involves setting the composition of the delegations to the negotiation meetings in a coordinated approach. This involves identifying key issues that require immediate attention. Due to the heterogeneous nature of the services sector, and budgetary constraints for developing countries for the number of people to participate in the negotiations, there must be a monitoring and performance communication process between the teams based in the developing country and the WTO in Geneva. Rules making and market opening are the two important issues during the negotiation process.

Negotiations should take place after national development strategies (national policy position) have been established. Negotiations may lead to domestic economic reforms involving the formulation of policy positions requiring strengthening the level of regulation and regulatory capacity.

Given that negotiations are done on the basis of “offer and request” each member state is urged to clearly articulate its offers and requests beyond the WTO commitments by carrying out cost-benefit analysis with respect to liberalisation of the services sector prior to making offers and requests.

Liberalisation strategies must be well conceived. For example, governments may need to think about the sequencing of individual reform steps within and between sectors, and the need for complementary regulatory change (definition of prudential standards, creation of supervisory bodies, etc.)

Upgrading domestic regulation is very important in service negotiations. Domestic regulatory requirements should be based on international standards or best practices. Domestic rules and administrative procedures should be user friendly.

**Pillar Four: Implementing negotiated outcomes**

Participating in trade negotiations is one thing, but implementing the negotiated outcomes is another. This requires making provision to strengthen capacities to implement the outcomes. Negotiated outcomes can be effectively implemented provided that the capacities required to do so exist in the Member States.
In the services negotiations, the government should determine the desirable duration of the transition to greater market openness. The liberalisation should be pursued in a progressive, orderly and transparent manner. This will allow greater competition and the setting up of proper regulatory framework.

This would require resources to implement the negotiated outcomes. The resources could be invested in strengthening regulatory agencies such as independent agencies in telecommunications or energy.

By virtue of the importance of a regulatory framework of the various service sectors, it is essential to conduct trade-related regulatory audit on a regular basis to establish an inventory audit of domestic regulatory measures affecting services. By so doing non-conforming measures are removed and regulations bench marked to international best practices.

**Pillar Five: Supplying services that comply with international standards**

Developing countries, including the WAMZ Member States may not fully benefit from progressive liberalisation of market access if their capacities to supply are not boosted. Therefore, capacity to trade especially in the sectors of strategic competitive advantage to the member countries should be addressed.

Trade infrastructure deficit are a major limiting factor for the advancement of trade in general. Market-development constraints, lack of access to infrastructure, limited prospects to serve foreign markets, just to name a few factors that inhibit trade. Member States need to diversify and add value to their production chains and export baskets through raising quality of standards, improving quality of service of public utilities, etc.

**4.0 Current Institutional Framework for Trade in Services Negotiations in WAMZ Member States**

All the WAMZ Member States except Liberia are members of the WTO. However, Liberia is at advanced stages of its accession to the WTO. All the Member States have set up divisions/units in charge of the WTO negotiations at their respective Ministries of Trade. The Gambia, Ghana, Guinea, Nigeria and Sierra Leone all have an Inter-Institutional Committees on Trade Negotiations (IICTN), which are supposed to meet monthly or every other month.

The Ministry of Trade of the Member States coordinates trade negotiation matters and also meetings and activities of the IICTN, whose membership is drawn from other ministries, relevant government agencies, private sector organisations, academia and civil society organizations.

Currently, in some member states, the IICTN is a body which has no legal mandate. The IICTN is chaired by the Ministry of Trade. The purpose of the IICTN is to:

- adopt positions for negotiations on the various service issues
- develop modalities for the implementation of agreements reached in order to maximize benefits to the country
• provide government and the private sector with market information, which will assist the identification of trading opportunities
• assist the government in identifying areas that require legislative or administrative changes for implementing the agreements

The IICTN comprises groups with specific interests and expertise to handle different issues including:

• agriculture sub-committee
• services sub-committee
• market access sub-committee
• trade facilitation sub-committee
• trade and investment sub-committee

Each sub-committee has a focal point, represented through an organisation, which has the expertise and competence in specific negotiation issues. They can be technical institutions, ministries, etc. The focal points provide technical inputs on specific issues.

The IICTN liaises with the country representation in Geneva before arriving at country positions. Member States’ negotiating teams present their country’s positions on various issues and also monitors and relays information of the daily happenings in Geneva. These include notifications by other countries. Where situations arise and the country needs to respond, the Geneva team relays the information to Ministry of Trade. Once the information is received at the Ministry, contact is made with the relevant sub-committee and working groups prepare reports which are passed on back to the ministry.

