

*FINAL WORKSHOP REPORT*

Post-July 2004 African Strategies for Bilateral and Multilateral Trade Negotiations  
November 10-12, 2004  
Nairobi, Kenya

## **Introduction:**

ILEAP convened a workshop in Nairobi, Kenya, from 10-12 November 2004. The meeting - organized in collaboration with the Kenyan Ministry of Trade and Industry, and the Kenya Institute for Public Policy Research and Analysis (KIPPRA) - aimed at strengthening the capacity of East African trade policymakers and negotiators, as well as other stakeholders in pursuing their objectives in trade negotiations following the July Package agreed to by the WTO General Council on August 1, 2004. The meeting was overseen by a steering committee as follows:<sup>1</sup>

1. Mr. Elijah Manyara, Chair (Kenya)
2. Mr. P. Elimu Elyetu (Uganda)
3. Dr. Francis Mangeni (Uganda)
4. Dr. Dominique Njinkeu, Secretary (ILEAP, Canada)

The specific objectives of the workshop were:

- to ensure adequate understanding of the current state of play in the negotiations;
- to ensure coherence between trade negotiations and other domestic policies; and,
- to discuss the approach to meeting the challenges associated with the negotiations and taking advantage of opportunities.

The meeting was attended by sixty-seven participants, including: thirty-six policymakers and negotiators from Eastern Africa (Kenya, Tanzania, Uganda, Mozambique and Ethiopia; including four Geneva-based negotiators), nine members of the academic/research community and eight representatives of private sector operators and associations, in addition to members of civil society, regional and international organizations. Resource persons and papers were also contributed by the World Bank, the World Trade Organization and the African Union. The key recommendations of the meeting on trade issues of interest to East African countries fall under the following sub-themes: Agriculture; Market Access for Non-Agricultural Products (NAMA); Services; Trade Facilitation; Capacity Building and Participation; and Coherence.

### **1. Agriculture:**

#### *Current state of play:*

The July Framework set parameters for the reduction commitments that will apply in relation to tariffs and domestic support, as well as the commitment to eliminate export subsidies and other forms of trade-distorting practices. Speakers highlighted African offensive and defensive negotiating interests across all three pillars of agriculture. It was suggested that highest payoffs would come for Africa from liberalization of the agricultural sector and that pursuit of special and

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<sup>1</sup> Also involved in the planning stage of the workshop were Mr. Modest Mero (Tanzania), Dr. Flora Musonda (Tanzania) and Dr. Hezron Nyangito (Kenya).

differential treatment provisions should only come to complement the objective of ambitious liberalization worldwide. In particular Africa's interests would be best served by focusing on the offensive strategies in the negotiations - that is, ensuring that ambitious commitments are made in relation to reductions of developed country tariff and domestic support structures, as well as the elimination of export subsidies.

On domestic support, although the July Framework recognizes the need for 'substantial reductions' in trade-distorting support, there is concern that flexibilities built in to the framework will allow the continuation of support that is damaging to African production and export. African offensive interests include ensuring that AMS, blue box and green box disciplines are effectively imposed. On AMS, discipline remains at the aggregate level, therefore it is possible for high levels of support to continue on product of interest to Africa, hence the need for focus on product-specific AMS discipline. The provisions on Blue Box will enable the EU to continue its large support payments, as well as expanding this exception in a way that is likely to cover US counter-cyclical payments – therefore attention must be paid to the negotiations on base periods and flexibilities within this box. Africans were also encouraged to participate in the Green Box review as well as to support the establishment of the surveillance and monitoring mechanism, so as to ensure that the Green Box does not shield trade-distorting support from reductions. On the defensive side, it was highlighted that the domestic support provisions are unlikely to constrain African policy. The July Framework retains S&DT on the Green Box, as well as providing an exception from *de minimis* reductions that is likely to cover relevant African support.

On market access, the potential impact of the tariff reduction formula was discussed. The defensive interests were shown to be relatively well addressed, as a result of the combination of the following factors: the exemption for LDCs, the flexibility resulting from the 'water' in the tariff of most non-LDC African countries, the principle of proportionality in tariff reductions, as well as the S&DT provisions established. Whereas greater concerns were raised in relation to the offensive interests – in particular the 'sensitive products' provision which threatens to undermine real progress on eliminating tariff peaks on products of export interest to African countries. Non-*ad valorem* (NAV) tariffs, quotas and the current Special Safeguard (SSG) were highlighted as important barriers to market African market access. Although the lack of success for Africa in relation to value-adding was revealed, this was attributed to supply-side constraints rather than tariff escalation. Finally, it was recognized that MFN reductions would necessarily result in preference erosion, which will need to be addressed with transitional measures (see section on 'coherence').

Special and Differential Treatment (S&DT) provisions were given special attention in the discussions. The need for further clarification and development of the SP and SSM provisions was highlighted. On Special Products speakers addressed the need for a broad approach to selection criteria, including criteria relating to the effectiveness of SP flexibility, as well as ensuring that once selected, SPs are embedded in development strategies. In relation to the Special Safeguard Mechanism, it was suggested that triggers must be simple and easy to implement, so as to avoid African countries encountering implementation difficulties as with traditional safeguard mechanisms. Speakers also stressed that African policy makers must give serious consideration to the political trade-offs between 'sensitive products' and Special Products, as well as between the elimination of the SSG and the establishment of the SSM.

