



Technical Report:

Swaziland WTO Trade Facilitation National Self-Assessment of Needs and Priorities

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BACKGROUND

As part of the Doha Development Agenda in the World Trade Organization (WTO), Members are negotiating new commitments in the area of trade facilitation. The negotiations aim to further expedite the movement, release and clearance of goods, including goods in transit as well as to enhance technical assistance and support for capacity building in this area. For developing countries, new legal commitments in the area of trade facilitation will be linked to each country's implementation capacity. Therefore, developing countries are encouraged to undertake a national self assessment of their needs and priorities in trade facilitation.

Out of a total of over 70 countries, Swaziland requested the WTO a to assist them with a national WTO Trade Facilitation Self-Assessment of Needs and Priorities workshop to help them identify the main areas where technical assistance and capacity building will be required, whether for example it is human, institutional and/or infrastructural, as well as to determine measures that would need delayed application or other special and differential treatment. This exercise is also expected to help Swaziland to determine its national negotiating position on each of the proposed measures.

INTRODUCTION

The WTO made a request to the Southern Africa Trade Hub to assist financially and technically in the WTO Trade Facilitation Self-Assessment of Needs and Priorities workshops in certain SADC Countries. Although the Trade Hub had conducted WTO Trade Facilitation Assessments in Angola, Malawi and Zambia in the last three years, the Swaziland Assessment was the first to be conducted using the new WTO Self-Assessment tools.

As a result, the Swaziland WTO Trade Facilitation Self-Assessment of Needs and Priorities workshop was conducted jointly by WTO and Trade Hub staff.

OBJECTIVES

- To facilitate the Trade Facilitation Self Assessment Needs and Priorities for Swaziland in terms of GATT Articles V, VIII and X.
- To provide guidance for the working groups in the completion of the Needs and Priorities Assessment.
- To ensure Swaziland can model their regulations, practices, and procedures in line with WTO Trade Facilitation proposals.
- To recognize and explore areas where they may be need for technical assistance and find ways in which we may be able to assist.

HIGHLIGHTS

A series of high level meetings were held on the June 20, 2008 by WTO and Trade Hub officials and high level top officials from the Government of Swaziland to gain political will and sensitization on the importance of trade facilitation negotiations and the needs assessment for Swaziland. The officials were expected to release the relevant personnel for the workshop. The meetings were held with the following;

- Ministry of Works and Transport
- Customs Commissioner M.L. Vilakazi and Director of Bureau of Standards
- Chambers of Commerce
- Attorney General's Chambers, Attorney General J.M Dhlamini.
- Ministry of Foreign Affairs and Trade; Permanent Secretary, Ambassador Mamba.

The workshop was officially opened by the Permanent Secretary, Ambassador Mamba. In his remarks he highlighted the importance of trade facilitation and greatly appreciated organizations such as the Trade Hub and WTO in their assistance to support such initiatives.

The WTO and Trade Hub staff gave short presentations on WTO Trade Facilitation Negotiations and an outline of the Trade Facilitation assessment Guide developed by the WTO and WCO to be used during the assessments.

Thereafter the workshop was marked by the self assessments of the needs and priorities with respect to trade facilitation.

The workshop was closed by the Permanent Secretary, Ambassador Mamba, who greatly applauded such a workshop and the work and support that has been given by the three organizations (Trade Hub, WTO and WCO).

ISSUES AND RECOMMENDATIONS

From the Self Assessment carried out, it was found out that Swaziland was not compliant in certain areas, and needed to improve in the following in order to comply with WTO Trade Facilitation Proposals:

- Development of machinery and mechanisms to provide for effective publication of trade regulations on internet. This includes all trade procedures and for those related to transit of goods as well.
- Need for regular consultation amongst and between all stake holders on new or amended regulations pertaining to trade and trade related procedures.
- Importance of coordination and cooperation between border agencies and between countries in the same regions. This includes the formation of regional transit agreements.
- Fees and charges in connection with importation and exportation should be proportional to administrative costs and should not be a form of revenue.
- Swaziland to adopt and use international standards.
- Establishment of a one stop border posts.
- Development of a risk management system and post clearance audit.
- Phasing out mandatory use of brokers.
- Need for appeal procedures and advance rulings.

Some of the reasons for non compliance or barriers which hinder effective compliance were:

- Poor telecommunications infrastructure.
- Human resources constraints; lack of expertise, insufficient manpower, and lack of motivation and training.
- Lack of effective communication between relevant stakeholders.
- Lack of legislative and policy mechanisms to capture the proposals.
- Financial constraints; for training and infrastructure development.
- Lack of awareness and education.

The assessment recognized some actions which Swaziland may take locally to comply with the outlined proposals included:

- Intensify Public education and Awareness.
- Recruitment of relevant personnel.
- Establishment of information centers.
- Promotion of Public/ Private Partnerships.
- Review, update, and draft trade related legislations.
- Invest in telecommunications infrastructure.

Additionally, the delegates also highlighted areas where Swaziland will need technical assistance from relevant international and regional organizations such as the Trade Hub. These included:

- Financial assistance for training, capacity building and development of infrastructure.
- Technical expertise, for instance, for aligning practice with international standards, for updating of legislations. Reference was made to the Draft Customs and Excise Act and the Customs and Excise Regulations that the USAID Trade Hub has drafted on behalf of the

Swaziland Customs and Excise department to help align their legislations with the regional and international practices. This legislation is awaiting Parliamentary approval.

- ICT support and implementation.
- Establishment of Risk Management and Post Clearance Audit Units.

There were also areas where the delegates confirmed that Swaziland was in compliance and may not need to work on the measures. These included:

- Elimination of pre shipment inspection.
- Prohibition of consular requirements.
- Strengthened non discrimination.
- Objective tariff classification.
- Disciplines on restrictions to freedom of transit.

ANNEX 1: LIST OF CONTACTS

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