5.0 Challenges facing WAMZ Member States

In addition to capacity weakness to implement trade negotiated outcomes, WAMZ Member States are ill-equipped to conduct effectively and efficiently trade in services negotiations. The Member States are confronted with a myriad of challenges including the following:

i. absence of a clearly defined road map, weak negotiating, regulatory, and implementation capacities. There is no clear strategy for the services sector in the national development plan of some Member States.

ii. the committee on trade negotiations in all the member states has no legal authority and this has led to two shortcomings. First, it does not have its own budget from government. Funds for such activities are sometimes sourced from development partners. Secondly, the government is not under any obligation to adopt its findings and recommendations, as such, its role is purely advisory.

iii. irregular meetings, poor information flow and poor coordination among members. There was no evidence of coherent coordination of services policy in any of the Member States. The different sector ministries or agencies inevitably narrow their focus on their sector only.
iv. there is no analytical position on how to address implications of a commitment made by negotiators in, for example, the telecommunications, the IT or transport sector.

v. Difficulty to measure and assess services’ contribution to production and exchange, as well as the economic consequences of alternative policy choices.

vi. Weak human capacity in services negotiations was observed. The number and quality of administrators and negotiators required is seriously inadequate considering the coverage and intensity of the multi-negotiations at the multilateral level. Same negotiators at negotiations on transport services may end up negotiating health services.

vii. Lack of budgetary support to the IICC (Inter-institutional Coordinating Committee) to gather necessary data on services sector was also identified as a constraint to effective participation in the Doha rounds of negotiations.

viii. There is no holistic strategy for the services sector negotiations as most governments look at services sector in a segmented manner. Member States consider services in a piecemeal, segmented manner which reflects more the particular characteristics of individual sectors than their role in the overall economy. Such a stance is seen in the (generally disorganized) way in which many governments tend to tackle services issues.

ix. Usually developing countries consider themselves rule takers in trade negotiations. Therefore they take passive stance during discussions on rule-making issues. This is more pronounced during negotiations on Preferential Trade Agreements (PTA) where developed countries come to negotiate with a set of pre-determined rules and obligations with little room for modifications.

x. Weaknesses of member states can be addressed through a regional approach and can be better coordinated both at the preparatory stage as well as during the negotiations. ECOWAS and the WAMZ should coordinate the process of negotiations.

xi. Individual inefficiency observed at the level of governments of the region should be overcome through a regional approach and may be better coordinated in terms both of preparing the negotiations and defending the positions adopted for those negotiations. This issue of coordination must be examined and translated into actions at the level of ECOWAS, including the WAMZ.

6.0 ECOWAS Commission activities on trade in services negotiations

This work should be assessed against the background of taking charge of trade in services during the EPA negotiations. The roadmap for the EPA negotiations included this issue because of the importance of the sector of trade in services in the economy and its role in the development and improvement of competitiveness. Indeed, trade in services covers services which constitute full
productive sectors and logistics that are supposed to support the development of the other sectors such as agriculture and industry.

Notwithstanding the fact that the region committed itself to negotiate the four ways of providing services, the position defended by the region is based on the autonomous liberalisations embarked on by the countries, their commitments taken within the framework of the multilateral negotiations (GATS), the sectoral policy prepared by ECOWAS at the regional level and the necessity for a gradual participation of West African countries in the trade in services as well as the expansion of exports of services by strengthening their national capacities and by improving the competitiveness of this sector.

Within the multilateral framework and in particular for the EPA negotiations, the fundamental principles on which the work of the ECOWAS is focused for preparing the negotiations on trade in services, are mainly the following:

- the gradual liberalization of the sector of trade in services, capacity development and improvement of the competitiveness of the trade in services sector;
- the liberalization by the EU of access to markets, especially for modes of delivery that are specific to West African exports;
- the liberalization of access to markets in the main sectors and for modes of supply of interest to West Africa for its exports;
- the special treatment granted to West Africa;
- the taking into account of the serious difficulties of the least developed countries because of their special economic situation and of their development needs;
- the possibility of resorting to the provisions of Articles IV, X and XIX of the GATS for taking safety measures in order to avoid distortions of the markets in services, in case of threat of serious damage.

These principles as well as an indicative list of priority services sectors on which the negotiations will be focused were established, particularly in the joint West Africa-EU report on services. The main criteria used in that selection are:

- the importance of the sector for the national economy;
- those sectors having significant trade flows in terms of both volume and financial implications and likely to undergo modifications of the trade flows;
- those sectors having prospects for significant and sustainable multiple effects on the economy spurred by trade policy;
those sectors having economic and social ripple effects and, in terms of human development, sustainable economic development, knock-on effects on employment (creation or loss), on teaching and cultural policy, on certain groups particularly vulnerable (women, children, the poor) and on human rights;

those sectors having high export potentials.

The conclusions of the June 2009 meeting of the leading negotiators considered the continuation of the negotiations on trade in services after the conclusion of the agreement dealing mainly with goods and the support for development relating to the EPA. Thus, for the follow-up of preparing the negotiations, ECOWAS sponsored in 2010 a regional study on trade in services, which allowed to make an inventory of trade in services in West Africa. The study focused on the situation of the reviewed sectors, indicating the main characteristics of those sectors, the weaknesses and constraints preventing their development, the main agents operating in these areas, the regulation in place as well as the forms of liberalization undertaken by the countries.

It should be recalled that the ECOWAS countries carried out autonomous liberalizations at the time of structural adjustment programs and regional sectoral policy (transport, telecommunications, etc.) or committed themselves to liberalizations within the WTO framework. It should also be recalled that the existing data on trade in services of the region are insufficient, fragmented, disparate and appear in various studies and monographs prepared by either the region’s integration institutions or individual countries. This state of scattered information does not lead to an objective assessment of the progress of trade in services in the region so as to work out a consistent strategy for negotiations.

In order to build up from the numerous studies on the various sectors of trade in services, the ECOWAS and WAEMU/UEMOA Commissions decided to reactivate the thematic working Group on trade in services. This Group which comprises experts from the sub region is in charge of formulating recommendations for the negotiators for the next negotiations on trade in services within the EPA.