*The way forward:*

The workshop confirmed that product and region-specific research is beneficial in identifying concrete negotiating interests in all three pillars of the agriculture negotiations; however access to data was recognized as being a key impediment to this research. Particular interest was shown for research in the following areas: the effect of subsidized imports on domestic production, the potential phase out formula for export subsidies, the identification of an effective base period for the Blue Box as well as the potential for Africa to lobby the EU on their 'sensitive products' selection. Furthermore, sector-specific research will be required in the following areas: non-tariff barriers including standards (with a focus on African involvement in consultation on the development of SPS/TBT measures, particularly with EU), supply-side constraints (including an assessment of how these can be addressed at the WTO), NAV tariffs (in particular seasonal tariffs on horticultural products and their greater impact on low value products) as well as TRQ expansion and administration. In order to assess Africa's offensive interests, researchers will need to take into account emerging and potential export interests (eg. horticulture) as well as south-south trade and new markets (including China, Japan and India).

The meeting also stressed the fact that several of the issues of primary interest to Africa are handled by some negotiating group with better negotiation capacity. As such it will be necessary to first monitor activities of such groups and lend support when necessary. The remaining resources would need to be allocated to areas that are not being prioritized by other groups. The G20 was singled out as a group whose liberalization objectives in agriculture come closest to those of countries in East Africa.

## 2. NAMA

### *Current state of play:*

The NAMA negotiations aim at reducing, or eventually eliminating, tariffs – including tariff peaks and tariff escalation which still persist in both developed and developing countries. The negotiations further address the reduction or elimination of non-tariff barriers (NTBs) such as standards or rules of origin requirements – measures which are likely to be, or which are already, outperforming tariffs in their trade limiting effects. Especially the focus on tariff and non-tariff barriers faced by key developing country exports provides an interesting venue for African countries to pursue their industrial market access agenda. However, the removal of trade barriers as such cannot offer solutions for systemic problems such as the lack of competitiveness – e.g. due to inappropriate infrastructure and technologies – and other supply-capacity constraints. Henceforth these non-trade aspects would have to be addressed simultaneously in the relevant fora if the NAMA negotiations were to spur sustainable economic development in Africa. Also, ambitious MFN tariff reductions in OECD countries will inevitably lead to the erosion of existing trade preferences, an issue which is also on the table in the NAMA negotiations.

Most African countries, including Kenya, Tanzania and Uganda, are exempted from applying the tariff reduction formula to be agreed; however, it is yet unclear whether they could be subjected to other reduction methodologies outside the formula; partly, whether they are to participate in sectoral initiatives (e.g. Kenya); and how much of their tariff lines are to be bound. For those African countries subjected to formula cuts, the ultimate design of the non-linear formula will be key, just as the level from which yet unbound tariffs will be reduced, as well as other flexibilities under S&DT within the formula (e.g. the issue of ‘special products’). The importance of the mandate to reduce or eliminate non-tariff barriers (NTBs), was stressed, in particular, that rules of origin, TBT and SPS are significantly limiting Africa’s ability to make use of its market access opportunities. However, it has yet to be seen in how far this very complex mandate can be materialized. As liberalizing Africa’s non-agricultural sectors is understood as a tool to spur industrial development and to reduce poverty on the African continent, the NAMA negotiations can only deliver the envisaged outcomes if the supply side dimension as well as the issue of preference erosion is being addressed as an integral part of the NAMA debate.

Preferential Rules of Origin (RoO) are recognized as an important non-tariff barrier - with restrictive RoO having been cited as one of the major causes of under utilization of preferences (particularly under the Cotonou agreement). In the WTO NAMA negotiations, the application of the non-linear formula is likely to lower tariffs significantly in developed and developing countries. This can erode protection of producers in Members domestic markets and it can erode preferences for preference receiving countries. As the gap between MFN and preferential rates becomes narrower, preferential RoO have less significance and non-preferential RoO become more important, making it vital for African countries to participate in WTO RoO negotiations at the Committee on RoO, especially for products of interest to them.

There is no doubt that utilization of existing market access opportunities - both on MFN and preferential basis - has not been as dynamic as expected due to the now well-known demand-side obstacles, but just as much because of constraints on the supply-side in African countries. These

include constraints at macro-level - such as with respect to infrastructure, financial services, the legal and regulatory framework, the quality of public institutions, and resource allocation - as well as at enterprise-level, i.e. e.g. size of firms, access to technology and market information. There is need for assistance at all levels for African East Africa to overcome these limitations if new and future market access opportunities are to deliver real growth and development. Market access opportunities must be matched with proven competitiveness if they are to be meaningful. The challenges to removing supply side constraints are the challenges of development. With margins of preference being eroded following the ongoing NAMA round, a multi-pronged approach that addresses also the supply-side constraints at enterprise and country level, is critical.

*The way forward:*

In the weeks lying ahead, African countries have to carefully weigh offensive interests – such as the removal of tariff peaks, escalation and NTBs in existent and potential export markets – against the defensive aspects of the African NAMA agenda, including the retention of realistically usable policy space as well as protecting the benefits accruing from trade preferences.

Moreover - as a matter of urgency - African countries now have to move from discussion on general issues into the specifics. It is crucial that they identify the concrete version of the envisaged non-linear reduction formula which is most suitable for them. They have to determine the exact level of flexibility within the reduction formula which they require for pursuing their national and regional development agendas. It is important to assess which concrete level of tariff binding would be appropriate for African countries, while also taking into account in how far flexibilities retained through leaving tariff lines unbound could realistically be utilized. For moving the NTB negotiations forward, African countries are tasked with identifying, evaluating and categorizing the most important NTBs faced by their exporters; furthermore, they would need to specify which of the available modalities to deal with NTBs would be the most suitable for addressing the respective NTB clusters.

