

# **SADC AND ESA EXPERIENCES IN NEGOTIATING EPAS WITH THE EU**

## **CONFERENCE REPORT**

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## Acronyms

ACP	African Caribbean and Pacific
BLNS	Botswana, Lesotho, Namibia and Swaziland
CAP	Common Agriculture Policy
COMESA	Common Market for Eastern and Southern Africa
CSOs	Civil Society Organizations
CTA	Chief Technical Advisor
DBSA	Development Bank of South Africa
DG	Director General trade
EBA	Everything But Arms
EPAs	Economic Partnership Agreements
ESA	Eastern and Southern Africa
EU	European Union
FDI	Foreign Direct Investment
FES	Frederick Ebert Stiftung
FTAA	Free Trade Agreement of the Americas
GDP	Gross Domestic Product
GSP	Generalized System of Preferences
LDCs	Least developed Countries
NDTPF	National Development Trade Forum
NSA	Non-State Actors
OAU	Organization of African Unity
RNF	Regional Negotiating Forum
RPTF	Regional Preparatory Task Force
S&DT	Special and Differential Treatment
SA	South Africa
SACU	Southern African Customs Union
SACU	Southern African Customs Union
SADC	Southern African Development Community
SAPs	Structural Adjustment programs
SEATINI	South Eastern African Trade and Negotiation Initiative
SPS	Sanitary and Phyto-Sanitary standards
TBT	Technical Barriers to Trade
TDCA	Trade and Development Cooperation Agreement
WTO	World Trade Organization

## **Preamble**

Trade and Development Studies Centre (TRADES Centre) and Friedrich Ebert Stiftung (FES) jointly organised a regional conference on Southern Africa Development Community (SADC) and Eastern and Southern Africa (ESA) Experiences in Negotiating Economic Partnership Agreements (EPAs) with the European Union (EU). The conference was held from 14 to 16 September 2005 at the Holiday Inn, Harare, Zimbabwe.

The main objectives of the conference were defined as to; share experiences in EPAs negotiations with the EU, find out areas of convergence and divergence between SADC and ESA as well as emerging key concerns for both SADC and ESA, etch out the role of non-state actors and their participation in EPA negotiations thus far as well as strategise on the way forward for effective negotiations.

The conference brought together more than 100 participants from government, donor community, private sector and civil society organisations in Sub-Saharan Africa. On the first day of the conference, non-state actors (NSAs) exhibited their works which included publications, posters, dairy products and beverages, as well as clothing and apparel from the informal sector. The main purpose of the exhibition was to network non-state actors so that they know their role in the EPA negotiations. The second and third days tackled the real issues and experiences in EPA negotiations.

## **Executive Summary**

Thus the outcome of the second and third days can be summarized as below;

- The bottom line for SADC and COMESA countries is that their respective governments have agreed to negotiate EPAs with the EU, therefore as member countries we should focus on ways of positively helping ourselves whilst looking for alternatives. So it is important that we focus on giving the process value addition each time we engage in seminars or conferences.
- Developing countries should meaningfully engage the EU in development whilst looking introspectingly into their weaknesses. It was pointed out that postponing decisions on crucial issues such as EPAs will not help. Discussions can only be made within negotiations, and not outside
- There is need for SADC and ESA countries to know and fully understand the motives driving our negotiating counterpart (which is the EU). Linked to this is the issue that EU is facing over-production and hence a crisis of profits, Thus the urgent need to open new markets through EPAs. It should also be borne in mind that EPAs are not put by the EU just for Africa, but a lot of countries are engaging in EPAs at different levels. Therefore governments should have the political will to maximize on the benefits of EPAs while addressing fully the downside.

- SADC and ESA countries should be clear on the meaning and implications of EPAs before they engage in EPA negotiations. This will help them to guard against jobless growth and futureless growth, among other issues.
- ESA negotiation with the EU has not formally started but the current ongoing negotiations are internal (among member states) as well as informal between ESA and EU. Formal negotiations will only start in October 2005. However SADC has already launched negotiations and they have mainly focussed on SPS and TBT issues. Both EU and SADC agreed to have special and differential treatment in the areas of SPS and TBT in the light of product specific and targeted technical assistance
- Regarding the areas of divergence between SADC and EU, the two disagree on the request by SADC for special and differential treatment (with respect to more compliance time to adjust to the complex and ever-changing EU standards) in the areas of SPS and TBT. The EC's position is that it can not compromise on the health and safety of its citizens.

The areas of convergence between SADC and EU include an agreement that forthcoming technical meetings on SPS and TBT should focus on how to strengthen SADC integration and increase intra-regional trade and exports to the EU and the type of specific assistance the EC can provide in this regard. In addition they both agreed that a reorganisation of the technical working groups should take place based on progress on the current negotiation subjects.

- In the ESA-EU case, negotiations are yet to officially start (in October) and as such there haven't been official areas of convergence and divergence as yet. The on-going ESA-EU informal discussions and consultations are both at the technical level (RPTF) and Senior Officials/Ambassadorial and the key overriding principles in all the negotiations are development, regional integration, reciprocity, cooperation, etc.
- SADC and ESA agree in their approaches to EPA negotiations, that is, they both maintain that EPAs should; be sustainable and development-oriented, foster ACP unity and solidarity, preserve and improve the Lome *acquis*, WTO-compatibility, recognize special and differential treatment, flexibility, sustainability, coherence and consistency, regional integration priorities, legitimacy of EPAs, additional of resources and support for adjustment.
- The major difference between these two blocs regarding EPA negotiation (so far) has been on differential pace and scope of negotiations as well as differences in the prioritized issues for negotiation.

- Priority areas for ESA countries in the EPA negotiations are based on identified clusters. The prioritized clusters are; development, agriculture, market access and fisheries while the other clusters are services and trade related issues.
- Within the ESA region the pace of negotiations has also been slow due to, among other factors, the fact that some of the members are yet to develop national positions. This problem has also been common in other regional ACP groups negotiating EPAs
- With respect to the institutional structure of EPA negotiations, SADC and COMESA have similar structures. However efforts are still on-going to further harmonize the negotiation structure between SADC and COMESA through information sharing at the technical and secretariat levels, but the two will continue negotiating separately.
- The role of South Africa in both regional and multilateral negotiations has been an insincere one, yet it has the ability to play a leading role for SADC and Africa similar to the one played by Germany during EU integration.
- The important role of NSA and private sector in EPA negotiations was reiterated, although it was noted that little is being done to integrate them in the negotiations. Thus countries need to ensure that they are fully integrated nationally, before talking being integrated regionally and globally
- With regard to the issue of having adequate data and models in negotiations it was noted that SADC entered into an arrangement with the EU regarding the exchange of data and is also working on having a full-time data manager.
- On alternatives to EPAs it was pointed out that the enhanced or improved Generalized System of Preferences (GSP), south-south cooperation, Everything But Arms Arrangement (EBA) are some of the options. However these options require in-depth studies and analysis as well pro-activity on the part of ACP countries to make them a reality.
- Civil Society and NSA should be fully and properly defined to ensure that ensure that they indeed fully represent the poor. There is also a need to repackage the outcome of seminars and conference like this one so that it benefits the poor.
- The Ministry also pointed out that consultations with the civil society on EPA negotiations have always been on-going and are just not event specific. To this effect the Ministry has already tasked the Southern and Eastern African Trade and Information Negotiation Initiative (SEATINI, Harare office) to coordinate civil society input. In addition the Ministry is also in close contact with and heed advice from specialist trade and research institutions such as Trades Centre and others.

## **2. DAY 1: OPENING SESSION**

The second day (conference proper) saw the official opening of the Conference by the Minister of Industry and International Trade, Honourable Obert Mpofu (MP). This was followed by presentations by experts from SADC and COMESA secretariats. The presentations up-dated participants on the state of EPAs negotiations and highlighted their experiences in negotiating key issues at regional levels and with the European Commission (EC). However it was highlighted that at the moment the on-going negotiations are mainly informal and internal to the regional groupings (SADC and ESA). Official negotiations will only start in October 2005

### **2.1 Welcome Remarks**

#### **2.1.1 Dr. M. Masiwa - Acting Director, TRADES Centre;**

In his welcoming statement the Acting Director, pointed out that the workshop had been jointly organized by Trades Centre and Frederick Ebert Stiftung. He also pointed out that, the fundamental changes happening globally in the trade and development arena has the potential to affect people's lives in a very significant way. Against this background, he outlined the purpose of the two day workshop as to share experiences in EPAs negotiations with the EU, to find out areas of convergence and divergence between SADC and ESA as well as emerging key concerns for both SADC and ESA, etch out the role of Non-state actors and their participation in EPA negotiations thus far; as well as, strategising on the way forward for effective negotiations. He also insisted that at the end of the workshop participants should be able to know the progress so far, regarding EPA negotiations, how negotiations can be agreed in such a way that benefits developing countries.

He provided a comprehensive background to EPAs, EU-ESA negotiations, SADC-EU negotiations and he questioned the ability of developing countries to negotiate with a well-organized EU. Thus the issue of EPAs is still debatable and inconclusive. It was also pointed out that EPA negotiations are happening concurrently that is negotiations EU-SADC, EU-ESA. He concluded by stressing that negotiations should proceed in such a way that does not leave countries worse off than they are (according to the Cotonou Agreement).

#### **2.1.2 Mr Scwesensky (FES resident representative)**

While chairing the first session Mr Scwesensky welcomed everyone to the conference and indicated his hope that the deliberations will be fruitful and beneficial during the on-going EPA negotiations. In addition to chairing the first session, he actively participated throughout the conference.

## 2.2 Keynote address

*By Honourable Minister for Industry and International Trade, Mr Obert Mpofu*

It is my pleasure to welcome you all to this regional conference where we are gathered to discuss and share information on our varied experiences in negotiating Economic Partnership Agreements (EPAs) with the European Union (EU). I also would like to extend my sincere gratitude to the Trade and Development Studies Centre (Trades Centre) for inviting me to come and participate at this conference.

I am indeed gratified by the presence of stakeholders who are keen to see the success of the EPA negotiations between the ACP and the EU member states. To all our visitors, I welcome you to Harare, the sunshine city, and hope that you will enjoy your stay in our country. I also extend my welcome to all other delegates and participants to this Regional Conference.

The objective of this conference is to share information on our varied experiences in negotiating EPAs with the EU. Some of you have engaged the EU in negotiations at different fora. I understand that to date SADC has negotiated with the EU on Sanitary and Phyto-Sanitary Standards (SPS), Technical Barriers to Trade (TBTs) and are currently negotiating on the Regional Integration and Development Issues. On the other hand, ESA has engaged EU in negotiating the Fisheries Framework and Agriculture. We need to share these experiences, they are crucial to us as we strategize for future negotiations with the EU.

Mr. Chairman, you will be deliberating on these and other matters, and if possible, come up with concrete proposals to help SADC and COMESA member states firm up on their negotiating positions. Already, there seems to be consensus that SADC and COMESA; and indeed, other smaller regional integration bodies of the subcontinent, should cooperate and aim to gain a better deal from the EU.