One of the significant results arrived at by the thematic working Group is a matrix of negotiations on trade in services which identifies and highlights, for each category of services, the constraints for the development of the sector, the opportunities and/or the objectives of the negotiations, the reforms to be implemented, the likely consequences (positive or negative) of liberalization with the EU, the likely positions during the negotiations. The forthcoming results to expect will bear on the regional framework of the negotiations on the region's proposals and requests. A draft horizontal request has been submitted to the Member States for review. For the proposals, the ECOWAS Commission will provide logistical support to the States in order to complete the regulatory audit in the main sectors of trade in services and prepare a list of specific commitments to be consolidated at the regional level.
7.0 Conclusion and Recommendations

Conclusion

This study revealed that preparations toward Doha round negotiations are not adequately coordinated in any of the Member States and negotiations, thus far, have been conducted without a proper roadmap and the requisite expertise. WAMZ Member States stand to benefit from trade in services provided that capacity to supply is improved. Participation in international trade negotiations especially the services sector requires adequate preparation. WAMZ Member States are inadequately equipped and poorly prepared for trade negotiations in general and trade in services in particular. The legal framework that underpins the mandate for trade negotiations ought to be thoroughly understood. Relevant human capacities are relatively weak in the institutions that conduct negotiations on behalf the countries. The teams that are assembled for trade negotiations are on ad hoc basis and the composition does not reflect the competencies required for the negotiations. The inter-institutional coordination is weak and background analytical work that would underline the basis for the negotiations is mostly not done.

It is important therefore, as a matter of urgency, to build and strengthen the capacity of the Member States, as outlined in the recommendations, to be able to take advantage of the Doha round of negotiations and the General Agreement on Trade in Services (GATS) to promote their economic development.

Recommendations

Based on the foregoing analysis, the following recommendations towards improving the capacities in WAMZ Member States to optimally take advantage of the negotiations in trade in services for sustainable pro-poor development of the region:

i. Under the circumstances of limited capacity in the WAMZ, a thorough research should be conducted prior to submitting reasonable liberalisation requests to key trading partners and making market opening offers.

ii. In order to strengthen capacity to supply services, needs have to be identified first followed by identification of barriers to trade in services and trade regulatory audit and thereafter address them accordingly.

iii. Devise a service-sector road map or strategic blueprint. The blueprint must start with setting up and sustaining a cross-sectoral, multi-issue steering committee and designating the coordinating function to a specific ministry, secretariat, agency or personality within the government that will be empowered to identify key elements of a services road map and oversee its implementation.

iv. The coordinating institution so established should be given legal authority for its existence or at least some form of open legitimacy.
v. Sufficient and sustained budgetary support should be provided for activities of the IICTN.

vi. Devise measures to strengthen regulatory agencies and their staff in Member States as they require sophisticated legal and economic skills. Sound domestic regulation is critical to realizing the full benefits of open service markets and in mitigating or responding to its potential downsides.

vii. Undertake an Institutional Support Project for Trade Facilitation for Member States which should include capacity building or strengthening in the areas of trade law, trade negotiations, trade policy analysis, political economy of international trade, settling investment disputes, regional integration, etc. Such tailored support to each Member State will enhance the capacity of the Member States to better conduct trade negotiations and to improve on their trade competitiveness.

viii. In assessing their competitive strengths and weaknesses in the production and exchange of services, WAMZ Member States must openly confront any competitive weaknesses that directly result from their own regulatory regime. As far as possible, member countries should desist from onerous regulatory requirements that may prevent their enterprises in a particular sector from increasing the economic efficiency of their operations or from introducing new and more competitive services and marketing techniques.

x. Unlike other sectors of the economy, services involve a host of national policy objectives, such as prudential regulation, universal access, the preservation of cultural diversity, or the maintenance of high professional standards. These objectives have to be clearly defined and factored into the analysis as well.

xi. Any consistent approach to services policy in national development strategies needs to focus on the pace and manner in which a country wishes to integrate itself into the world economy. Measuring the costs and benefits of opening up and integrating more fully into production networks needs to be ascertained alongside the cost of not doing so, or of doing so at a different pace or through different means. The effects of various policy choices on employment and restructuring, the possible impacts on “national champions” and other strategic considerations thus need to be properly identified and measured.

xii. WAMZ Member States adopt the model guidelines for negotiations in trade in services.
PART FIVE: SANCTIONS AGAINST MEMBER STATES WHICH BREACH ECOWAS TRADE PROTOCOLS

1.0 Introduction

Member States have thus far applied ECOWAS principles and protocols in a piecemeal manner at best. This has, in part, caused the non-achievement of the desired objectives of a common market or a customs union. However, the legal frameworks of the protocols themselves lack a sanctions mechanism for non-compliance.

In the light of this observation, WAMI was requested to recommend sanctions that could be applied against defaulting Member States to prevent the non-respect or non-application of the principles, protocols, decisions, etc., Member States have committed themselves to.

In the following sections, observations are noted in section two, while section three concludes and proposes recommendations.

2.0 Observations

The Supplementary ACT A/SP. 13/02/12 on Sanctions Against Member States That Fail To Honour Their Obligations To ECOWAS has been introduced by the ECOWAS. The Act is comprehensive and can be applied, in case of a breach, to any other ECOWAS Act of the Authority and Council of Ministers, which include the ECOWAS Treaty, Conventions, Protocols, Supplementary Acts, Regulations, Decisions and Directives of the Community.