If it is of principal strategic interest of African countries to preserve trade preferences, it is necessary to specify the exact products enjoying the preferential treatment which is most relevant for pursuing national and regional industrial development agendas. Having clarity on this set of products would be a prerequisite for negotiating suitable carve outs or moratoria to preserve preference margins during the transition period. Last but not least, African countries should undertake a country-specific needs assessment on the particular supply capacity-building needs which would have to be addressed in parallel with the demand side debate at the Negotiating Group on Markets Access, as well to identify to most suitable forum to effectively address the supply side dimension of industrial trade liberalization.

### **3. Trade in Services**

*Current state of play:*

The services sector is the most dynamic area of international trade. Africa has both offensive and defensive interest in services trade liberalization, whereby opening up to foreign providers of key infrastructural services often has positive spillover effects to other sectors such as manufacture and

agriculture. Participation in service negotiations could also be justified by the need to reduce transactions cost by making the services sector more efficient.

Most African countries have not yet actively participated in the request/offer process under the GATS negotiations, while virtually all of them have received requests by major trading partners to further open up their services sectors. The July framework requests all WTO Members to submit initial offers as soon as possible, and sets a tentative deadline for submitting revised offers by May 2005. It also calls on Members to conclude negotiations on horizontal issues such as an emergency safeguard mechanism and domestic regulation which are of particular relevance for African countries. These decisions failed to take into account the extremely low level of participation of African countries in the GATS negotiations, itself due to numerous capacity problems: inability to undertake needs assessment, lack of adequate infrastructure, lack of appreciation of the relevance of already achieved liberalization and potential GATS commitments. Kenya is one of the few African countries which have sent requests to trading partners, and has just very recently issued an initial offer.

Backbone services such as financial and transport are yet underdeveloped in most African countries. African countries may have import-interest in these sectors as well-functioning backbone services could reduce overall production costs, and therefore have positive down-stream effects on African economies. However, in many cases, no functioning regulatory systems - such as competition policies - are put in place which would be required if additional sectors were to be opened up. Also, most domestic services industries are yet unable to stand international competition, and may therefore require some form of protection.

While the transportation sector is still often protected, countries like Uganda have undertaken substantial unilateral liberalization efforts under World Bank/IMF programs. The Kampala-Mombassa Corridor is the subject of a case study to help identify sub-sectors and modes in which liberalization would be beneficial. This study highlights that market access to enable multi-modal transport service delivery throughout the corridor is crucial. In particular, the possibility of making requests to enable Ugandan operators to provide services in Kenya (and vice versa) was raised. In the financial sector, deeper liberalization has already occurred in Africa. Once again this has mostly been in the context of SAPs, however 36 African countries have made GATS commitments on financial services. There are a number of benefits of 'locking in' these unilateral reforms - including the positive signals that this sends to investors as well as the political payoffs that this will have in the negotiation process. However the risks of liberalization are also important, with many experiences of deregulation in Africa having been undermined by corruption and often not accompanied by good supervision and regulation. Therefore the key is a sequenced approach, with a strong focus on the development of supervisory and regulatory regimes prior to liberalization.

*The way forward:*

African countries should engage more in the request/offer process to ensure that they will gain from the exchange of commitments in the trade in services negotiations. African countries could consider making commitments in sectors where they have already undertaken considerable unilateral reform. In this respect it would have to be decided whether to lock in the *status-quo* of the autonomous liberalization, or to make commitments below the current level of reform so as to maintain some level of flexibility. This may even be beneficial if African countries have no export interest as such

in these sectors. When respective commitments have already been made at the WTO, appropriate credit should be sought for this unilateral reform. Although, the specific country situation will indicate the level of offers to make, the general recommendation was to use the multilateral or the EPA negotiations to bind those areas of reform where some confidence exists, rather than using these frameworks for liberalization.

As a complement, it was also felt that countries should liberalize at the sub-regional levels to start preparing for eventual liberalization at the global level. To that effect, African countries could also collect information on regional experiences with sector-specific services liberalization – including social and economic aspects - to assess where commitments could be made in yet non-liberalized sectors. When designing commitments on these sectors, African countries should make full use of the flexibility provided under the GATS to make tailor-made commitments which carve out elements where the effects of liberalization are not yet clear. But already at this stage additional sectors and elements should be identified for the preparation of improved offers by May 2005.

Both for preparing requests and offers, it is crucial to involve the private sector effectively in the request/offer process. In order to secure appropriate trade-offs in exchange for own commitments, African countries need to define their export interest and design their requests respectively. These may vary e.g. with respect to regional partners, or vis-à-vis northern trading partners such as the EU. Regarding the latter, these interests mainly lie in the movement of natural persons (mode 4). Also commitments in mode 1 could be sought, for example for IT and professional services. Concerning the former, commitments in transport could be an example where further liberalization could be of mutual interest for regional trading partners.