Mr. Chairman, your conference is particularly relevant and well timed, coming just at a time when the Eastern Southern Africa (ESA) and Southern Africa Development Community regions (SADC) are preparing to engage in substantive negotiations with the EU. The ESA region is scheduled to engage the EU on 25 and 26 October this year. This conference is therefore important in strategizing ahead of the engagement.

As you are aware, the objectives of the Economic Partnership Agreements are premised on the need to foster the gradual and smooth integration of ACP states into the world economy, enhancement of production, increase in supply and trading capacities, creation of new trade, eradication of poverty and supporting the regional integration process within the ACP. These objectives, ladies and gentlemen, will be meaningless to us unless they translate into tangible benefits for our people.

It is also important, Ladies and Gentlemen, that in order to derive maximum benefits from the EPAs, SADC and COMESA countries in particular, need to move together with

a common vision, pace and objectives that take into consideration our countries' peculiar economic needs and requirements.

EPA negotiations are expected to radically change the existing trade scenario. Our objective is that this change should reinforce the importance of trade in the development of our economies, employment generation, wealth creation for our people and ultimately poverty eradication. This can only be achieved if the EU does not short-change us on our exports and begin to view our countries as equal trading partners.

The EU should therefore respect the spirit of equal negotiating partners as enshrined in the Cotonou Agreement. They should therefore desist from dictating the pace and outcome of negotiations. The EU should also grant special and differential treatment to ACP countries when negotiating especially agriculture, market access, SPS issues, services and trade facilitation. They should take into consideration the financial implications that arise from implementing some of their demands especially on tariff reduction.

We have a challenging task ahead, but I must hasten to say it is not insurmountable if we purposely focus our attention and our efforts on the task at hand. This is what this partnership is all about. The Lome acquis should be preserved. This means that the results of this round of negotiation with the EU therefore should not erode market access that ACP member states are currently enjoying, but should rather see increased movement of ACP products into the EU.

Our country, as you may be aware is negotiating EPAs under the ESA configuration. As a country we strongly believe that we should not be worse off in terms of market access when this round of negotiations is completed. In fact we expect increased and improved smooth flow of all our exports to the EU. It is also our expectation that Economic Partnership Agreements are World Trade Organization compatible but not World Trade Organization plus. This means we should not give more concessions to the EU than what is being granted at World Trade Organization level. We should therefore be able to provide protection to our industries and be able to nurture them until a time we are ready to compete on equal footing.

It came to our attention that some time in May this year the EU was trying to divide the ESA countries by suggesting that some four countries within ESA should move over from ESA and negotiate as SADC. I wish to urge all concerned parties to stand together when such issues arise. We should not let outside forces divide us to suit their varied agendas. We derive our strength from numbers. We should therefore stand together to defeat the machinations of outsiders. I therefore urge you to engage in effective deliberations on these matters. Your deliberations will give guidance for this workshop to draw up concrete negotiating strategies and proposals for both SADC and COMESA.

To our visitors, I invite you to sample some of our tourism resort centers like the mighty Victoria Falls in your spare time. I wish you good luck as you travel to our resort centers.

Mr. Chairman, it is my sincere hope that this workshop is successful. It is now my pleasure to declare this Conference officially open.

### **2.3 Questions and Discussions**

- Q.** One participant asked the Minister whether Zimbabwe has fully participated in trade negotiations given the political environment.

The Minister responded by pointing out that Zimbabwe has indeed fully participated and he gave the current cooperation his Ministry has with trade bodies such as Trades Centre, Seatini, etc as testimony of the country's will to do as much as it can in the negotiations.

- Q.** Another participant wanted to know what is currently being done to improve the country's capacity to negotiate as well as negotiation techniques.

The Minister agreed that there has been that concern, not only for Zimbabwe but for other countries as well, but pointed out that they are trying as much as possible to bring on board specialist institutions like Trades Centre, Seatini, etc in the trade negotiations and are heeding the advice from them.

- Q.** A participant wanted to know whether EPAs will negatively affect regional integration

The Minister responded by noting that it's upon members to ensure that regional integration is not compromised. He however pointed out that consultations are still on-going on the issue.

- Q.** Another participant asked on what is being done to strengthen ACP solidarity in the EPA negotiations

The Minister reiterated that solidarity of ACP countries is of paramount importance and actually the negotiations are uniting them more. In addition he pointed out that developments in countries that have reached finality to EPA negotiations is quite instructive.

### **3. SESSION I: UPDATE ON EPAS NEGOTIATIONS**

#### **3.1 Overview of Activities undertaken to date under SADC EPA Negotiations (Institutional Structures, Priority Areas, Processes, Time Tables, Emerging Positions)**

*By Mr D Guilherme - SADC Secretariat*

The main objective of the presentation was to provide a brief on the progress of the SADC EPA Negotiations with a view of exchange experience with ESA.

##### **b) Institutional Structures**

The countries which are negotiating an EPA with the European Community under the Southern African Development Community (SADC) configuration are Angola, Botswana, Lesotho, Mozambique, Namibia, Swaziland and Tanzania. South Africa participates in an observatory and supportive capacity.

SADC-EC EPA negotiations were formally launched on 8 July 2004 in Windhoek, Namibia. On that occasion a Joint Roadmap was adopted, which outlines the objectives and principles, the structures and sequencing of the negotiations. A first negotiating session at Ministerial level also took place, during which the SADC side emphasized on the need to have simplification on the rules of origin and to ensure that EC SPS measures do not have a negative impact on SADC exports. The EC underlined the need to rationalize the regional network of overlapping trading arrangements, and indicated its willingness to support the region in its own regional integration efforts.

According to the SADC-EC Joint Road Map, adopted during the launch of the SADC-EC EPA Negotiations on 8th July 2004 in Windhoek, Namibia, the period between January 2005 and June 2007 is earmarked for substantial negotiations, while the remaining period between July and December 2007 will be used for finalizing the agreement so that it is in place by 1st January 2008. The negotiations are now in their substantive stage, that is a period starting 2005 to 2007 and focus for 2005 is on SPS, TBT and Regional Integration.

##### **c) Priority Areas and Time Tables**

During the launch of the SADC-EC EPA Negotiations on 8th July 2004 in Windhoek, Namibia, both parties agreed on a Joint Road Map for the negotiations and priority areas for negotiations as indicated in table 1 below.

Table 1. Summary of the Joint SADC-EC Road Map for EPA Negotiations.

<b>Stage</b>	<b>Time Frame</b>	<b>Subject Matter of Negotiations</b>
Stage I	July to December 2004	Setting Priorities and Preparation for Negotiations
Stage II	January 2005 to July 2007	Substantive Negotiations
Stage III	July 2007 to December 2007	Finalization of Negotiations

As indicated in the EPA SADC Road Map, the priority issues include development dimensions/ Regional Integration, Market Access in agriculture, non-agriculture, fisheries, Rules of Origin, SPS, Technical regulations and standards. Currently the negotiations are focusing on SPS, TBT and Regional Integration. This priority list draws from a bigger list covering broader issues. Although the EC acknowledged that the broader list is comprehensive, they still made it clear that they would like to add more issues, such as government procurement and Investment. SADC has not included the so called Singapore Issues, i.e. Government Procurement, investment and Competition Policy on its list of subjects for negotiations, except for Trade Facilitation. During the second SADC-EC Senior Officials' meeting held on 28 April 2005 in Gaborone, Botswana both sides agreed to introduce new clusters for negotiations namely Market Access, Trade Facilitation and Rules of Origin sometime this year. The parties agreed to start preparations in these areas at technical level.

On the basis of the Joint Factual Document that is being prepared, priority areas of focus will be identified, which will aim at addressing the poverty situation and the regional integration agenda for SADC. The document will be considered by Senior Officials at their next meeting due to take place in October 2005.

The regional integration concept was introduced by SADC to address the development needs of the region out of concern over the lack of clarity and focus on the development dimensions of EPAs by the EC. It would seem that the EC is particularly interested in trade integration rather than the broad area of regional integration. Secondly, the focus seems to be on the development of trade rules rather than on addressing the development needs of the ACP countries. This explains the EC's particular interest on the establishment of a SADC EPA Customs Union and the issue of multiplicity of trading arrangements in SADC. SADC and the ACP countries in general would need to emphasize the notion of development in the EPAs and ensure that the EC delivers on its promises.

As negotiations have progressed since March, SADC has been particularly concerned about the EC's views on the concept of regional integration. It would seem that the EC has particular interest in trade integration agenda and not regional integration per se, although the EPAs are, amongst others, intended to enhance and build upon, efforts to promote regional integration. The EC also seems to want to push its own timetable regardless of regional plans that have already been put in place. For instance, the EC is suggesting that a Customs Union for the SADC EPA Member States be established by the time the EPA is concluded, ahead of the SADC target of 2010 which involves all SADC Member States.

The issue of the multiple memberships for SADC Member States has also been of interest to the EC. SADC EPA Member States are particularly concerned about the EC's position on these matters and the potential effect these matters could have on the negotiations. Ministers have as a result suggested to discuss them in a broader SADC setting, first amongst Trade Ministers. They have however, expressed the view that configuration issues have already been addressed and negotiations should not be in any way affected by this issue. The SADC EPA Chief Coordinator and Minister of Trade and Industry of Botswana will consult his counterpart on the ESA side to explore effective ways of coordinating the EPA negotiations in view of the overlapping memberships.

To provide further insight and facilitate discussions into the issue of multiple memberships, a study on the impact of multiplicity of trading arrangements in the SADC region will be commissioned as soon as funds are secured.

#### **d) Emerging Positions**

As negotiations on SPS and TBT are drawing towards the end, Senior Officials have already agreed to establish working groups on a new cluster of subjects so that preparations for negotiations could start. These subjects include Market Access, Rules of Origin and Trade Facilitation. As part of the preparations, the EC arranged a seminar in Brussels on the 15th June 2005 and was attended by SADC technical negotiators. The main objective of the seminar was to provide an opportunity for an exchange of views on what each party's expectation is on the respective subjects under negotiation for SADC-EC EPA. The workshop was a useful experience in this regard.

Further during the 6<sup>th</sup> Meeting of the SADC EPA Trade Ministers held in July 2005 in Johannesburg, SADC EPA Trade Ministers adopted a number of recommendations. The following are some of the key recommendations adopted by Ministers.

- That a mechanism be established for coordination of the EPA negotiations and the Review of the SA-EU Trade and Development Cooperation Agreement (TDCA). A Working Group consisting of Angola, Namibia, South Africa and the EPA Unit was established to ensure that the EPA negotiations and the TDCA Review process are properly aligned and positions harmonized. A meeting of the Working Group will be convened on 13 September 2005 to discuss and agree on a strategic framework for engaging in the EPA negotiations as well as South Africa's role in ensuring enhanced coordination between the negotiations and the TDCA review.
- That a working relationship between SADC and the SACU Secretariat be established and that the SACU Secretariat be involved in the EPA negotiations as an observer and in all SADC regional integration issues.

Since the launch of the negotiations, no Ministerial meeting has been held. The first meeting is tentatively scheduled to take place in December in the SADC EPA region. The venue is yet to be agreed.