Among others, the Act makes provision for the application and monitoring of the implementation of sanctions. At the time of the study, Gambia, Ghana, Nigeria and Sierra Leone, among ten others, had signed the Supplementary ACT A/SP. 13/02/12 on Sanctions Against Member States That Fail To Honour Their Obligations To ECOWAS. They were yet to incorporate it into their National Law. Guinea and Liberia are yet to sign.

According to Articles 23 and 24 of the Act, sanctions regime would enter into force upon its publication by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signing by the Heads of State and Government, and after publication in the National Gazette of each Member State within thirty days (30) of notification by the Commission.

Member States could not provide a list of ECOWAS protocols that have been signed and incorporated into the National Law. The ministries of justice or relevant bodies did not have strategies for monitoring implementation of related protocols, and draft protocols are not exhaustively and broadly discussed at the national level before they are signed into protocols at the regional level.
3.0 Conclusion and Recommendations

Measures to ensure full adherence to the various Acts of the Community had not yet been put in place in the Member States, causing a slowdown in activities of the Community. The Supplementary Act on Sanctions, when applied, can prevent such behaviour by the Member States from having harmful effects on Community programmes. Full adherence to the various Acts would see a higher achievement of the objectives of the ECOWAS integration process across the Member States.

Recommendations

i. In cases of consistent breaches of trade and trade related protocols or decisions the Supplementary Act A/SP. 13/02/12 on Sanctions Against Member States That Fail To Honour Their Obligations To ECOWAS should be applied.

ii. The Act A/SP. 13/02/12 on Sanctions Against Member States That Fail To Honour Their Obligations To ECOWAS as well as the other ECOWAS Acts should be ratified, in Member States where necessary, and incorporated into national law to make them enforceable.

iii. Member States should adopt measures, including monitoring and implementation strategies, to ensure adherence to the various ECOWAS Acts.

iv. Member States should seek sanctions as a very last resort.
PART SIX: SUMMARY OF RECOMMENDATIONS

A. Capacity to implement ECOWAS trade obligations

i. Given the lack of capacity at country level across the zone in terms of human, infrastructure and institutional requirements, for the effective implementation of the ECOWAS trade obligations, WAMI proposes to draft a project proposal for capacity development for the WAMZ Member States and to seek funding for and on their behalf. The objective of the project proposal would be to improve trade governance and strengthen trade facilitation as well as support the implementation of the trade policies of the Member States.

ii. Member States should endeavour to provide necessary logistics such as scanners, weighbridges, tracking systems for consignments of goods in transit and more automation for trade facilitation and to provide support to SMEs. Considering the significant capital investment required to provide infrastructure for trade, country authorities are urged to forge public-private partnerships for the provision of essential services such as electricity, water, maritime transportation, railways as well as air links.

iii. Member States are encouraged to build trade analytical capacity of relevant institutions. While there are universities, economic management training institutes and customs staff training colleges in the region, there is not yet any institution of higher learning that specialises in trade and regional integration issues. A regional institute for trade should be established funded by the ECOWAS Commission.

iv. Given the large size of the informal sector and their large volume of trade transactions, policies should be developed for the gradual transformation of the informal trade sector into the formal sector. Measures should include identification of the informal sector in a well-structured manner, review their institutional set ups, conduct studies to classify these groups for the purposes of policy targeting and provide training support for them.

v. ECOWAS Commission should spearhead the formation of a regional standards organisation for the purpose of harmonising standards of the Member States into a common regional standard.

B. Status of implementing ETLS

i. In the spirit of solidarity, integration and good-neighbourliness, Member States should re-activate their Joint Commissions where it exist and meet regularly to facilitate improvement in trade relations and initiate one where unavailable. Encourage inter-agency cooperation especially among customs and immigration institutions of neighbouring countries. Neighbours may encourage market days at border towns.

ii. Protectionist policies adopted in pursuit of domestic objectives are difficult to reconcile with those of regional integration schemes and create an environment that is incompatible with the integration of regional markets. To avoid this and foster greater policy
harmonisation, national policies should be synchronised with the regional protocols to make them generally favourable to international trade.

iii. Member States should create their website and link it to the ECOWAS ETLS dedicated website. They should deploy ICT platform at Customs and Ministries of Trade/Commerce to facilitate online verification of approved companies and products and make available the approved list of products and companies at all customs posts. Member States should include civic education on the rights and responsibilities of community citizens as part of their sensitisation programmes.

iv. By virtue of its mandate and technical competence, customs departments should play their expected role on the National Approvals Committee for the screening of applications and assessment of the rules of origin.

v. ECOWAS Commission should integrate additional security features on the ETLS certificates to minimise the risk of counterfeit and periodically review the vulnerability of the certificates to forgery.

vi. Member States should establish and maintain an up-to-date database for ETLS registered companies and products for ease of reference and for statistical as well as planning purposes.

vii. Member States should regularly conduct sensitisation programmes on the scheme to educate and inform exporters, importers, customs officials and other relevant agencies.

viii. Member States should reinforce their capacity to supply, deploy the ASYCUDA ++ to other border posts and install mobile weigh bridges along the transit corridors.