It should be considered that mode 4 liberalization in Members such as the EU is politically very sensitive, but demographic dynamics in certain Northern countries could foster equilibrium between supply and demand of low-, medium- and also high-skilled personnel. Notably, the mode 4 agenda could also be pursued within the EPA context. African regional partners should cooperate and coordinate closely in the request/offer process so as to ensure that the GATS negotiations are supportive of regional harmonization processes. It is crucial that African countries undertake a comprehensive needs assessment with respect to the challenges faced in participating effectively in the GATS negotiations, and ultimately to benefit from them. This includes lack of data and the need to put in place necessary regulatory frameworks. It here could be helpful if African countries would share their experiences with liberalization and regulatory reform amongst each other so that region-specific knowledge on services liberalization can be used and absorbed to the fullest extent.

#### **4. Trade Facilitation**

##### *Current state of play:*

Trade Facilitation (TF) will involve further development in the areas of transportation, standards, permits and customs, including, *inter alia*, implementation of the revised Kyoto Convention of the World Customs Organization. The limited development of many TF areas is one of the crucial impediments to intra-African trade - which accounts for only 10% of total African trade (dominated by SACU, Nigeria and Cote D'Ivoire). Trade Facilitation requires the harmonization of rules and standards and the development of transport corridors which will assist African countries in their



integration in the international trading system. Harmonization will involve addressing immigration and public health issues as well as criminal sanctions. It was noted that in some cases the development of TF will involve the imposition of a more developed country's standards on less developed countries (for example the effective adoption of South Africa's standards throughout the SACU) – however both the positive and negative effects of such changes must be taken into consideration. Although Trade Facilitation should be perceived as beneficial on the regional level – on the basis that it promotes regional integration – there is still a fear that where TF is pushed at the multilateral level, there will be negative consequences.

In relation to the July Framework, presenters emphasized the fact that the text does not prejudge the form of the possible outcomes of Trade Facilitation negotiations, pursuant to footnote 4 of the text. In addition, it was noted that within the EPAs, TF is a common ACP interest which is included in Central and West-African Roadmaps, with non-tariff barriers being the main negotiating objective.

The workshop was also introduced to the work programme of the African Union work on Customs Procedures – an area in which there is room for improvement in relation to trade facilitation. The speaker suggested that the improvement of customs procedures will not be an easy task, particularly given the constraints in relation to competing goal of revenue generation, as well as the need to balance trade facilitation and security concerns. However work is well underway – with TF having been introduced as the most important agenda item of the next Conference of Directors General of Customs.

#### *The way forward:*

Africans were encouraged to take a cautious approach to the trade facilitation negotiations on the multilateral level. Discussions raised a number of possible approaches, including: resisting a mandatory agreement on the issue, securing an exclusion for developing countries, as well as concentrating on the technical assistance and developmental aspects of the issue. The meeting highlighted the need to learn from experience in regional TF efforts – for example in COMESA – while suggesting that African countries should not commit to obligations beyond these. In order for Africans to be involved in the TF negotiations, an assessment of the state of implementation of the revised Kyoto Convention in African countries must be undertaken. Of interest is the urgency to determine the costs associated with possible multilateral agreement on trade facilitation. In particular, there is a need to identify potential obligations that would arise in relation to its land-locked neighbors, for countries with seaports such as Kenya. The survey currently being carried out in the Customs administrations of the Member States of the African Union, in order to take stock of the current status of TF, will be crucial in determining the extent to which African countries can be involved in the multilateral negotiations on TF.

## **5. Capacity Building and Participation**

#### *Current issues:*

The starting point for ensuring effective participation is a comprehensive development plan feeding into an integrated trade strategy, both of which were the principal reference point for developing concrete national positions. Speakers stressed that at the government level, close inter-ministerial coordination is fundamental in this regard. Generally, a strong institutional framework – adequately

supported by necessary resources as well as real commitment at senior policy level – is key for effective participation.

More specifically, it was suggested that a mechanism needs to be put in place which facilitates consultation, dialogue and partnerships with the relevant private and public sector stakeholders in national trade policy. This would promote the division of roles and responsibilities, while at the same time creating a sense of ownership in the respective national constituencies. Similarly, the need for a mechanism to provide for the collection and dissemination of relevant data was emphasized.

*The way forward:*

To ensure that East African countries generate the necessary efficiency in their participation, a general change in the mind set of East African policymakers is required, to ensure that trade is generally appreciated as one important tool to spur development in the region. This would have to go hand in hand with allocating sufficient resources to the relevant ministries and institutions, to help build and materialize the necessary capacities.

A holistic plan for strengthening participation needs to be set up, drawing on existing initiatives such as JITAP, and using and strengthening already existing mechanisms such as the IITCs (Inter Institutional Trade Committees)/NCWTO (National Committee on WTO). Ideally, these facilities would adopt national positions in trade negotiations, and would be consulted in case these positions were to be revised at ministerial level. The key is to provide for effective and engaged business involvement, for example through tailoring consultations and capacity building towards the particular and sector-specific needs and interests of the private sector – for example by providing them with handy and user-friendly training material on multilateral negotiations (*vademecum*).

Also the academic community should be involved closely in this process, to draw on existing capacity, as well as to put together a pool of eminent experts which can respond promptly to upcoming research needs. Two aspects are of primary importance. First is the continuous updating of the analytical and negotiation resources that could enable these experts (most of whom situated in the countries) to provide timely analysis for the benefits of the policymaker. Second is proper networking between these experts and the negotiators/policymakers. Some sort of institutional framework, ideally at the sub-regional or regional level, should link the experts to the negotiators and trade policy officials. The sub-regional regional nature will facilitate scale economies but more so ensure the Africa Group positions are informed by country specificity.