### 3.2 Overview of Activities undertaken to date under ESA-EPA Negotiations (Institutional Structures, Priority Areas, Processes, Time Tables, Emerging Positions)

by Mr Calson Mbegabolawe - COMESA Secretariat

This presentation by Mr Calson Mbegabolawe gave an overview of the institutional structure of negotiations as well as an overview of the negotiation activities to date

#### a) Institutional structures of Negotiations

With respect to the institutional structure of EPA negotiations, he pointed out that SADC and COMESA have similar structures. The presentation highlighted on the joint institutional structure for negotiations within the ESA region and pointed out their respective roles. The political leadership (presidents) give overall political guidance, while the Committee of ESA Ministers provide the overall and strategic direction, mandate, policy formulation, decision making for the members. The committee of ESA ambassadors follows and their main role is to carry out the technical work, supervision and consultations. Then there is the technocratic level, involving officers dealing with day to day issues of negotiations.

Table 1: ESA Ministerial Spokespersons in EPA negotiations

Cluster	Ministerial Spokesperson	Lead Minister Alternate
Development	Sudan	DR Congo
Market Access	Mauritius/Rwanda	Burundi /Zambia
Agriculture	Malawi	Uganda/Ethiopia
Fisheries	Madagascar	Seychelles/Djibouti
Services	Zimbabwe	Rwanda/Djibouti
Trade related	Kenya	Djibouti

Table 2: ESA Ambassadorial Spokespersons in EPA negotiations

Cluster	Ambassador Lead Spokesperson	Ambassador Alternate
Development	Ethiopia	Zambia/Burundi
Market Access	Kenya	Zimbabwe/Uganda
Agriculture	Mauritius	Zimbabwe and Madagascar
Fisheries	Eritrea	Seychelles and Madagascar
Services	Malawi	Rwanda Uganda
Trade related	Sudan	DR Congo/Burundi

Tables 1 and 2 shows that in ESA negotiation structure, the committee of ESA Ministers has a ministerial spokesperson while the committee of Ambassadors also has an

ambassadorial spokesperson. These Ministerial and ambassadorial spokespersons (leads) are specific to each recognized cluster. The clusters are; development, market access, agriculture, fisheries, services, trade related. Each lead Ambassador/Spokesperson is supported by team of officials/experts from Regional Negotiation Forum (RNF) plus Secretariats, whose major role is to provide guidance and supervision as well as manage negotiations. In addition, the secretariat is also responsible for preparing negotiating briefs.

The Regional Preparatory Task Force (RPTF) consists of experts/officials (lead Ambassadors representatives, ACP Secretariat, technical experts from RNF, supported by ESA Secretariats). They undertake informal technical discussions of issues in preparation for formal negotiations

Furthermore the presentation highlighted the existence of a joint negotiation structure which is composed of Lead Ministers from ESA and the EC Trade Commissioner. These approve negotiation deals and provide political oversight. The other joint structures consist of the Lead Ambassadors from ESA and the EC DG trade. These provide the main forum(s) for the bilateral negotiations. However each lead Ambassador/Spokesperson is supported by a team of officials/experts from RNF plus Secretariats

It was also pointed out that while SADC has a chief negotiator, ESA does not have one, as that role is taken by the lead ambassadors supported by the Chief Technical Advisor (CTA). The role of the Chief Technical Advisor (CTA) is to provide a common link between ESA structures in developing, executing, supporting, coordinating & managing negotiation issues. He heads the RPTF and manages other technical teams. He reports to the ESA council of Ministers through the Chairperson of Lead Ambassadors

At the member countries national level there are also structures for development of national positions, participation of stakeholders such as government, civil society, and private sector. To this effect each country has a National Development Trade Forum (NDTPF). However the level and extent of civil society involvement and participation largely depends on the dynamics obtaining in member countries.

## **b) Processes, priority areas and timetables**

On COMESA/ESA's experiences to date regarding the EPA negotiations, Mr Mbegabolawe pointed out that negotiation with the EU has not formally started but the current ongoing negotiations are internal (among member states). Formal negotiations will only start in October 2005. He pointed out that the ESA-EU informal discussions and consultations going on are both at the technical level (RPTF) and Senior Officials/Ambassadorial. The key overriding principles in all the negotiations are development, regional integration, reciprocity, cooperation, etc. the main institutional vehicles for these negotiations are ESA structures and EC key Directorates of trade and development.

He pointed out that priority areas for ESA countries in the EPA negotiations are based on identified clusters. The prioritized clusters are; development, agriculture, market access and

fisheries while the other clusters are services and trade related issues. On fisheries ESA countries have been demanding for minimum regional standards on common areas of interest to ESA states especially management, conservation and sustainable exploitation of fisheries stocks

On the issue of processes and timetables, Mr Mbegabolawe noted that during the current phase, members are involved in the formulation and drafting of negotiating positions on the key clusters of development, agriculture, market access and fisheries. They are also involved in establishing work programmes for NDTPFs, carrying out impact assessments studies of EPAs on areas such as revenue, industry, welfare, employment, etc. Technical studies on the negotiation issues, including adjustment costs, supply-side constraints, agricultural issues, tariffs, rules of origin, preferences are ongoing. On services, members are working on national assessments/surveys of the sector. Regarding trade-related issues, members are focussing on capacity building and strengthening regional cooperation programs. The EPA negotiating phases are summarized as below;

- Phase 1: Initial preparations, setting of priorities, institutional mechanisms at regional and national levels, studies: March-August 2004
- Phase 2: commencement of substantive negotiations with EC: Sept 04-Dec 2005
- Phase 3: Continuation, review and finalisation of negotiations: Jan 06-Dec 07

It was however pointed out that even though ESA was supposed to have been in phase 2 of the negotiations, they haven't done so because some of the members are yet to develop national positions. This is in spite of the fact that they launched negotiations much earlier than SADC.

### **3.3 Discussant [Mr Riaz Tayob, SEATINI – South Africa]**

The discussant set the tone for discussion by highlighting on these crucial issues;

- SADC and COMESA have effectively used civil society because of pressure from the European Union
- He noted that as long as supply side issue are not adequately addressed LDCs are unlikely to take full advantage of the EBA initiative.
- Regarding the issue of WTO compatibility, we should realize that compatibility (from the EU perspective) means accepting WTO plus requirements. This leaves ACP countries worse off in contrary to the Cotonou provisions (which states that EEPA negotiations should not leave any country worse off).
- Noted that Africa should not be rushed into trade integration, since it took Europe more than 50 years to reach where they are at the moment.
- In negotiating EPAs as well as alternatives such as GSP emphasis should not only be on the prospect of preference erosion but also preference dilution.
- Whilst EU is preaching liberalization (under EPAs) it is blocking Chinese textiles from entering its market through imposition of prohibitive tariffs.

### 3.4 Questions and Discussions

**Q.** The EU representative highlighted that developing countries should seek to meaningfully engage the EU in development rather than seeing the EU as an evil partner. He also highlighted that Africa constitute about 3% of EU trade and thus its market is not so interesting to EU

A participant argued that if Africa constitutes just 3% of Europe's trade, so why the fuss about EPA negotiations?? However another participant noted that there is need to look into ourselves first before blaming the EU. Amongst ourselves as African countries we are not doing enough, as evidenced by several signed agreements that haven't been taken advantage of.

**Q.** A participant asked whether there are any attempts by SADC and ESA members to harmonize their negotiation structures during the EPA negotiations (given that they have almost similar structures)

In response the presenter highlighted that efforts are still on-going in so-far as harmonizing the negotiation structure is concerned through information sharing at the technical and secretariat levels, but reiterated that the two will continue negotiating separately. Whether and when the harmonization will come to fruition is rather a political issue.

**Q.** A participant asked on what measures SADC and ESA are putting in place to encourage Non State Actors (NSA) participation.

In response it was pointed out that participation of NSA depends on member governments and not necessarily on SADC and COMESA as institutions. Other governments have also indicated that rather than explicitly recognizing the role of NSA in RNFs, they should be part of government and negotiate with one voice at the regional level. However countries can enrich their preparations if they effectively involve NSA.

**Q.** Another participant asked how SADC will proceed with negotiations if they don't have enough data especially on tariffs, and micro-level data to assess micro-impacts.

In response the presenter from SADC secretariat pointed out that SADC entered into an arrangement with the EU regarding the exchange of data. He also noted that SADC is working on having a full-time data manager.

In addition to these issues it was also highlighted that the issue of non-involvement of NSA in both SADC and COMESA is just not specific to EPA negotiations only but has been in existence for as long as the institutions themselves. So a comprehensive solution to this issue has to be found.

It was also pointed out that the unity in purpose between SADC and COMESA (brought by EPA negotiations) should also extend to other issues at the multilateral level (WTO) as well as in the forthcoming Hong Kong Ministerial.

## **4. SESSION II: SADC NEGOTIATING EXPERIENCES**

### **4.1. SADC Experience in Negotiating SPS and TBT with the EU**

*By Domingos Guilherme, Trade Expert, SADC Secretariat*

The purpose of this presentation is to highlight SADC's experiences in negotiating SPS and TBT with the EU.

#### **a) Background**

The presentation pointed out that during the first SADC – EC Senior Officials meeting held on 7 December 2004 in Brussels, Belgium both sides agreed to start off the negotiations with Sanitary and Phyto-Sanitary Measures, Technical Barriers to Trade and Development Dimensions of EPAs. These subjects were selected as priority areas due to the impact they have on SADC exports, particularly those destined to the EU market. Joint Technical Reports are under preparation and together with the relevant texts for the EPA Agreement, will be considered during the Joint Meeting of the Senior Officials due to take place in October 2005.

The Joint SADC-EC Road Map for EPA negotiations recognizes standards, technical regulations and conformity assessment amongst the list of priority areas for SADC EPA negotiations in line with Article 47, Paragraph 1 of the Cotonou Agreement.

Technical regulations are however, becoming a major source of trade barriers, particularly for products from developing countries. Increasingly, new rules and regulations are being put in place in the markets of developed countries, making it difficult for small producers in the developing countries to comply. The changes, amongst others, impose significant costs on production as perpetual adjustments to processes and technologies have to be made. Inadequate resources to install the necessary capacities and infrastructure for compliance has led to the decline in exports from developing countries to the international markets and the EU in particular, which is an important trading partner for SADC countries and the ACP region as a whole.

The Guidelines for SADC EPA negotiations call for special support to be provided by the EC in the context of EPA negotiations to improve compliance to standards, inspection, testing and certification and that this is particularly important for the agro-processing and fishing sectors.

#### **b) Negotiations on SPS, TBT and development dimensions of EPAs**

In accordance with the decision of the Ministers during their meeting on of 26<sup>th</sup> November 2004, SADC presented its priority areas for negotiations during 2005 as SPS

and TBT as these two issues continue to act as major impediments to market access for a number of SADC countries wanting to enter the European Market.

Technical meetings between SADC and EC were convened in March and June 2005, to discuss these issues and prepare technical reports. The Joint Reports on SPS and TBT, which are now at an advanced stage, establish the principles and objectives for negotiations on SPS and TBT and identify key products of SADC export interest affected by SPS and TBT measures as well as appropriate technical assistance and capacity building measures and other forms of cooperation to address the problems. The reports will also be used for developing texts for the SPS and TBT related part of the SADC-EC Economic Partnership Agreement.