ix. Considering the technical nature of rules of origin, it is important for ECOWAS Commission to prepare a manual on rules of origin in a very user-friendly format and disseminate it through appropriate media.

x. In addition to the removal of non-tariff measures, Member States are urged to remove numerous roadblocks and security checkpoints on international highways to reduce delays, harassment and extortion. Encourage joint border post and patrols by neighbouring states and limit the personnel at border posts to essential staff such as customs and immigration.

xi. ETLS compliant goods should be removed from the list of banned products where they may exist.
C. Practical Guidelines for Trade in Services Negotiations

i. Under the circumstances of limited capacity in the WAMZ, a thorough research should be conducted prior to submitting reasonable liberalisation requests to key trading partners and making market opening offers.

ii. Devise a service-sector road map or strategic blueprint. The blueprint must start with setting up and sustaining a cross-sectoral, multi-issue steering committee and designating the coordinating function to a specific ministry, secretariat, agency or personality within the government that will be empowered to identify key elements of a services road map and oversee its implementation.

iii. The coordinating institution so established should be given legal authority for its existence or at least some form of open legitimacy.

iv. Devise measures to strengthen regulatory agencies and their staff in Member States as they require sophisticated legal and economic skills. Sound domestic regulation is critical to realizing the full benefits of open service markets and in mitigating or responding to its potential downsides.

v. Undertake an Institutional Support Project for Trade Facilitation for Member States which should include capacity building or strengthening in the areas of trade law, trade negotiations, trade policy analysis, political economy of international trade, settling investment disputes, regional integration, etc. Such tailored support to each Member State will enhance the capacity of the Member States to better conduct trade negotiations and to improve on their trade competitiveness.

vi. Any consistent approach to services policy in national development strategies needs to focus on the pace and manner in which a country wishes to integrate itself into the world economy. Measuring the costs and benefits of opening up and integrating more fully into production networks needs to be ascertained alongside the cost of not doing so, or of doing so at a different pace or through different means. The effects of various policy choices on employment and restructuring, the possible impacts on “national champions” and other strategic considerations thus need to be properly identified and measured.

vii. Adopt the model guidelines for negotiations in trade in services.
D. Sanctions against Member States which Breach ECOWAS Trade Protocols

i. In cases of consistent breaches of trade and trade related protocols or decisions the Supplementary Act A/SP. 13/02/12 on Sanctions Against Member States That Fail To Honour Their Obligations To ECOWAS should be applied.

ii. The Act A/SP. 13/02/12 on Sanctions Against Member States That Fail To Honour Their Obligations To ECOWAS as well as the other ECOWAS Acts should be ratified, in Member States where necessary, and incorporated into national law to make them enforceable.

iii. Member States should adopt measures, including monitoring and implementation strategies, to ensure adherence to the various ECOWAS Acts.

iv. Member States should seek sanctions as a very last resort.
Appendix 1: Terms of Reference for the Field Studies

A. BACKGROUND

1. The WAMZ Trade Ministers Forum acts as a peer pressure group and evaluates performance of member countries towards trade integration in the WAMZ and ECOWAS. At its fourth meeting in May 2011, the Forum observed that institutional capacity of the Member States to pursue trade integration was weak. They further noted that compliance by Member States with the ECOWAS Trade Liberalisation Scheme (ETLS) continued to be partial at best, and that there was no clear mechanism to sanction defaulting countries on regional trade policies. Furthermore, the meeting concluded that multilateral and plurilateral negotiations on trade in services lacked sufficient theoretical and empirical underpinnings.

2. In view of the foregoing, the WAMZ Trade Ministers directed WAMI to collaborate with the ECOWAS Commission to:
   a. Carry out needs assessment of Member States’ capacity to implement ECOWAS trade integration obligations;
   b. Undertake a study on the benefits and costs of implementation of the ECOWAS Trade Liberalisation Scheme (ETLS);
   c. Propose appropriate sanctions against Member States that despite signing of ECOWAS protocols and decisions on trade do not comply with the same;
   d. Prepare a paper on trade in services in the region to adequately inform WAMZ Trade Ministers’ negotiations during the next round of the Doha negotiations on trade in services.

B. OBJECTIVES

3. The findings of the studies are expected to support a national programming process for appropriate interventions. The objectives of the studies are to:
   o Identify institutional requirements for member countries for better conduct of trade integration in the WAMZ
   o Determine the benefits and costs of Member states for participating in the ETLS
   o Devise a trade sanctions regime that could be used to sanction member countries that default on regional trade policies
   o Further equip Member states with adequate knowledge and information for negotiations on regional and international trade in services

C. EXPECTED OUTPUT

5. The Final Reports on the four assignment areas.
D. TEAM COMPOSITION AND METHODOLOGY

6. The mission will consist of two teams of three members each. Team members will comprise staff (or representatives) of WAMI and ECOWAS. For each of the countries, the field study will be jointly carried out by WAMI and the ECOWAS Commission.

7. The Study Mission will take place primarily in the member countries under the guidance of the ECOWAS-WAMI Joint Task Force on Trade-related Issues.

8. There will be desk and field studies. The mission team will meet with key stakeholder groups in the member country in the course of the mission. These include: (1) Representatives of relevant government and quasi-governmental institutions (2) Representatives of the business sector, especially importers and exporters, (3) Local members of the Academia and, where applicable the NGO community, specialised in trade, trade research and related matters and (4) relevant members of the donor and technical assistance communities within the member country.