Furthermore, training and capacity building efforts by international and bilateral actors should be better coordinated to provide for coherence and continuity in the process. In this respect, it could be helpful if the respective beneficiaries would better voice and articulate their specific needs, as well as to inform the actors of the activities of other development partners.

## **6. Coherence**

*Current issues:*

The need for more coherent policies was emphasized at both the international and domestic levels. Active cooperation is required between the World Bank / IMF and the WTO, in particular on issues such as preference erosion and trade-related technical assistance. On the domestic level, the need for greater cooperation and consistency at the ministerial level was highlighted.

On preference erosion, it was stressed that this was an inevitable part of the liberalization process. Speakers encouraged African policy-makers to take a forward looking approach, with a focus on the likely evolution of preferences within next 15 years rather than the history relating to preference benefits. Preliminary WTO research on LDC preferences was presented - highlighting, *inter alia*, that preferences are most effective in the areas of petroleum and apparel, and that the growth in South-South trade is resulting in a declining importance of preferences. The issue of low utilization rates was also discussed. It was suggested that there needed to be a focus on MFN reductions due to these low utilization rates, however this was not so much of a problem for African LDCs which have higher than average utilization rates.

*The way forward:*

On the issue of preference erosion, the central message was that the problem would need to be identified at a high level of specificity in order for Africans to successfully participate in the negotiations. The meeting stressed the need for more specific research on the countries, products and markets most affected by preference erosion. In relation to the negotiations, paragraph 16 of the Harbinson text (TN/AG/W/1/Rev.1) was highlighted as being the most effective way of moving forward – involving the phasing of liberalization on products sensitive to preference erosion, to be complemented with targeted technical assistance programmes and other measures to support diversification in preference-receiving countries.

On the domestic side, the need for a coherent approach to trade policymaking was stressed. This will require the continuation of capacity-building initiatives (for example building on the successes of JITAP), and using and strengthening already existing mechanisms such as the IITCs/NCWTO. The meeting highlighted the need for the development of a ‘manual of negotiations’ – with the potential for ILEAP assistance in reducing the findings of studies to a usable format for the negotiators. In addition, the need for coherence between positions in the WTO and EPA negotiations was highlighted. For example, concern was expressed that the Singapore issues excluded from the WTO work program would still need to be addressed in EPAs.

## **7. Road to Hong Kong**

Throughout the workshop, discussions were designed to formulate concrete suggestions on how to proceed on each of the issues on the road to next WTO ministerial in Hong Kong, December 2005. In addition to the specific research and policy directions identified in the above summaries, a number of general comments were made in relation to progress of trade negotiations and related capacity building.

The most urgent concern was that the end of the JITAP program would result in a diminishing of support for capacity building for countries in East Africa that have benefited from this programme. Participants called for the support of ILEAP and other relevant institutions to assist in ensuring that

the tangible benefits of JITAP would not be eroded. In addition, discussions highlighted the need for further work in relation to regional analytical backstopping and the collaboration both at the country level and between Geneva Missions. This regional collaboration is particularly important in relation to research on services and trade facilitation negotiations, where important lessons can be learned from previous experiences at the country and regional level. Finally, in order to move beyond the framework into the modalities phase of negotiations, access to data and analytical tools will be key in ensuring that commitments will be effective in promoting development.

***Appendices:***

- A. Aide-memoire
- B. Participants list
- C. Supporting documents list

Appendix A: Aide Memoire

## **ILEAP Workshop: Post-July 2004 African Strategies for Bilateral and Multilateral Trade Negotiations<sup>2</sup>**

**November 10-12, 2004  
Nairobi, Kenya**

### **Aide-Mémoire**

#### Introduction

Following the failure to agree on a text at Cancun in September 2003, WTO negotiations became increasingly intense in the first half of 2004. Success came at the July WTO General Council meeting, where Members finally agreed on the framework for the Doha negotiations. The General Council decision, otherwise known as the “July Framework,” includes a general text and four specific annexes (on Agriculture, NAMA, Services and Trade Facilitation) as a roadmap for future negotiations on the Doha Development Agenda (“DDA”).

Although the July Framework text addressed some of the issues of interest to African countries, the text leaves unresolved many difficult issues to be negotiated in the next “modalities” phase. The Framework also tends to provide general guidelines rather than firm commitments, and is unclear and ambiguous in some sections. For this reason, close attention must be paid by African negotiators in the modalities phase to ensure that their interests are protected in various areas. In the case of agriculture, for example, some of the issues of interest include: the establishment of effective disciplines on OECD agricultural support, appropriate responses to the critical issues of cotton, preference erosion, and special and differential (S&D) treatment. The expected lull in negotiations for the remainder of the year provides an important opportunity for Africans to reassess their negotiating positions. It is particularly important to establish an understanding of the July framework text and the implications for future modalities negotiations from an African perspective.

Alternatively, African countries will enter into the regional phase of the negotiations with the European Union for the establishment of Economic Partnership Agreements (EPAs). There exist overlaps with some provisions of the African Growth and Opportunity Act (AGOA). All these trade policy aspects are in turn important for the poverty reduction strategy paper (PRSP) process.

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<sup>2</sup> This workshop is part of the 2004-2005 work program of ILEAP. We are grateful to our growing list of advisors and researchers for their contributions. This work programme is financed by a number of donors including USAID, IDRC, Ford Foundation, DFID, Comart Foundation, and the World Bank.