### **c) Areas of Convergences**

During the Second SADC-EC Technical Meeting on SPS, TBT and Regional Integration, held in Brussels, Belgium from 13 – 14 June 2005, both sides agreed on following points of conclusion and action:

- Both sides prepared improved versions of the joint reports on SPS and TBT. They agreed to conclude these reports as well as the Joint Factual Document on SADC regional Integration prior to the next Senior Officials' meeting. The Joint Factual Document will include a summary of action points in these two areas.
- First drafts of the SPS and TBT texts for the EPA shall be submitted to the next Senior Officials' meeting.
- Next technical meetings on SPS and TBT should focus on how to strengthen SADC integration and increase intra-regional trade and exports to the EU and the type of specific assistance the EC can provide in this regard.
- A reorganisation of the technical working groups should take place based on progress on the current negotiation subjects.
- SADC agreed to provide EC with list of priority products for which the latter will communicate the relevant legislation on SPS and TBT. This list of priority products will be non-exhaustive.
- Both sides agreed to consider the question of special and differential treatment in the areas of SPS and TBT in the light of product specific and targeted technical assistance.

### **d) Areas of Divergences**

On SPS and TBT negotiations, SADC and the EC differ on the principle of Special and Differential Treatment (S&DT). SADC proposes to be accorded S&DT, in particular, to be allowed longer time frames in order to adjust and comply with EC regulations which

are constantly changing, complex and costly to implement. The EC's position is that it can not compromise on the health and safety of its citizens.

The RPTF submitted a list of preliminary technical assistance requirements on SPS and TBT to the meeting of the Senior Officials following its meeting on 27<sup>th</sup> April 2005. The SADC side will further elaborate on the ideas and be resubmitted for further processing into projects by the RPTF.

## **4.2 South Africa's Interests and Concerns in SADC EPA Negotiations with the EU**

*By Mr Nkululeko Khumalo, and Peter Draper (SAIIA)*

### **a) Introduction**

In his introduction the presenter noted that SA already has an FTA with the EC [the Trade Development & Cooperation Agreement (TDCA)]. It was negotiated because the EC did not want to offer preferential access to SA under the Lome/Cotonou preferences, since it regarded South Africa as more developed than other ACP countries. Thus, though an ACP country, SA is treated differently under Cotonou, hence it only has observer status in the current EPA and is not an active participant.

### **b) SA's Position in the SADC Economy**

SA formally joined SADC in 1996 following the demise of apartheid rule. It is by far the largest economy in the region with a GDP of about US\$160 billion (80 times larger than the GDP of an average African country). It contributes almost two-thirds to the total SADC GDP, 19% to the total African economy and 45% to sub-Saharan Africa's economy. Owing to its relative supply efficiency it currently enjoys favourable terms of trade with all its SADC counterparts.

However on the global stage SA is a small economy. For example, it is approximately one-fifth the size of the economy of Brazil. Having said that, it should be pointed out that, SA is committed to faster liberalization than its trade partners to the SADC Trade Protocol. In addition to being a SADC member, South Africa is also a founding member of the Southern African Customs Union (SACU) with Botswana, Lesotho, Namibia and Swaziland (which are also part of SADC minus EPA negotiations group). Its position can also be clearly seen through the active role it plays in terms of investment, etc. Since SADC is an important market for SA exports, it has since 1994 promoted a strong regional export and investment drive.

### **c) SA's broad interests in SADC**

He pointed out that South Africa's regional foreign policy is ostensibly guided by the "we swim/sink together" notion. As such some of its broad interests within the region include;

- The wish to promote regional integration, that is wants SADC to become “a key pillar for economic development and a platform for cooperation with the rest of the continent.
- Aims to promote deeper integration and the strengthening of SACU
- SA seeks to mitigate its exposure to external shocks by diversifying its export markets away from an overdependence on the West – hence the increased interest in the region.

#### **d) SA’s Interests in a SADC EPA with EU**

With regard to the SADC-EU EPA negotiations, even though South Africa has observer status, there are some threats (both perceived and real) to its interests. These threats include;

- SA sees southern Africa as its backyard yet the EU is more dominant hence the contest for policy influence.
- Through the EPA EU would effectively lock-in its former colonies in the same way the US is doing with the FTAA
- SA fears that BLNS can become somewhat “detached” from SACU because of the EPAs
- EPAs cover services and might give the EU some competitive edge over SA in creating more opportunities for its business in ACP states
- Unlike SA the EU is a huge economic block and can afford to offer massive aid packages to the BLNS and other SADC minus countries.

#### **e) Potential Responses**

In light of the above role of South Africa in Southern Africa and Africa as well as the potential threats from an EPA, there are several strategies that the country can employ so as to effectively safeguard its interests. These include;

- Re-opening of the TDCA (of which SA is eager to do so) so as to introduce more flexibilities and bring BLNS on board. Thus a review of this agreement provides one avenue of doing this while EPAs present another.

However, the TDCA is a *de facto* SACU agreement, and thus incorporating BLNS is not an easy option. Though BLNS imports are already governed by the TDCA their exports still enjoy a better preferential margin than SA’s –benefits which they would want to keep.

- SA may also wish to extend its sphere of effective influence by inviting non-SACU SADC minus countries to join the Customs Union – especially Mozambique (who has already indicated an interest to join) and Angola. Since Tanzania is a member of the East Africa Customs Union it would be wise to leave it out of this.

However, the success of such a strategy would depend on how issues such as revenue sharing are dealt with and whether SA is prepared to offer these countries lucrative preferential access to its market.

#### **f) Concluding Remarks**

In conclusion, the current situation where SA has a separate agreement with the EU that does not include the BLNS yet they are part of the same Customs Union is untenable. It is clearly counter to the EU's Cotonou objective of promoting regional integration in Africa through EPAs. In order to resolve this, either the TDCA is re-opened through the review process to include the BLNS; or SA is included in the EPAs as an active participant and given equal market access to that of other SADC EPA countries. However, if the status quo continues, it is possible for goods from SA to be re-routed via BLNS in order to take advantage of better preferential access to the EU market.

#### **4.3 Discussant [Dr G Kanyenze - LEDRIZ]**

The discussant pointed out that with respect to the SADC-EU negotiations (which have mainly focused on SPS issues) the EU has made it abundantly clear that it will not compromise on the health of its people. This amply demonstrates that the EU's position in EPA negotiations is people (its citizens) based. But in the case of SADC and ESA the focus is not necessarily protecting the people but to achieve as much liberalization as possible. In addition EU's approach is based on consultation whereas SADC and ESA positions are not as consultative as they should be.

The discussant also pointed out the need for countries to be clear before they engage in EPA negotiations. For example it should be clear to all members what regional integration means within the EPA context, what development mean within the EPA context? This will help SADC and ESA countries to guard against jobless growth (economic growth coexisting with high unemployment), rootless growth, and futureless growth (economic growth which squanders resources for future generations)

EPAs being a Free Trade Agreement have the possibility of focusing more on the formal sector at the expense of informal sector. This could be disastrous for countries such as Zimbabwe whose informal sector employs the greatest chunk of the population. This would then mean development under EPAs will not be pro-people but pro-markets.

#### **4.4 Questions and Discussions**

**Q.** A participant asked on what development strategy South Africa has, quoting a Development Bank of South Africa (DBSA) report which indicated that SA doesn't have a development strategy. Is it trade policy driving development or its development driving trade policy?

In response the presenter noted that South Africa indeed has a development strategy as enunciated in GEAR. He pointed out that the focus should be on to what extent South Africa can play the leading role played by Germany during EC integration.

**Q.** A participant asked on what are pillars of Economic Partnership Agreement that we are negotiating with the EU. What constitutes this partnership? Is it trade or development? What is our long-term strategy of negotiating with the EU?

In response one of the presenters argued that the main pillars of partnership in the EPA negotiations are economic integration, WTO compatibility, and development focussed. The problem of the many people in informal sector and few in the formal sector can be largely addressed by regional integration.

**Q.** On the issue of health standards, one participant noted that the EU doesn't want to compromise. But what standard are they using? Is it WTO plus standards?

In addition to these issues it was also noted that even though SADC and COMESA are projects of EU (by design/adoption or both) it is working flat out to disintegrate them. Donors (including EU) have been known since time immemorial to sponsor structured organizations. But ESA does not have a structure, yet EU is fully funding it.

It was also pointed out that the enemies to regional integration are member countries themselves. For example SADC is on record as aiming to achieve a customs union by year 2010, yet South Africa is busy enticing and recruiting Mozambique, Tanzania and Angola into joining SACU (at expense of SADC).

On the role of South Africa in the region, a participant questioned on why South Africa did not include the BLNS countries in originally negotiating the Trade and Development Cooperation Agreement (TDCA). Furthermore it is noteworthy to realize that SA has pushed through a lot of bilateral trade deals with India, EU, Singapore, etc, without much consultation with the BLNS states and this even makes it difficult for would-be SACU members. In addition it was also pointed out that SA's failure to join COMESA greatly undermined regional integration. Thus it is important to look at the dynamics within our regions before blaming outside forces.

Another issue arising from the discussions is the need for time and space in the EPA negotiations. The timetables for EPA negotiations does not provide enough time for members to agree and harmonize their regional negotiating structures

It was also pointed out that SADC and COMESA countries should put forward a non-negotiable list just like the EC is doing on health standards and Common Agriculture Policy (CAP). There is thus a need to be proactive rather than to stick to the tried and tested but failed approach of "make-it-up as we go along".