9. The study will be conducted in three (3) phases:

   Phase 1: To conduct a review of documentation relevant to the purposes of the mission.

   Phase 2: To conduct country visits to determine, verify and complete missing portions of the review of documentation so as to profile the state-of-play for trade-related issues in the member countries and

   Phase 3: To analyse the results of Phase 2 and subsequently prepare a detailed set of prioritized recommendations to support national intervention activities.

10. At least one workshop will be held with representatives of all relevant stakeholders to validate the recommendations of the study.

11. The detailed modalities of the studies for the four assignments will be determined by the ECOWAS-WAMI Joint Task Force on Trade-related Issues.

E. DELIVERABLES

12. Interim reports, draft reports and validation workshop.

F. Commencement and completion of the Study

13. The studies are expected to start in the first week of February 2012 and be completed by end March 2012.
Appendix 2: Goods Regarded as Wholly Produced

- The following products shall be regarded as wholly produced in the Member States:
  - Live animals born and raised within the Member States;
  - Mineral products extracted from the ground, sub-soil or sea bed of Member States;
  - Vegetable products harvested within the Member States;
  - Products obtained from animals living or raised in Member States;
  - Products obtained by hunting or fishing within the Member States;
  - Products obtained from the sea, rivers and lakes within the Member States by vessel belonging to the Member States;
  - Products manufactured aboard ship factories belonging to Member States, exclusively from the products referred to in paragraph (f) of this Article;
  - Used articles fit only for the recovery of raw materials, provided that such articles have been collected from users within the Member States;
  - Scrap and waste resulting from manufacturing operations within Member States;
  - Goods produced from the materials listed in paragraphs (b) to (i) of this article, used alone or mixed with other materials, provided that they represent at least 60% of the total quantity of raw materials used;
  - Electric energy produced in the Member States.
- The terms “vessels” and “factory ships” used in paragraph 1 (f) and (g) shall apply only to vessels and factory ships: which are registered in a Member State; which sail under the flag of a Member State; which carry a complement, inclusive of the Master thereof, of which not less than 50% are nationals of Member States.
Appendix 3: ETLS Application Form

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

COMMUNAUTE ECONOMIQUE DES ETATS DE L’AFRIQUE DE L’OUEST

Annex N° 1

APPLICATION FORM FOR ADMISSION TO THE ECOWAS TRADE LIBERALISATION SCHEME

+++++++

To be completed by the industrial enterprise and Submitted by the ECOWAS Member State
CONTENT OF APPLICATION FORM

I. Identity of Enterprise

0.1 Business Name; Registration N°
0.2 Address of Head Office (P. O. Box; telephone N°, E-mail address, website)
0.3 Sector and Branch of Activity
0.4 Legal Status
0.5 Preferential treatment granted by Member State of domiciliation
0.6 Number and location of factory

II. Manufactured Products Submitted for Approval

2.1 Description of product under ECOWAS Customs Nomenclatures
2.2 Type of product
2.3 Brand name and manufacturing label

III. Manufacturing Process

3.1 Description of manufacturing process
3.2 Raw materials employed
3.3 Consumables utilized
3.4 Type of packaging utilized

IV. Determination of ex-Factory Price and Value-added

4.1 Applicants must complete form, indicating components determining ex-factory price and value-added for each product or group of products
I. Identity of Enterprise

1.0 Business Name……………………………………………………………………
Headquarters Address……………………………………………………………
P. O. Box…………………………………………………………………………
Telephone N°……………………………………………………………………
Fax N° ……………………………………………………………………………
Email address……………………………………………………………………
Website………………………………………………………………………………
Sector and branch of Activity…………………………………………………
Legal Status (1)……………………………………………………………………
Preferential Treatment granted by Member State of Domiciliation (2)
……………………………………………………………………………………
Approval number issued under the liberalization scheme (3)
……………………………………………………………………………………
Number and location of establishments
……………………………………………………………………………………

(1) Attach copy of Statutes
(2) Attach copy of text granting such treatment
(3) For already approved enterprises

II. Manufactured Product submitted for Approval

2.1 Describe product using ECOWAS Tariff and Statistical Nomenclature and indicating trade description (attach any official documents attesting to tariff classification, and, where possible, include a sample of product).

2.2 State tariff item or sub-item classification of manufactured product under ECOWAS Nomenclature.

2.3 State brand name or manufacturing label used for marketing purposes (include any useful indications for the identification of the manufactured product).
### III. MANUFACTURING PROCESS

3.1 Description of Manufacturing Process
3.2 Raw materials utilized

1. Use model table for each product submitted for approval

<table>
<thead>
<tr>
<th>Product Manufactured</th>
<th>Referenced Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of raw materials (1)</td>
<td>ECOWAS Customs Nomenclature No</td>
</tr>
<tr>
<td>A. Raw materials of foreign origin</td>
<td></td>
</tr>
<tr>
<td>B. Raw materials of ECOWAS origin</td>
<td></td>
</tr>
</tbody>
</table>

(1) State principal raw materials utilised

3.3 Consumables utilised in the manufacture of Products submitted for approval

<table>
<thead>
<tr>
<th>Product Manufactured</th>
<th>Referenced Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Consumables (2)</td>
<td>ECOWAS Customs Nomenclature No</td>
</tr>
<tr>
<td>A. Consumables of Foreign Origin</td>
<td></td>
</tr>
<tr>
<td>B. Consumables of ECOWAS Origin</td>
<td></td>
</tr>
</tbody>
</table>