ILEAP's research programme focuses on several critical issues of the July Framework. The workshop will rely on the outcomes of this research programme, as well as those of other partner institutions to strengthen the capacity of Eastern African trade policymakers and negotiators, as well as other stakeholders in pursuing their commercial interests, without losing focus on their overall development objectives centred on poverty alleviation.

The main objectives of the workshop are:

- to ensure adequate understanding of the current state of play in the negotiations;
- to ensure coherence between trade negotiations and other domestic policies; and,
- to discuss the approach to meeting the challenges associated with the negotiations and taking advantage of opportunities.

#### Participants

The workshop will be attended by policymakers of Eastern Africa, regional trade negotiators, relevant private sector operators and members of civil society as well as academia.

#### Organization

The workshop is organized by ILEAP in partnership with the Kenyan Ministry of Trade and the Kenya Institute for Public Policy Research and Analysis (KIPPRA). The overall workshop is overseen by a steering committee comprised of the following:

5. Mr. Elijah Manyara, Chair (Kenya)
6. Mr. P. Elimu Elyetu (Uganda)
7. Mr. Modest Mero (Tanzania)
8. Dr. Flora Musonda (Tanzania)
9. Dr. Francis Mangeni (Uganda)
10. Dr. Hezron Nyangito (Kenya)
11. Dr. Dominique Njinkeu, Secretary (ILEAP, Canada)

#### Venue

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## Agenda

Day 1

November 10, 2004

**9:00AM - 9:30AM      Opening Session**

**9:30AM - 12:30PM      Session One: State of Play**

This session will review the state of play in bilateral and multilateral negotiations and consider the best way the negotiations could help promote African development. In particular, given the competing interests in the current negotiations, the session will discuss proposals for more effective participation.

Part I: The WTO Framework Package: Main Opportunities And Challenges For Africa  
(9:30AM - 11:00AM)

***Chairperson: Kenya***

***Presentation:***

- **Ambassador Nathan Irumba, Former Representative of Uganda at the WTO**

Ambassador Irumba will provide an African negotiator/policymaker's assessment of the July package: What was obtained? How much was given up from the African's first best position? How much negotiation leverage is left? What are the main challenges are?

- **M. John Kinuthia, Consumer Information Network, Kenya**

From a typical African business operator's perspective, this discussant will address the questions: How could take advantage of what has been achieved from the July package? What else would be desirable? Which areas are the most important from the private sector perspective?

Part II: Trade in other Policy Framework  
(11:30-1:00 PM)

***Chairperson: Kenya***

***Presentation:***

- **Adriano Ubisse, Deputy Director of Gabinete de Estudos (Unit of Studies), Ministry of Economic Planning Mozambique**

Trade in PRSP: This presentation will discuss how the trade component of PRSP could be strengthened and how the PRSP process and the trade negotiation process could be coordinated.

- **Philip English, World Bank**

Rank-ordering priorities in the DDA and EPA: This presentation will briefly discuss the need for a proper interface between the DDA and EPA. In particular, the presentation will comment on the priorities that are better achieved through the multilateral or bilateral negotiations.

It is expected that at the end of this session we could have achieved the following:

1. A short list of priority areas for Africa
2. An understanding of what should be pursued in national programs and which of the priorities are better achieved in the DDA and in the EPA respectively.

**1:00PM - 2:00PM      Group Lunch**

**2:00PM - 3:00PM      Session Two: Effective Participation in International Negotiations**

This session will discuss proposals for strengthening participation in international negotiations, with specific focus on the following: the analytical support to national WTO inter-ministerial committees, mentoring young African scholars, interface between public and private sectors, linkage between capitals and Geneva, interface between the DDA and EPA.

***Chairperson: Uganda***

***Presentation:***

• **ILEAP**

This presentation will focus on the interface between research and trade policy/trade negotiation, the institutional framework for assisting African countries, given the known disconnect between capitals and Geneva, and the lack of coordination among the relevant stakeholders in the country (at the regional level), and how to have effective group negotiations.

• **Ms. Lydia Ochieng Obbo, Strengthening the Competitiveness of Private Enterprise (SCOPE), Uganda**

This presentation will discuss the practicality of public-private sector coordination in trade policymaking and trade negotiations in an African context.

At the end of the session we should have specific recommendations on how to enhance the participation of African countries in the negotiations.

**3:00PM - 3:30PM      Coffee/Tea Break**

**3:30PM - 5:30PM      Session Three: Agricultural negotiations**

This session will review trade and commercial issues in agriculture, in WTO and EPA negotiations. In particular, given the current state of the negotiations, African negotiation objectives and the best approach for achieving them will be reviewed. Each discussion will focus on elements of an action plan, particularly keeping in mind the July 2005 deadline on agreeing on S&D and the December 2005 WTO Ministerial conference.

Part I: The July Framework: Challenges and Opportunities for Africa

***Chairperson: Uganda***

***Presentation:***

Analysis of July Framework and Eastern African Interests (ILEAP research)



This presentation will focus on identification and analysis of Eastern Africa in the various pillars of the Agreement on Agriculture as emerging from the July framework.