## **5 SESSION III: ESA NEGOTIATING EXPERIENCES**

### **5.1 ESA Experiences in Negotiating an EPA with the EU: Key Issues**

*By Mr C Mbegabolawe - COMESA Secretariat]*

#### **a) Key issues**

This paper highlighted on the Comesa experiences to date regarding the EPA negotiations. Mr Mbegabolawe pointed out that negotiations with the EU has not formally started but the current ongoing negotiations are internal (among member states) As of now the preparations for negotiations include; a) establishment and work programmes for NDTPFs, b) Impact assessment studies on EPA effects: revenue, industry, welfare, employment, etc, c) Technical studies on the negotiation issues, including adjustment costs, supply-side constraints, agricultural issues, tariffs, rules of origin, preferences

He pointed out that the ESA-EU informal discussions and consultations going on are both at the technical level (RPTF) and Senior Officials/Ambassadorial. The key overriding principles in all the negotiations are development, regional integration, reciprocity, cooperation, etc. the main institutional vehicles for these negotiations are ESA structures and EC key Directorates of trade and development. It was also highlighted that fisheries was also key to the negotiations. To this effect ESA countries have been demanding for minimum regional standards on common areas of interest to ESA states especially management, conservation and sustainable exploitation of fisheries stocks

#### **i) Fisheries**

Under Marine fisheries the key issue include; special status under EPAs, bilateral access agreements to be negotiated between EC and individual ESA states, ESA agreement and formulation of common position on marine fisheries: the Fisheries Framework Agreement (FFA), Extensive discussions with EC on FFA, through RPTF, and other issues including SPS, rules of origin, and subsidies

Under inland fisheries the key issues include; inland fisheries to be negotiated under the agriculture cluster, current work on formulating regional position on the development and trade aspects of inland fisheries:, adequately addressing issues such as production, investment attraction, infrastructure, SPS and standards, aquaculture, conservation and management, research, and enhancing preferential market access into EU; marketing arrangements; intellectual property rights aspects ( branding), rules of origin

#### **ii) Development Issues**

In all the negotiations, ESA countries are emphasizing more on the development aspect of EPAs. This means comprehensively addressing;

- Demand and Supply-side components
- All stand-alone, cluster specific and cross-cutting development issues
- Trade and development problems of ESA: EPA value addition on market access and development dimension
- Challenges of unequal parties (asymmetry) such as ESA-EU FTA, Special and Differential Treatment (SDT)
- Adjustment costs to EPAs: fin. component
- Preference losses

### iii) Development Resources

Development resource issues for consideration include;

- Economic and fiscal adjustments under EPAs. This covers issues such as budget support, infrastructure fund, EDF access and disbursement process
- Supply side capacity to produce and trade, specifically addressing issues of enhancement of competitiveness, infrastructure upgrading and investment promotion
- Additionality of resources
- Other socio-economic areas such as mineral and commodities dependency, health epidemics

### iv) Agriculture

Specific areas of focus include addressing;

- Development related components of agriculture such as production (including marketing, distribution and marketing), diversification, capacity building on SPS (upgrading of laboratories, standardisation, accreditation, etc)
- Trade elements such as market access into EU, full tariff liberalisation (duties, quotas) with elimination of NTBs, reciprocal market access, asymmetry and S&DT as well as transitional and phase-down periods and appropriate safeguards
- Implication of Doha negotiations on EPAs covering issues such as CAP reform, reductions/elimination of domestic and export subsidies as well as preference erosion

### v) Regional integration

The key issues under regional integration vis-à-vis EPA negotiations include:

- ESA configuration in relation to COMESA focussing on the issues of coverage, institutions, among others
- stage of regional integration: Free Trade Area and Roadmap towards Customs Union
- Implications for multiple membership: SADC, SACU, EAC,

- EU position, linked to configuration and ‘tool box’ proposal, South-South cooperation and removal of intra-regional impediments, larger markets for investment, enhanced competition and innovation
- Implications of EPA outcome on other regional integration in terms of COMESA members who are not in ESA.
- ESA commitments under COMESA CET Roadmap vis-à-vis potential EPA reciprocity for WTO compatibility
- Compatibility between COMESA’s CET timeframe of Dec 2008 and EPAs target date Dec 2007

## **5.2 Discussant [Dr A Mafusire - ZEPARU]**

The discussant highlighted the crucial issue in EPA negotiations as;

- How to align regional integration efforts with EPA negotiations
- There is need for continuity in personnel (lead negotiators, and others) at the regional level.
- How to balance the issue of resource constraints on one hand and the prolonging of negotiations on the other
- Need to address the issue of members moving from one regional body to the other for the purpose of EPA negotiations.
- On the issue of development clusters there is need to be clear in so far as the technical team are concerned, that is, are they going to change as clusters change?
- Need to ensure that what is agreed at the regional level reflects views of stakeholders

## **5.3 Questions and Discussions**

**Q.** A participant asked on what these EPAs are for and whether there is any need to sign them at all. Are we going to continue negotiating when EPAs have been shown to have negative impacts?

In response it was pointed out that postponing decisions on crucial issues such as EPAs will not help. Discussions can only be made within negotiations, and not outside.

**Q.** Are there any options to EPAs?

In response it was pointed out that the EC should work out alternative arrangements for those countries that are not in a position to negotiate EPAs. The alternatives that come to mind include; Generalized System of Preferences (GSP), south-south cooperation, Everything But Arms Arrangement (EBA).

On the option of GSP, Peter Mandelson (EU Trade Director General) touts this as a feasible option. However GSP leaves ACP countries worse off than they are currently

because it will be extended to all developing countries. However an enhanced or improved GSP provides a more feasible option.

The option of south-south trade remains a viable and underexploited one. However the biggest dilemma with this option is that most of the commodity prices (in which ACP countries trade in) are determined in developed countries. In essence that where market forces are “housed”. Worse still many of the giants in south-south cooperation such as India, South Africa, Egypt, etc have already embraced the EPA concept. This therefore severely limits the viability of this option as an alternative to EPAs

The Everything But Arms initiative, though quite a viable option has a major limitation in that it is restricted to the LDCs. That’s excluding developing members of the developing countries such as Zimbabwe.

**Q.** A participant noted that in all the trade negotiations of SADC and COMESA regarding EPAs, trust is being invested in politicians. This presents a dilemma in that these national governments priorities in most case are starkly different from those of the civil society and the people at large.

In response it was pointed out that we all stand to benefit if we undertake these negotiations as one, with governments providing the general political direction.

## **DAY 3**

### **6. SESSION IV: EPA NEGOTIATION EXPERIENCES FOR NON-STATE ACTORS**

On the third day, resource persons identified from the civil society briefed participants on their experiences pertaining to EPAs negotiations and raised their concerns regarding the implications of EPAs on regional integration, as well as on poverty and development. Participants were also briefed on Zimbabwe's experiences in negotiating an EPA under ESA.

#### **6.1 Involvement of Non-state Actors in EPA Negotiations in SADC and ESA: What does it mean for the poor?**

*By Mr Richard Kamidza, ACCORD – South Africa*

##### **a) Introduction**

In line with the Cotonou agreement, both SADC and ESA EPA-road maps allow non-state actors to participate in the on-going economic partnership agreements (EPAs) negotiations taking place in the capitals and regional frameworks. Non-state actors include civil society<sup>1</sup> and the private sectors. Thus, in theory, the involvement of civil societies whose activities are largely operational in areas dominated by the poor. But are the poor in both SADC/ESA actively involved in this process? Are the poor aware of the dynamics of this process? In order therefore to analyse the involvement, let alone the participation of the poor, it is suffice to interrogate the negotiating structures of the two configurations and the state of play. In each structure, an attempt will be made to point the presence and/or lack of involvement of the poor in the process. Emphasis is on the civic bodies, whose constituencies are dominated by the poor. The private sector is assumed to consider the poor only after profit arrangements.

##### **b) ESA negotiating Structures and the State of Play**

###### **i) National Development Trade Policy Forum**

Member-states of the sub-region have established the National Development Trade Policy Forum (NDTPF) whose main function is to develop national positions that will be subsequently tabled by government negotiators at the Regional Negotiating Forum (RNF). The RNF is composed of government negotiators and non-state actors covering all the six clusters. In this way, the NDTPFs not only remain mutli-sectoral, but also ensure wider and deeper consultations of all the key stakeholders as well as the citizens in this process.

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<sup>1</sup> Civil society include NGOs, community-based organizations, faith-based organizations, media, trade unions, women and other social movements.

However, the events to date indicate that NDTPFs lack wide and deep consultations of all stakeholders in this process. It has been observed<sup>2</sup> that participation in the NDTPFs of some countries leave out those stakeholders who are critical to the prevailing governance and political systems and the socio-economic conditions. In other countries, the civil society organizations in particular and private sector in general are largely inactive and very weak to mount serious engagement in NDTPFs activities.

In addition some ESA/SADC member-states lack democratic space that is necessary to facilitate free participation of civic bodies in the process. For instance in Zimbabwe, the relationship between civil society and government is so low to an extent that the civic bodies participating in this process are mostly regional<sup>3</sup>, and to date no members of civic bodies have join the government delegation to the RNF. This means that wide and deep involvement of all stakeholders with the view to reach out to the broader citizenry still remain one of the biggest challenges facing NDTPFs and RNF in their engagement of the EPAs negotiations. This also means that low mobilization of citizens still remain a feature in some member-states as well as weak networking and synergies of strategies at the level of national and regional stakeholders. If this trend continues unchecked, weak positions crafted mainly by government negotiators and to some extent with contributions from the private sector will likely to prevail in most NDTPFs thereby causing ESA/SADC configurations to mount a relatively weaker negotiable positions vis-à-vis the EC. Ultimately what will emerge are dangerous and unviable EPAs outcomes that are incapable of assisting in the socio-economic and political development of member-states and the entire region. SEATINI observe that EPAs outcomes – like any neo-liberal framework will in the medium- to long-term drive the developmental agenda of the respective countries and the entire configuration.

This development is being worsened by poor publicity that is so far associated with this process both at the national (NDTPFs) and regional (RNF) level. Most EPAs related events and activities have gone without notice by the media at the level of both the NDTPFs and RNF. It's only now that few countries' media are covering EPAs negotiations. There is need therefore to broaden the media coverage with the view to reach out to all the sections of society in the ESA configuration. This development fail to benefit the analysts whose input to the process contributes to a better EPAs outcomes in this configurations. This is further worsened by the fact that academic institutions in the configuration have remained at the periphery of the process. The process lack rigorous analysis and critical reflections that contributes to a better trade regime between ESA/SADC and EU. There is minimal interrogation on real issues at the national level, and subsequently at the RNF meetings. Failure to document NDTPFs procedures and discussions with the view to address RNFs, and deposited the same documents with regional secretariats has a bearing on process. Member-states are failing to observe their own rules adopted during the launch.

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<sup>2</sup> SEATINI's observation at al the past RNF meetings

<sup>3</sup> MWENGO, SEATINI and TRADES CENTRE – these organizations have tried to woo other domestically focused civic bodies into these trade negotiations with little success.

## ii) Regional Negotiation Forum

The Regional Negotiating Forum (RNF) is a structure that brings together representatives from NDTPFs, four regional secretariats and a regional civic body; Brussels-based ambassadors, especially cluster lead spokespersons; and selected observers and consultants to deliberate progress and ultimately prepare EPAs positions for the ESA/SADC configurations. Since countries have multiple memberships.

Participation support<sup>4</sup> at the RNF is given to two government negotiators and one non-state actor representative. All the supported participants have speaking rights during the meeting. As the case with ESA, (see table above) some countries are only sending two participants to the RNF meetings. This indicates the weak status of NDTPFs in terms of involving widely and deeply all the stakeholders. The table also suggests that some countries have failed to establish viable NDTPFs that are capable of generating offensive and defensive positions and/ or trade interests for the country, which will be subsequently, brought to the RNF agenda. Close observations to date note that some countries only include private sector representatives to their delegations but leave out some key stakeholders including representatives of civic bodies.

Some countries which completed their SIA studies and those that are still to finalize, have officially complained at the RNF meetings about the choice of consultants. SIA studies are dominated by consultants based in Europe, a process that is leaving out many scholars from the respective ESA countries. In addition, the process suffers from weak and strategic networking among stakeholders in the ESA/SADC configurations coupled with poor publicity of the process.