(1) State principal consumables utilised

3.4 Parking Utilised for Marketing Purposes

<table>
<thead>
<tr>
<th>Product Manufactured</th>
<th>Referenced Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of packaging</td>
<td>ECOWAS Customs Nomenclature No</td>
</tr>
<tr>
<td>A. Packaging of Foreign Origin</td>
<td></td>
</tr>
<tr>
<td>B. Packaging of ECOWAS Origin</td>
<td></td>
</tr>
</tbody>
</table>
**IV. CALCULATION OF EX-FACTORY COST PRICE AND VALUE ADDED**

<table>
<thead>
<tr>
<th>Description of product:…………..</th>
<th>NTS:…………..</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum production capacity:………..</td>
<td>Quantity produced:……..</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Components determining ex-factory cost price</th>
<th>Value per unit produced (2) (3)</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reference Year</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Raw materials utilized:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Of ECOWAS origin</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Of foreign origin:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- CIF value (4)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>. Transport transit to factory (5)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>. Import duties and taxes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- **2°) Consumable utilized:**
  - Of ECOWAS origin | | |
  - Of foreign origin: | | |
  - CIF value (4) | | |
  . Transport transit to factory (5) | | |
  . Import duties and taxes | | |

- **3°) Packaging utilized:**
  - Of ECOWAS origin | | |
  - Of foreign origin: | | |
  - CIF value (4) | | |
  . Transport transit to factory (5) | | |
  . Import duties and taxes | | |

- **4°) Other expenditure borne by company**
  - Salaries and wages (6) | | |
  - Duties and taxes (borne by company) | | |
  - Works, supplies and services provided from external sources (7) | | |
  - Transport and travel | | |
  - Financial charges (8) | | |
  - Amortisements (Buildings & equipment (9) | | |

**EX-FACTORY COST PRICE**

**VALUE ADDED**

(1) state reference year
(2) state thousands or millions in local currency
(3) state unit of measure and consumables (kilo, metre, m³, etc)
(4) CIF value of raw materials and consumables
(5) transport-transit to border of importing state + transport-transit to factory (for land-locked countries)
(6) Salaries and wages may not exceed 20% of cost price
(7) works, supplies and ext. services may not exceed 10% of the cost price, and must be directly tied to production
(8) financial charges may not exceed 3% of cost price
(9) amortisements must be recorded on a separate form, giving details of investments made and rate and mode of amortisation
Appendix 4: List of Officials Consulted

THE GAMBIA

Ministry of Trade

Naffie Barry Permanent Secretary
Fatima Secka-Njie Deputy Permanent Secretary
Ndey Naffie Ceesay Principal Economist
Baturou Camara Senior Economist
Yahya Samateh Senior Economist

Ministry of Finance and Economic Affairs

Abdou Kolle Minister
Mod Secka Permanent Secretary

Ministry of Justice

Cherno Marena Principal State Council

Ministry of Interior

Abdoulaye Jarra Permanent Secretary

Ministry of Works, Construction and Infrastructure

A. O. Camara Permanent Secretary
Demba S. Bah Deputy Permanent Secretary
Ebrima Darbo Ag. Deputy Permanent Secretary
Essa Dramneh Principal Planner

Central Bank of The Gambia

Amadou Colley Governor
Omar Jatta Director
Ismaïl Jarju Director
Abdou H. Ceesay Principal
Kabba Baldeh Economist

The Gambia Revenue Authority

Bakary K. Sankey Commissioner General
A. Tarawally Commissioner, Customs
Malamin Sanyang Director, Customs
Aileu Bittaye Director
Essa Jallow Deputy Director

The Gambia Ports Authority

Abdou R. Bah Deputy Managing Director
O.M. Jobarteh Director of Traffic Operations

The Gambia Investment and Export Promotion Agency

Fatou Jallow Chief Executive officer
Musa Bah Director

Chamber of Commerce and Industry

Sarata Conateh Manager
Beatrice Prom Manager

The Gambia Roads Authority

M. Senghore Ag. Managing Director
Kebba Faye

GHANA

Ministry of Trade and Industry

Hannah Tetteh Minister
Clement Nyaba Director

Ministry of Finance and Economic Planning

Enoch H. Cobbinah Chief Director
Asare Amoyaw Schedule Officer
Cosmos Idriss Kipo Desk Officer
Kwadwo Amaning
Samuel A. Amo-Adi Legal Counsel
Augustinata Takyi

Ministry of Foreign Affairs and Regional Integration

Kodjo K. Alabo Director
Hilarta M. Dey Assistant Dire

Ministry of Interior

Allhagi Ousman Chief Director

Ministry of Energy

Ras Liberty Amewode
Gifty Tettey
Sammy Aperiu
Joseph Amakyi
Kwasi Twum
Solomon A. Asoua
J.B. Okai
Peter Essel
Fitzgerald Kitty
Bernard Arthur

Bank of Ghana

Joseph K. Acheampong BOP Analyst
Eric Koranteng
Thomas Essel
Wisdom Amegashie
Adams Nynaku

Ghana Statistical Service

Philomena Nyarko Ag. Government Statistician
Baah Wadieh Ag. D.Government Statistician
Kofi Agyeman-Duah Ag. Director
M. E. Duncan Director
Asuo Afor A. C.