***Discussion:***

- **Mrs. Angela Waruye, Ministry of Agriculture, Kenya**  
The focus for this discussant will be the perspective of capital-based negotiators of interests and challenges for the post-July negotiations
  - **Professor Francis Matambalya, University of Dar es Salaam**  
The focus for this discussant should take a scholarly approach and civil society appreciation of the July package. The discussant will also discuss the merits of WTO and EPA for considering selected issues by East African countries.
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Day 2

November 11, 2004

**9:00AM - 10:30AM    Session Two: Agricultural negotiations (continued)**

Part II: The July Framework: Eastern African options in tariff and non-tariff barriers

***Chairperson: Tanzania***

***Presentation:***

- **ILEAP**  
This presentation will focus on non-trade barriers and special and differential treatment in the Agreement on Agriculture as emerging from the July framework.

***Discussion:***

- **Mr J. K. Mwangi, Ministry of Trade and Industry, Kenya**  
The discussant will focus on Kenya specific approach, with specific focus on the introduction of special schemes for developing countries (e.g. Special products and special safeguard mechanism)

**11:00AM - 1:00PM    Session Four: Industrial tariffs**

This session will review trade and commercial issues in NAMA in WTO and EPA negotiations. In particular, given the current state of the negotiations, African negotiation objectives and the best approach for achieving these will be reviewed.

Part I: Understanding the August 1 text

***Chairperson: Ethiopia***

***Presentation:***

- **Nelson Ndirangu, Kenyan Mission in Geneva**

*State of play in NAMA negotiations:* This presentation will focus on the assessment from the African Group perspective, with specific emphasis on what should be done in the modalities phase of the negotiations.

- **ILEAP**

*Market access constraints in East Africa:* This presentation will analyze a range of market access facing East African countries in taking advantage of existing preference schemes.

**Discussion:**

- **Mr. Walter Kamau, Kenyan Association of Manufacturers**

This discussant will provide the private sector perspective of industrialization given the ongoing negotiations

- **Professor Jasper Okello, University of Nairobi**

This discussant will provide a researcher perspective, with an emphasis on what researcher should focus on and how it could be organized

**1:00PM - 2:00PM      Group lunch**

**2:00PM - 4:00PM      Session Five: Industrial tariffs (continued)**

Part II: Manufacturing in other trade arrangements

**Chairperson: Ethiopia**

**Presentation:**

- **ILEAP**

*Rules of Origin and Trade Standards:* This session paper will review and discuss rules of origin as covered under the WTO, EBA, AGOA and East African Community.

**Discussion:**

- **Mr. Onemus Mugenyi, ACODE, Uganda**

This discussant will focus on the perspective of Uganda and other LDCs

- **Ms. Caroline Outa, Kenya Bureau of Statistics**

This discussant will focus on the perspective of Kenya and other developing countries

**4:30PM - 6:00PM      Session Six: Trade facilitation**

This session will review trade and commercial issues with respect to trade facilitation in WTO and EPA negotiations. In particular, given the current state of the negotiations, this session will review African negotiation objectives and the best approach for achieving them.

**Chairperson: World Bank**

**Presentation:**

- **ILEAP**

*Trade facilitation in national and regional reform programmes:* This presentation will focus on WTO and non-WTO programs on TF, and review the treatment of this topic in EU-FTA/EPA.

- **Loretta Feris, University of Pretoria**

*Southern African Perspectives on Trade Facilitation:* This presentation will look draw from the Southern African experience to bring out the reform required for taking advantage of TF reform/negotiations.

- **Jean Francois Noel, Customs Expert, Department of Trade & Industry, African Union Commission**

*African customs reform programs of the African Union:* This presentation will present the main lessons for trade facilitation negotiations as arising from the African Union's work on customs reform.

**Discussion:**

- **Mr. J. S. K. Mhina, Assistant Director, Regional Integration, Ministry of Trade, Tanzania**

This discussant will comment and concerns facing Tanzania and other EAC countries with customs reform.

- **Professor Odek, Kenya**

This discussant will articulate elements of legal reform (and associated capacity building and technical assistance) that Kenya should consider to take advantage of TF negotiations. The discussion should also consider the merits of WTO and non-WTO (e.g. EPA) approaches to TF.

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Day 3

November 12, 2004

**9:00AM - 1:00PM      Session Seven: Trade in services**

This session will review trade and commercial issues in trade in services in WTO and EPA negotiations. In particular, given the current state of the negotiations, African negotiation objectives and the best approach for achieving them will be reviewed.

Part I: The request-offer process

**Chairperson: Tanzania**

**Presentation:**

- **Mr. Simon Kamanu, GATS service desk officer, Ministry of Trade and Industry, Kenya**

*Kenyan Offer in GATS negotiations:* Kenya is one of the few developing countries to have presented offer in the GATS negotiations. The presenter will briefly present these and the process leading to its preparation. He will also highlight what Kenya's aspirations are in the next phase of the negotiations.

- **ILEAP**

*East African trade and development issues in financial and transportation sectors:* This presentation will focus on selected sectors that East African countries could consider in preparing their request and offers. The treatment of trade in services in EU EPA/FTA will also be introduced.

***Discussion:***

- **Mr. Nimrod Waniala, Private Sector Foundation, Uganda**

This discussant will focus on infrastructure-related services and from the private sector's perspective. He should also consider the respective merits of multilateral and bilateral negotiations in trade in services.

- **Mr. Job Kihumba, Association of Professional Society of East Africa (APSEA)**

This discussant will focus on export-oriented services sectors, particularly mode 4 and what is required to make it a win-win deal for the host and sending countries. He should also consider the respective merits of multilateral and bilateral negotiations in trade in services.