## c) Regional Preparatory Task Force

The Regional Preparatory Task Force (RPTF) is an informal body of experts which allows each side to get better technical understanding of the other side's position. The objective of this structure is to prepare for the meetings of the Lead ambassadors and the EC senior officials, including preparations of schedule meetings, agreeing on locations and meeting's agendas. The other very interesting objective of the RPTF is to exchange information on issues pertaining to the negotiations with an informal exchange of views on negotiating positions so that areas of divergence and convergence are known to both sides enabling each side to be able to prepare for meaningful negotiations at the Ambassadorial/Senior officials and Ministerial/Commissioner levels. This is intended to enable parties to smoothen negotiations positions before tabling the same on the negotiating table. While key stakeholders to the RPTF are still to form part of the deliberations that assist in sequencing the negotiations the citizens are completely out of picture. This office is not accessible to the non-state actors, in particular, the civic bodies and members of parliaments whose constituencies are dominated by the poor.

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<sup>4</sup> Participation support includes air ticket, hotel accommodation and per diems.

## **d) Conclusion**

The above discussion clearly shows limitations to include the poor in the process of negotiating an EPA with the EU. The established structures are failing to bring the civic bodies to the centre of the process. In many countries, the private sector is involved but generally can not take the issues of the poor on board. The civic bodies are failing to get assistance to mobilize and raise awareness to the grassroots.

## **6.2 Emerging UK position on EPAs: What does it mean for SADC & COMESA**

*By Ms C Phiri, Civil Society Trade Network – Zambia*

### **a) Introduction**

The presentation outlined UK's initial position on the EPA's, new emerging position so as to clearly distinguish the two. Its initial position is very much like that of the European Union, in terms of seeking EPAs that are comprehensive, WTO plus, etc. Developing countries have already pointed out that this approach will be accompanied by heavy financial losses resulting in recurrent budget deficits, unemployment caused by collapsing industries, a plummet intra and inter-regional trade as well as increased unemployment, among others.

### **b) UK's emerging position on the EPAs**

However the UK's emerging position contrasts sharply its initial (EU) position. The emerging position is clearly spelled out in the British Prime Minister's Commission for Africa (CFA). The Blair's commission for Africa represents the British government's position on the EPA's, which are as follows: Development must be a priority in all trade agreements with liberalisation not being forced on Africa (CFA, 2005:255), individual African countries must be allowed to sequence their own trade reforms in line with their own poverty reduction and development plans. In addition, the British government states that there is need for reformation of rules of origin immediately to allow global cummulation and 10 percent minimum value added in country of origin in order to maximise the development impact of its preferences. It also call for the provision of substantial parallel support to accelerate regional integration and build Africa's capacity to trade.

The British Government recognises that countries must decide for themselves how quickly to open their markets to imports. They are suggesting an appropriate time framework, of 20 years if necessary. They are also calling for a review of article 24 of the GATS to reassess and reduce reciprocal agreement in order, to prioritise the development needs. The British Government are also suggesting a development test of the EPAs which should be committed up-front to provide duty and quota free access to African regional grouping or implementing this immediately if the current Cotonou waiver can be modified.

In the UK's emerging position, the Singapore issues of investment, competition and government procurement have been dropped. The British Government acknowledges that multilateral agreement and binding rules on the Singapore issues which is based on the

Principle of non discrimination would be seriously detrimental to economies and National development for African countries. The UK recognises that African countries have the right to capital controls and set up criteria for foreign investors.

#### **b) What does this mean for COMESA and SADC?**

If UK's emerging is credible, then this is a positive outcome for the COMESA and SADC regions. We acknowledge that UK has realised, that EPAs in their current form would be detrimental to development. These EPA's are currently designed to get the most for Europe without" the necessary consideration of the negative effects on the weakening of developing countries.

Having said that, it should be pointed out that Britain being the chair of the European Union should ensure that its position is consistent with that of the EU, and as such can not single-handedly take such a radical stance. Several questions have been asked regarding the genuineness of the UK's emerging position. In addition, Britain has been criticised that it only it only adopted this approach in order to get the Non-Governmental Organisations on board as they were heading towards the Gleneagles summit. The Government had bought too much into the NGO's agenda. (Elliot, 2005).

#### **c) Conclusion**

The British position that policies should not be dictated to Africa is right. However it is most important that article 24 of GATT be reviewed so that it better meets the needs of developing countries and regions by allowing them the flexibility to protect its sectors as much as necessary. Developing countries must use developmental yardsticks to determine their ability to take on European competition, each individual country must access if it has the stamina to get profits from this cooperation.

### **6.3 Discussant [Mr R Machemedze - SEATINI]**

The discussant highlighted these as key issues from the presentations

- the UK's position on EPAs is not genuine
- UK's position in the WTO is inconsistent with its position in EPA negotiations
- What is the real social value of democracy?
- Ambassadors agreed that they now want to take development as a cross-cutting issue in EPA negotiations
- There is need to address supply side constraints. U should avail resources as per the Cotonou agreement
- We need to know and fully understand the motives driving our negotiating counterpart (which is the EU). Linked to this is the issue that EEU is facing over-

- production and hence a crisis of profits, Thus the urgent need to open new markets through EPAs.
- Stringent rules of origin are undermining regional integration in both SADC and COMESA

#### **6.4 Questions and Discussions**

**Q.** A participant asked why industry/private sector is not fully involved in these negotiations and processes?. Private sector interest is just not about profits but cooperation between itself and government can also achieve national objectives. Therefore SADC and ESA should find a way of directly interfacing with the private sector.

In response the presenter agreed that the private sector should be actively involved and integrated into the EPA negotiations. In some cases the private sector has also been marginalized and hence the need to refocus and restructure by including them. In some cases civil society should also help the private sector is seeing the folly of EPAs negotiations, because experience from Economic Structural Adjustment Programs (ESAPs) shows that the private sector ended up crying foul yet they had been the major proponents of ESAP.

It was also pointed out that there is also a need to define who the private sector is in Zimbabwe, since most of the issues in EPA and the WTO generally, are put forward by multinational companies with interests all over SADC and COMESA regions.

**Q.** A participant asked a representative from the Ministry of Industry and International Trade (MIIT), on the extent to which they take civil society contributions on board both in the preparatory process as well as in actual negotiations.

In response it was noted that consultations with the civil society have always been on-going and are just not event specific. She also pointed out that the Ministry tasked the Southern and Eastern African Trade and Information Negotiation Initiative (SEATINI, Harare office) to coordinate civil society input. In addition the Ministry is also in close contact with other individual trade and research institutions such as Trades Centre and others.

In addition to the above issues, it was also noted that before we talk about regional integration we should ensure that we are fully integrated nationally. It was also highlighted that space for the poor in EPA negotiations is there both at national and regional level. Civil society only needs to be pro-active. In any case NSA cannot participate in these negotiations on their own; they have to work in hand in hand with the government.

It was also highlighted that we need to fully define civil society and should ensure that they indeed fully represent the poor. There is also a need to repackage the outcome of seminars and conference like this one so that it benefits the poor. The official from the Ministry of Industry and International Trade (MIIT) also informed participants that the Ministry has desks responsible for giving information on various issues such as EPAs, WTO, SADC, and COMESA.

## **7. SESSION V: EMERGING KEY CONCERNS FROM THE NEGOTIATIONS**

### **7.1 Areas of Convergence and Divergence between ESA and SADC**

*By Dr G Kanyenze, LEDRIZ*

#### **a) Areas of convergence**

The paper summarized the areas of convergence and divergence between SADC and ESA with respect to EPA negotiations. The areas of convergence were pointed out as;

- both draw from the Cotonou agreement and the initial negotiations at the ACP-EU level
- Their starting position is the ACP position that EPAs negotiations should address the multi-dimensional nature of the development process of ACP countries, namely, poverty reduction, sustainable development, gradual and smooth integration of the ACP countries into the global economy.
- The ACP group's position was based on the asymmetrical development and hence relationship of it and the EU, fears of revenue loss due to tariff reduction.
- loss of revenue, it was argued, would affect the budget, resulting in increased deficits, reduced spending on poverty reducing interventions in infrastructure, health care, education, safety nets amongst others, thereby exacerbating poverty.
- Drawing from past experiences with structural adjustment programmes (SAPs), it was feared that trade liberalisation would result in a flood of cheap imports, thereby destroying 'infant' local industries, creating mass unemployment in the process.
- The ACP saw the potential adverse impacts overriding the positive aspects, resulting in the EPAs undermining the very regional integration they sought to reinforce.
- It was also observed that SAPs had failed to provide sufficient compensation to those that lost out as a result of the reforms. in view of the differences in the levels of development, it was felt that the ACP states could not make the same level of commitments as EU countries under EPAs, especially with respect to market access. as a result, it was proposed that EPAs should be accompanied by appropriate flanking policies of the ACP and appropriate EU support measures that should be included in the funding arrangements.
- The ACP guidelines for negotiation of EPAs stipulate the two phase approach and the time-line for these phases. The time line was meant to enable the ACP countries to carry out in-depth studies at national and regional levels, build capacity in preparation for the negotiations.

These guidelines specify the principles to guide the EPA negotiations as follows; sustainable development-oriented EPAs, ACP unity and solidarity, preservation and improvement of the Lome *acquis*, WTO-compatibility, special and differential treatment, flexibility, sustainability, coherence and consistency, regional integration priorities, legitimacy of EPAs, additional of resources and support for adjustment.

- Both ESA and SADC are negotiating with the EU, which has taken a narrow definition of EPAs based on the two provisions of the Cotonou agreement (WTO compatibility – article 36.1; and negotiations only to focus on establishing a timetable for progressive removal of barriers to trade between parties – article 37.7). Thus the EU still insists that EPAs will be reciprocal trade implying the establishment of free trade agreements.
- The ACP countries resolved that due to the complex nature of the negotiations with the EU, it is important to maintain the unity and solidarity of the group.
- SADC and ESA countries agree on outstanding differences with the EU in areas such as the impact of the common agricultural policy (CAP) of the EU on the viability of ACP agriculture and other non-tariff barriers; compatibility with WTO, dispute settlement, definition of the parties to the EPA, trade-related areas (competition policy, intellectual property rights, Sanitary and Phyto-Sanitary measures (SPS), trade & environment, trade and labour standards, commodity protocols, safeguard measures, rules of origin, additional resources, treatment on LDCs and non-LDCs “not in a position to conclude EPAs”, among others.
- Their institutional structures are in many ways similar – regional negotiating forum, role of ministers and ambassadors & limited role for non-state actors
- Their weaknesses are also similar: splintered approach, limited technical capacity, no serious studies are in place, time-bound negotiations, very limited role for non-state actors etc.

## **b) Areas of divergence**

The areas of divergence were highlighted as follows;

- Differential pace. While SADC is now into substantive stage of negotiations (running January 2005-June 2007) ESA will only commence serious face-to-face negotiations in October.
- Difference in scope and prioritized issues. In 2005 SADC’s negotiations have focussed more on Sanitary and Phyto-Sanitary measures and standards (SPS), technical barriers to trade & regional integration. On the other hand ESA’s negotiations in October 2005 will focus on six clusters, (development, agriculture, market access, etc) – negotiations in October will focus on 4 clusters: development, agriculture, market access & fisheries. The SADC priority issues (as enunciated in the joint road map) include development dimensions, regional integration, market access in agriculture, non-agriculture, fisheries, rules of origin, SPS, technical regulations and standards

### **c) Conclusion:**

In his conclusion the presenter urged the two institutions to harmonize and share experiences in order to defend the positions taken at ACP level, as well as making extensive use of available technical expertise within the region. In addition there is also an ever-growing need for mobilisation and networking with non-state actors, regrouping and networking with other ACP groupings and elsewhere to build solidarity and a common front as ANOTHER, AND BETTER AFRICA IS POSSIBLE.