Ghana Chamber of Commerce and Industry

E. Doni-Kwame Ag. Chief Executive
Mark Badu Aboagye Ag. Head of Research
Charles Arthur Ntiri Ag. Head, Export Development

Association of Ghana Industries

Samuel Apokye Senior Policy Adviser
John Defor Policy Research Officer

Ghana Investment Promotion Centre

E. B. Ashong-Lartey Director, Marketing
Kofi Sakyiama Antiri Ag. Director, Research
GUINEA

Ministry of Trade
Mohamed Dorval Doumbouya  Minister
Mme Touré  Permanent Sec.
Ibrahima Baldé  Director
Aboubacar Sidiki Sanoh  Director
Mme diawara Mariam  D.N.C.Q
Mamadou Bobo Bah  Director

Ministry of Finance and Economic Affairs
Mme Aissatou Boiro  Director
Mme Naynuma Faro  Adviser
Sekou Mai diarra  Deputy Director
Amadou opary Bah  Revenue Auth.
Colonel Toumany Sangaré  DG Customs
Colonel Mamady Askia Camara  Director

Ministry of Justice
Maitre Christian Sow  Minister

Ministry of Planning
Aloise Condé  Permanent Sec.
Elhaj Oumar Diallo  Director
Abdoulaye Touré  Director

Ministry of Cooperation
Prof Koutoubou Moustapha Sanoh  Minister
Dr Djiguiba Sy Savané  Director

Ministry of Industry
Yéké Gomou  Director
Billy Nankouma Condé  D. Director
Yacouba Sylla  D. Director

Ministry of Energy
Bandian Doumbouya  Permanent Sec.
Cécé Alexis Loua  Director
Sourakat Camara  D. Director
Aguibou Sow  H. of Division

Central Bank of Guinea
Dr Louncceny Nabé  Governor
Elhaj Abdoulaye diallo  Director
Amadou Touré  LegalExc. Dept

Guinea Investment and Export Promotion Agency
Mamadou Sanoh  CEO CIEPEX

Chamber of Commerce and Industry
Morlaye Diallo  Chairman

Conakry Port Authority
Alpha Kaba  Adviser

FMI/WORLD BAK and European Union
Philip Van DAMME  Head of EU
Mamady Koulibaly  Econ. World Bank

LIBERIA

Nyekeh Y. Forkpa
Deputy Managing Director/Admin
National Port Authority

Massa R. Lansanah
Secretary General
Liberia Chamber of Commerce

Romell A. Watson
Assistant Minister for Administration
Ministry of Finance

S. Eldred Liberty
Director
Division of Trade
Ministry of Commerce & Industry

Aletha K. Browne
Deputy Minister Commerce & Industry
Ministry of Commerce & Industry

T. Edward Liberty (Ph.D)
Director General
Liberia Institute of Statistics & Geo-Information Services (LISGIS)

D. Erasmus Gongar
Sr. Research & Policy Officer/Assist Coordinator

Ministry of Transport
Stephen Marvie, Jr.
Assistant Minister for Commerce & Trade
Ministry of Commerce & Industry

J. Ebenezer Kolliegb
Deputy Minister for Administration/Insurance
Ministry of Transport

Othello Z. B. Karr
Officer-in-Charge
Concession Development & Public Private Partnership
National Investment Commission

Augustine S. Arkoi
Founder/CEO
Better Future Foundation Inc

William L. Buku
Assistant Commissioner for Operational Policy & International Relations
Bureau of Customs & Excise

Francis F. Wreh
Dep. Dir. Gen./Statistics & Data Processing
Liberia Institute of Statistics & Gee-Information Services (LISGIS)

Boima S. Kamara
Director
Research, Policy & Planning Department
Central Bank of Liberia
Appendix 5: List of Contributors

West African Monetary Institute

John H. Tei kitcher, Acting Director-General
Abdoulaye Barry, Director, Operations and Regional Integration
Abu Bakarr Tarawalie, Director, Research and Statistics
Wil Bako Freeman, Director, Payments Systems and ICT
Eunice Ngozi Egbuna, Director, Financial Integration
Lanto Harding, Chief of Trade and Development, Operations and Regional Integration
Momodou Sissoho, Principal Economist, Research and Statistics
Lamin Jarju, Senior Economist, Operations and Regional Integration

ECOWAS Commission

Lassana Kabore, Director, Multilateral Surveillance
Sanoh N’fally, Director, Freemovement
David Kamara, Director, Transport
Ugoh Sunday, Acting Director, Communications
Nelson Magbagbeola, Principal Programme Officer, Multilateral Surveillance
Peter Olunonye, Principal Programme Officer, Private Sector
Daniel Lago, Senior Legal Officer, Legal Affairs
Aduo Koman, Programme Officer, Trade
Gideon Gbappy, Programme Officer, Multilateral Surveillance
Parkinson Azagba, Consultant, Transport
Aïssata Yameogo, Programme Officer, Trade
Kolawole Sofola, Programme Officer, Customs
Tony Elumelu, Principal Programme Officer, Freemovement
Felix Kwakye, Consultant, Customs
Agbadome Atoine,
Jonathan Aremu, Consultant
Fifatin Dominique
Ijeoma Nwodo


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