**1:00PM - 2:00PM      Group lunch**

**2:00PM - 3:30PM      Session Eight: Adjusting from Trade liberalization: policy coherence, preference erosion and adjustment cost**

***Chairperson:* AERC**

***Presentation:***

- **Nathan Ndoboli, Trade officer, Ugandan Mission in Geneva**

This presentation will present the state of play and a review of the work programme of the committee on trade and development. It will in particular focus on recent developments in the WTO with respect to coherence, and the perspective of African negotiators on preference erosion and adjustment cost

- **Bijit Bora, Research Department, WTO**

This presentation will focus on recent lessons from research and their implication for Africa in the coherence discussion.

**3:30PM - 4:30PM      Session Nine: The Road to Hong-Kong**

This session will draw from the workshop's discussions with respect to the EPA and WTO negotiations, as well as AGOA provisions and national trade policymaking. It will conclude with a discussion on priorities over the following 12 months.

***Moderator:* Professor Olu Ajakaiye, African Economic Research Consortium (AERC)**

***Panelists:***

- **E.B. Manyara, Ministry of trade and Industry, Kenya**

This panelist will highlight an action plan for effective participation in the negotiations in trade in services and in trade facilitation

- **Peter Elimu, Ministry of Trade, Uganda**

This panelist will highlight an action plan for effective participation in the agriculture negotiations, particularly on Special Products and Special Safeguard Mechanisms.

- **Edward Sungula, Principal Trade Officer, Ministry of Trade, Tanzania**

This panelist will highlight an action plan for effective participation in the NAMA negotiations, particularly on approach to integration of development dimensions.

- **Jasper Okelo, University of Nairobi, Kenya**

This presentation will focus on analytical support requirements.

**4:30PM - 5:00PM**

**Closing Session by the Permanent Secretary, Ministry of Trade and Industry of the Republic of Kenya**

Appendix B: Participants List

**ILEAP**

**POST-JULY 2004 AFRICAN STRATEGIES FOR BILATERAL AND MULTILATERAL TRADE NEGOTIATIONS**

**NOVEMBER 10-12, 2004**

**NAIROBI, KENYA**

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## Appendix C: Supporting Documents List

### **ILEAP Workshop: Post-July 2004 African Strategies for Bilateral and Multilateral Trade Negotiations<sup>3</sup>**

**November 10-12, 2004  
Nairobi, Kenya**

#### **Supporting Documents**

##### **Session One: State of Play**

- Ambassador Nathan Irumba, Former Representative of Uganda at the WTO, *An African negotiator's, policy maker's assessment of what was obtained, the outcome, challenges and negotiation leverage left for Africa*: paper
- Adriano Ubisse, Deputy Director of Gabinete de Estudos (Unit of Studies), Ministry of Economic Planning Mozambique: *"Mainstreaming" Trade in National Development Strategy*, paper and powerpoint
- Philip English, World Bank, *Doha and/or EPAs: Allocating Scarce Trade Policy Resources*, powerpoint and supporting papers:
  - Hinkle & Schiff (World Bank), *Economic Partnership Agreements between Sub-Saharan Africa and the EU: A Development Perspective*
  - Brenton & Ikezuki (World Bank), *The Value of Trade Preferences for Africa*

##### **Session Two: Effective Participation in International Negotiations**

- Ms. Lydia Ochieng Obbo, Strengthening the Competitiveness of Private Enterprise (SCOPE), Uganda

##### **Session Three: Agricultural negotiations**

- ILEAP, *Sub-Saharan African interests in current negotiations on Agriculture*: summary of forthcoming paper
- ILEAP, *Domestic Support and Export Competition, Market Access*: two powerpoints
- ILEAP, *The Special Products Modality: An Evaluation*, draft paper
- Mutahunga, Emmanuel, Uganda, *Effective participation in the agriculture negotiations: special products and special safeguard mechanism*, paper

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#### **Session Four: Industrial tariffs**

- ILEAP, *Key Issues In The Doha Round Negotiations On Non-Agricultural Market Access: An African Perspective*: paper and powerpoint
- ILEAP, *Constraints To East Africa's Utilization Of Market Access Initiatives*: paper and powerpoint
- Nelson Ndirangu, Kenyan Mission in Geneva, *State of play in NAMA negotiations*
- ILEAP, *Negotiating Rules of Origin in Africa*: paper and powerpoint

#### **Session Six: Trade facilitation**

- Loretta Feris, University of Pretoria, *Selected Legal and Institutional Reform Issues for Trade Facilitation Negotiations*, paper and powerpoint
- ILEAP, *Comparing EU FTAs: Trade Facilitation*, paper
- Jean Francois Noel, Customs Expert, Department of Trade & Industry, African Union Commission, *The Trade Facilitation Issue from an AU Perspective*, powerpoint

#### **Session Seven: Trade in services**

- Mr. Simon Kamanu, GATS service desk officer, Ministry of Trade and Industry, Kenya, *Kenyan Offer in GATS negotiations*
- ILEAP, *African Financial Services Trade and Negotiations*, powerpoint
- ILEAP, *Transportation and Trade in Sub-Saharan Africa: What Direction Should Countries Take in Doha?*: powerpoint

#### **Session Eight: Adjusting from Trade liberalization: policy coherence, preference erosion and adjustment cost**

- Nathan Ndoboli, Trade officer, Ugandan Mission in Geneva
- Bijit Bora, Research Department, WTO, *Issues in Non-Reciprocal Preference Erosion*: powerpoint