## **7.2 Implication of Economic Partnership Agreements (EPAs) on Regional Integration in COMESA and SADC**

*By Jane Nalunga (SEATINI—Uganda)*

### **a) Regional integration Initiatives**

This presentation traced regional integration by chronicling several integration initiatives such as SADC, COMESA, and OAU. It highlighted and explained the purpose of regional integration as;

- To create larger and more competitive regional economic blocks in order to face the challenges and opportunities of globalization
- To foster development through increased investment, reduced distortions, enlarged markets
- To enhance the bargaining power
- Resource pooling to promote regional public goods
- Reduce risk of conflict
- For Africa, integration is imperative given the small and weak economies, legacy of colonialism, misrule, conflict etc.

The first initiative she touched on was the Organization of African Unity (OAU). The OAU was created in 1964. Its charter and constitutive act establishing the African Union (AU) define regional integration as one of the foundations of the African unity. Complementary to this initiative are the Lagos plan of action and Abuja treaty. These put forward the specific economic political and institutional mechanisms for attaining regional integration

The second regional initiative highlighted by this presentation is the Common Market for East and Southern Africa (COMESA). The aims of COMESA are, among others; to generate self-sustaining economic growth through collective action in all fields of social and economic activity, as well as to create a fully integrated and internationally competitive region where goods, services, capital, persons and labour move freely. The

regional integration timetable for COMEESA involves; achievement of a Customs union by 2004, a common market by 2014, and Economic Community (2025)

Another visible regional integration body in Southern Africa is the Southern African Development Community (SADC). This body started as a coordination conference (SADCC) whose main aim was to achieve political independence for member states as well as improving infrastructure levels. In 1992 it transformed into a more trade oriented body and was appropriately transformed into Southern African Development Community. It has one of the greatest economic potentials, a population of 200million, a combined GDP of US\$190billion. Its main objectives (loosely) are to achieve economic growth, alleviate poverty, evolve common political values, systems, promote and defend peace.

Its main strategy to achieve these objectives involve; harmonization of political and socio-economic policies, creation of appropriate institutions , mechanisms , policies for mobilisation of resources, promotion of free movement of capital, labour, etc.

Even though there has been significant progress in certain areas i.e infrastructure, peace and security, energy, telcommunication, within the different regional bodies, major constraints still remain glaring and threaten to derail the achievement of these well-meaning objectives (just like COMESA and OAU initiatives) include;

- Economies still dependant on export of primary products.
- Unequal and uneven development, inequalities
- Multiple and overlapping membership
- Inadequate capacity, resources and will to spearhead the integration process.
- Inability to make integration plan and objectives part of national development frameworks.
- Regional integration processes are still in their early stages.
- Progress towards market integration limited
- Gaps between the goals and achievements i.e in areas of policy convergence, financial and capital markets ,labour mobility ...

## **b) The EPA Negotiations**

In light of thee above regional integration background the presentation analyzed on how the EPAs in their current form are likely to impact on regional integration. It noted that The Cotonou agreement Article 29 provides for supporting and strengthening of the capacities of regional integration institutions. Thus if EPA s are to be credible and beneficial to the African countries it has promote the deepening of regional integration.

.The negative impact of EPAs on regional integration is clearly visible when one takes into account the challenges of reconfiguration of the sub-region facing member states. Such re-configuration entails dismantling of traditional memberships in favor of the EPA compatible institutions. In addition the EPA negotiations poses a significant threat to

regional integration bodies in that its demanding nature puts on hold any regional integration effort currently underway as each member puts its house in order regarding the EPA negotiations.

Against such a background it is clear to regional members that EPAs present both a challenge and an opportunity. Having said that, it is important to emphasize that EPA negotiation should be development oriented. There is also a need to address Article 37.6 ( on building the competitiveness of ACP countries ). Thus it is imperative for SADC countries to demand for time and space to consolidate the on going regional integration processes.

### **7.3 Implications of EPAs on Poverty and Development**

*By Mrs Ntando Ndlovu - ZIMCODD*

#### **a) Background**

The presentation gave a brief background of EPAs and pointed out that the Economic Partnership Agreements are a direct result of the Cotonou Agreement that was signed between the European Union and the African Caribbean and Pacific Countries in 2000. This was following the expiry of the last of the four Lome Conventions that ran from 1975 and 2000. The departure point for the EPAs was that whereas all the previous trade arrangements between the European Community and its former colonies were based on the principle of preferential and non-reciprocity in favour of the economic weaker partners. The EPAs call for reciprocal trade regime between these unequal parties hence the out cry.

The proposal is to have all 77 ACP countries moving towards 20-year period of non-reciprocal trade starting in January 1<sup>st</sup> 2008. The key features of the agreement are as follows:

- EPAs must be World Trade Organisation compatible. This means that the WTO agreements provide the minimum standards for the EU-ACP agreements, which can be more liberal.
- EPAs provide for the full opening up of the EU markets to essential products from Least Developed Countries by 2005. This has been can in theory be said to have been achieved through the All But Arms Initiative.
- It provides for a consideration of all possible alternatives for ensuring a framework for future trade, which is equivalent to existing situations, BUT in conformity with the WTO rules.

In essence the agreement sought to ensure that the trade provisions between the two blocks maintains the benefits enjoyed by ACP countries but be in line with the proposed WTO provisions on equal treatment hence reciprocal trade preference.

In theory the perceived benefits of EPAs emanate largely from tariff reductions on imported goods rendering finished goods cheaper for consumers on one hand intermediate goods affordable for industry on the other. The assumption is that such price declines will ease inflationary pressure on domestic economies ultimately resulting in economic stabilisation or growth. In the event of economic stability being achieved it is further assumed that ACP countries will be able to attract Foreign Direct Investment to further bolster their positions.

A closer look at the foregoing reveals that this is indeed a Free Trade Agreement that is bound to favour the economic superior EU who is pushing a clear trade agenda to the detriment of the ACP group whose main concern is sustainable development.

### **b) Assumptions underlying EPA negotiations.**

The negotiation assumes an oversimplified linear development model for ACP countries in that whatever economic gains from increased trade may be registered; such will immediately and continually trickle down to the poorest members of the society. For example it is assumed that an increased in market access for say beef, will benefit the down stream industries such as provision of fodder without factoring the possibility that some of the animals may be on free ranching.

The second assumption is that the integration of ACP economies will result in strong development led trade agenda for these countries. The link between trade and development is oversimplified. The proposal fails to adequately show the link between trade and the wider social and economic development especially when viewed in the context of neo liberal policies already embraced by most ACP countries under the influence of the International Monetary Fund.

EPAs assume a level starting point for these unequal parties. For instance there is no reference to the EU's trade distorting subsidies paid especially to their large-scale farmers leading to over production and unfair competitions to the poor farmers in the ACP countries.

### **c) The challenges faced by ACP countries**

While in theory the free trade arrangement could result in a win-win situation (hence attractive to ACP countries) this is not likely to be the case given the huge disparities that exist between the two. ACP countries have historically been underdeveloped by the European Countries from the days of slavery through colonisation, imperialism and neo liberalism preached today. In this context the developmental impact of EPAs may be minimal at best. To understand this, it is informative to consider some of the challenges faced by ACP countries in their attempt to initiate negotiations on the EPAs. These include;

- Each country is expected to identify its long-term trade and development interests before engaging in the negotiations. This was designed to ensure flexibility for

- individual countries in their negotiations schedules. In reality these have not been given serious consideration as most of the ACP countries follow externally driven policies that tend to be of short or medium terms.
- Impact assessments of Free trade on existing patterns of production and areas of production, which each country would like to see, developed. This was in keeping with the desire to ensure that the gains from the earlier trade agreements were not lost.
  - Each country and trading region to come up with a schedule of tariff reduction to minimise the disruptions to vulnerable domestic producers while maximising wider economic benefits gained from moves towards free trade with the EU. Those countries requiring assistance would then be covered accordingly.
  - ACP countries were expected to assess the fiscal implications of moves towards free trade so as to insulate expenditure of greatest interest to the poor and the vulnerable from possible budgetary cuts.
  - The agreements call for a regional reconciliation of national positions. This assumes a certain level of comparability in development levels for the negotiation blocks. The reality on the ground however shows that most of the countries such as members of Eastern and Southern Africa (ESA) exhibit glaring differences in their development levels and are without a customs union.
  - In many ACP countries there are serious capacity constraints making it difficult for such members to benefit from increased market access into the EU even under the Everything But Arms initiative.
  - EPAs tend to focus on the formal sector, which is ironically shrinking for most poor countries. Moreover the focus on exports and imports tends to undermine the role of domestic trade as well food security and sovereignty. This is inevitable when governments tend to support cash crops such as tobacco and cotton at the expense of maize and other food crops. The desire to be competitive renders extensive use of chemical and genetically modified seed highly attractive. This compromises sustainable development and hurts the poor even more.

#### **d) Implications for poverty and development**

The link between trade and development is complex and depends on a host of other country specific factors. It could be an over simplification to assume that an increase in trade opportunities will translate into increased flow of goods and services. Firstly, as indicated above the capacity constraints faced by most ACP countries have seen most of them failing to take advantage of the EBA initiative. Moreover, even where the desired goods are available for the export market there are a host of other non- tariff barriers such as the Sanitary and Phytosanitary considerations that effectively render some products unacceptable. The cost of packaging could be another deterrent factor for poorer countries. Secondly, the opening up of ACP countries to EU heavily subsidized agricultural products and mass-produced finished goods means unfair competition for the domestic industries struggling to produce at capacity. They are potentially negative consequences whereby the preference of cheaper products would dampen demand for local substitutes resulting in further excess capacity and hence increased unit costs. Ultimately the infant industries if not protected could be forced out of business resulting

in job losses and/or under employment, reduced incomes, and increased poverty levels. Moreover the rural communities would be more vulnerable due to declining prices of agricultural products and low remittances from urban areas. This could result in a new vicious circle of poverty as school attendance drops, access to health care, water and sanitation etc become the order of the day.

Finally, it is well known duty and other direct taxes are significant sources of revenue for governments in the developing world. In a way taxes are fundamental in a country's social investment, to an extent that a fall in duty related revenue could negatively affect government's expenditure social welfare- thus hitting the already poor the hardest. This is both unfair and unjust especially when viewed in the context of preferential treatment given to foreign investors who are already rich and established.

### **e) Conclusion**

EPAs as currently negotiated are more likely to increase poverty and underdevelopment of ACP because there is lack of genuine commitment to the welfare of these countries that are viewed only as sources of raw materials and markets for finished products. This practice will inevitably increase their dependency on the EU and perpetuate the brain drain as the qualified ACP citizens opt for "better paying jobs" elsewhere further robbing their countries, who trained them of human capital.

To avert this negative development the following recommendations need to be taken into account:

- There is an urgent need for a comprehensive, coherent and well co-ordinated approach to ACP countries' development agenda. This must be clearly defined before a commitment to trade can be made, lest ACP countries invest in the wrong policy options.
- There is a need for ACP countries to address the supply constraints to facilitate full utilisation of market opportunities that may result from the agreements by January 2008 at the latest.
- There is need to guarantee food security and sovereignty for ACP countries.
- Impact assessments must be done to inform the negotiations.

## 7.5 Questions and Discussions

**Q.** A participant asked on whether there is a framework in place to ensure that compensations for losses under EPAs are effected?

In response another participant argued that; to mitigate the revenue losses associated with EPAs governments should be innovative and should also review the tax systems. We should also convince ourselves on whether our governments are spending money the right way.

**Q.** A participant asked on the role of the C133 committee within the EU. H asked on why its mainly composed of representatives of private sector in general and multinationals in particular.

In response a representative from the EU delegation pointed out that the purpose of the C133 committee is to discuss on-going negotiations. Regarding its composition, he argued that unlike in some countries, the EU regards the private sector as a partner in development and hence there was nothing wrong in the same private sector being part of the C133 committee. He however also pointed out that big-business is not represented in the C133 committee.

In addition to the above issues, one of the presenter noted that the bottom line for SADC and COMESA countries is that their respective governments have agreed to negotiate EPAs with the EU. Therefore as member countries we should focus on ways of positively helping ourselves whilst looking for alternatives. So it is important that we focus on giving the process value addition each time we engage in seminars or conferences. Furthermore it was also pointed out that EPAs are not put by the EU just for Africa, but a lot of countries are engaging in EPAs at different levels. So its not just about EU and Africa but we also need to look around us and see what's happening. In addition it was also pointed out that in as much as it is okay to be positive and optimistic we should not ignore the negative impact EPA have on economies. Their governments should have the political will to maximize on the benefits of EPAs while addressing fully the downside.

## **8. SESSION VI: GROUP WORK – RE-STRATEGISING EPA NEGOTIATIONS**

The groups were divided into four thematic areas, so as to fully capture the earlier discussions as well as using the presented information in earlier sessions to come up with a comprehensive way forward. Each of the groups tackled these issues;

- Group 1: How to ensure harmonisation of SADC and ESA Positions
- Group 2: How to ensure EPAs promote Development
- Group 3: How to ensure EPAs promote Regional Integration
- Group 4: Improving the participation of Non-State Actors

The conference ended with group reports and recommendations on the way forward.

### **8.1 Report Back**

This is what emerged from the respective group discussions;

#### **a) Group 1: On Ensuring that EPAs Promote Regional Integration**

- SADC and ESA should harmonise and come up with one trade policy and then negotiate as one group.
- Remove trade barriers in the region in order to make trade flow easily – both goods and services.
- Establish a regional forum which will develop a road map and come up with a common position to be implemented in the region.
- Identify areas of commonality; countries endowed with the same product would unite for purposes of identifying and exploiting opportunities.
- Countries should avoid undermining one another; instead they should promote one another.

#### **b) Group 2: On Improving the Participation of Non-State Actors**

- Government budgets should include funding for NSAs participation at all levels of negotiations.
- NSAs should look for own funding to ensure that they attend meetings on EPA negotiations.
- NSAs should push for real participation in ESA and SADC; this should be institutionalised, including a desk for NSAs in the offices of the secretariats.
- Re-visit the provision on NSA funding under the Cotonou Agreement.
- At national level, efforts should be made to improve the relationship between the private sector and CSOs.
- CSOs should organise themselves and create awareness at grassroots level for purposes of mobilising for action as and when necessary.
- NSAs should conduct research and be pro-active.

### c) Group 3: On Alternatives to EPAs

- Alternatives to EPAs include:
  - WTO generalised system of preferences (GSP)
  - Bilateral agreements
  - Intra-regional trade centre
- SADC and COMESA should carry out impact assessments of the GSP.

## 8.2 Conclusion and Recommendations

The 2 day workshop provided a fora for exchange of views regarding the EPA negotiations. In concluding it was recognized that both the private sector, NSA and government have a role to play in the EPA negotiations. There is also a need for greater and close cooperation between negotiators and....From the two days deliberations the following recommendations emerged from the conference;

- Identify areas of commonality; countries endowed with the same product would unite for purposes of identifying and exploiting opportunities.
- Countries should avoid undermining one another; instead they should promote one another.
- SADC and COMESA countries should put forward a non-negotiable list just like the EC is doing on health standards and Common Agriculture Policy (CAP). There is thus a need to be proactive rather than to stick to the tried and tested but failed approach of “make-it-up as we go along”.
- Negotiating bodies need to urgently address and redress the issue of members being lured away from one regional body to the other for the purpose of EPA negotiations. In addition there is also need to ensure for continuity in personnel (lead negotiators, and others) at the regional level.
- There is need to accelerate harmonization of negotiating structures between SADC and COMESA, whilst aligning regional integration efforts with EPA negotiations
- Governments should be careful on how to strike a balance between resource constraints on one hand and the prolonging of negotiations on the other
- SADC and ESA countries need to keep abreast with modern negotiation techniques, data as well as establishing or linking up with centres of research and modeling excellence.
- With regard to the cluster negotiations, there is also a need to be clear in so far as the technical teams are concerned, that is, are they going to change as clusters change?
- Civil society and NSAs should fully represent the poor and ensure that they are advancing the cause of the poor at all time.
- NSA involvement in EPA negotiations should be institutionalized. This should be complimented by ensuring that;

- ✓ Government budgets should include funding for NSAs participation at all levels of negotiations,
  - ✓ NSAs should look for own funding to ensure that they attend meetings on EPA negotiations,
  - ✓ NSAs should push for real participation in ESA and SADC; this should be institutionalised, including a desk for NSAs in the offices of the secretariats, there is need to re-visit the provision on NSA funding under the Cotonou Agreement,
  - ✓ NSAs should conduct research and be pro-active and efforts should be made to improve the relationship between the private sector and CSOs at the national level.
- There is also a need to steadfastly pursue the issue of alternatives to EPAs as provided for by the Cotonou Agreement. This implies that SADC and COMESA should carry out impact assessments of the GSP and other alternatives.
  - Even though Cotonou Agreement points out clearly that no country should be left worse off due to the EPA negotiations, SADC and COMESA countries should explore the possibility of redress (by the EU), in the event that EPAs make them worse off.
  - Countries need to move together with a common vision, pace and objectives that take into consideration their peculiar economic needs and requirements. Thus, the unity in purpose between SADC and COMESA (brought by EPA negotiations) should also extend to other issues at the multilateral level (WTO) as well as in the forthcoming Hong Kong Ministerial.
  - SADC and ESA countries should ensure that what is agreed at the regional level reflects views of stakeholders

## **ANNEX 1: PROGRAMME**

### **DAY I**

**1400-1800 Non-State Actors Exhibition**

**1530-1545 TEA/COFFEE BREAK**

### **DAY II**

**0800-0830 Arrival and Registration**

**(0830-0900) OPENING SESSION [Chairing – Dr J Saungweme]**

- Introductions
- Welcome Remarks: Dr. M. Masiiwa - Acting Director, TRADES Centre; Mr S Schwersensky – Resident Representative, Friedrich Ebert Stiftung
- Keynote Address and Official Opening: Hon. O M Mpofo (MP) Minister of Industry and International Trade - Zimbabwe
- Questions and Discussions

**(0900-1030) SESSION I: Update on EPAs Negotiations [Chairing - Mr S Schwersensky]**

- Overview of Activities undertaken to date under SADC EPA Negotiations (Institutional Structures, Priority Areas, Processes, Time Tables, Emerging Positions) [Mr D Guilherme - SADC Secretariat]
- Overview of Activities undertaken to date under ESA EPA Negotiations (Institutional Structures, Priority Areas, Processes, Time Tables, Emerging Positions) [ Mr C Mbegabolawe - COMESA Secretariat]
- Discussant [Mr Riaz Tayob, SEATINI – South Africa]
- Questions and Discussions

**1030-1100 TEA/COFFEE BREAK**

**(1100-1300) SESSION II: SADC Negotiating Experiences**

- SADC Experiences in Negotiating an EPA with the EU: Key Issues, Areas of Convergence and Divergence (Sanitary and Phyto-Sanitary Standards, Technical Barriers to Trade, Regional Integration and Development Issues - The Joint Factual Document on SADC Regional Integration) [Mr D Guilherme - SADC Secretariat]
- South Africa's Interests and Concerns in SADC EPA Negotiations with the EU [Mr Nkululeko Khumalo, SAIIA]
- Discussant [Dr G Kanyenze - LEDRIZ]
- Questions and Discussions

**1300-1400 LUNCH**

**(1400-1630) SESSION III: ESA Negotiating Experiences**

- ESA Experiences in Negotiating an EPA with the EU: Key Issues, Areas of Convergence and Divergence (Fisheries; Agriculture; Regional Integration and Development Issues - The Joint Factual Document on COMESA Regional Integration) [Mr C Mbegabolawe - COMESA Secretariat]
- Discussant [Dr A Mafusire - ZEPARU]
- Questions and Discussions

**1530-1545 TEA/COFFEE BREAK**

**(1630-1800) RECEPTION AND END OF DAY II**

**DAY III**

**(0800-0830) Arrival and Registration**

**(0830-1000) SESSION IV: EPA Negotiation Experiences for Non-State Actors [Chairing – TBA]**

- Involvement of Non-state Actors in EPA Negotiations in SADC and ESA: What does it mean for the poor? [Mr R Kamidza, ACCORD – South Africa]
- Emerging UK position on EPAs: What does it mean for SADC & COMESA [Ms C Phiri, Civil Society Trade Network - Zambia]
- Discussant [Mr R Machedze - SEATINI]
- Questions and Discussions

**1000-1030 TEA/COFFEE BREAK**

**(1030-1130) SESSION V: Emerging Key Concerns from the Negotiations [Chairing – TBA]**

- Areas of Convergence and Divergence between ESA and SADC [Dr G Kanyenze, LEDRIZ]
- Implications of EPAs on Regional Integration in COMESA and SADC [Ms J Nalunga, SEATINI - Uganda]
- Implications of EPAs on Poverty and Development [Mrs N Ndlovu - ZIMCODD]
- Discussant [TBA]
- Questions and Discussions

**(1130-1300) SESSION VI: Group Work – Re-strategising EPA Negotiations [Chairing – Dr M Masiwa]**

- How to ensure harmonisation of SADC and ESA Positions
- How to ensure EPAs promote Development
- How to ensure EPAs promote Regional Integration
- Improving the participation of Non-State Actors

**1300-1400 LUNCH**

**(1400-1630) SESSION VII: Way Forward**

- Group Reports
- Panel discussions
- Way Forward
- Conclusions
- Closing Remarks
- Communiqué

**1515-1530 TEA/COFFEE BREAK**

**1630 THE END**

## ANNEX2: LIST OF PARTICIPANTS

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