



Tracking the Resolution of **Non-Tariff Barriers** in COMESA through the **Tripartite Online NTBs** **Mechanism**

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Policy Paper

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CONTENTS

1. Background and Motivation	1
2. Objectives	2
3. Data Collection and Handling Considerations	2
4. Key Findings and Observation	3
4.1 Usefulness of the Online NTBs Data: Descriptive Statistical Perspective	3
4.2 User-friendliness of the Online NTBs Data	16
5. Conclusion and Suggestions	17
5.1 Conclusion	17
5.2 Suggestions	18

Introduction

1. Introduction

1.1 Background

In 2006, Member States of three Regional Economic Communities (RECs) – the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC) and the Southern African Development Community (SADC) – came together to establish the Tripartite Free Trade Area (TFTA), towards strengthening and deepening economic integration among participating economies. Deeper integration is meant to be achieved through initiatives for harmonizing and coordinating the regulations, policies, programmes and practices of the three RECs. Some of the key areas of harmonization and coordination include trade and trade facilitation, customs cooperation, joint trade-related and infrastructure development.

While the TFTA was launched in June 2015, it is yet to be operationalized. This is because in addition to the eleven who have already signed and ratified the TFTA, bringing the Agreement into force will require at least three more Member States to ratify it.

By market size, membership, Gross Domestic Product (GDP) and other attributes, the Tripartite region constitutes the largest bloc in Africa. The 29 countries comprising of the Tripartite area make up 53 percent of the 55 sovereign States in Africa. Based on UNCTAD data¹, its total population was 799 million in 2020, accounting for 60 percent of Africa's 1.34 billion population. The combined GDP (in current terms) of all economies in the Tripartite region stood at US\$1.5 trillion in 2020, which was 59 percent of Africa's US\$2.5 trillion GDP in that year. Exports and imports from all the Tripartite economies combined were US\$231.7 billion (60% of African exports) and US\$301.4 (59% of African imports), respectively, in 2020.

Within the Tripartite region, COMESA is the largest REC in terms of membership, market size and GDP, and the EAC is the smallest. Despite the heterogeneity among the three RECs, they each seek to offer their business communities the best opportunities to overcome the relatively diminutive size of individual national economies. Therefore, it made sense for the three to come together to further enhance market consolidation and achieve greater trade, investment and economic development. The elimination of bottlenecks, barriers and constraints to trade (i.e., Non-Tariff Barriers (NTBs)) and development is a crucial element of the TFTA integration agenda.

1.2 Motivation: Why the RECs Focus on Non-Tariff Barriers

Non-Tariff Barriers are a major challenge constraining further expansion of regional and international trade in the COMESA and wider Tripartite regions. They prevent the free flow of commodities in the region and restrict the establishment of new products and industries for trade within the RECs and across the Tripartite region. Ultimately, NTBs adversely affect intra-regional trade and hamper trade-based development.

By definition, NTBs are trade "restrictions that result from prohibitions, conditions, or specific market requirements that make importation or exportation of products difficult and/or costly. NTBs also include unjustified and/or improper application of Non-Tariff Measures (NTMs) such as sanitary and phytosanitary (SPS) measures and other technical barriers to Trade (TBT). NTBs arise from different measures taken by governments and authorities in the form of government laws, regulations, policies, conditions, restrictions or specific requirements, and private sector business practices, or prohibitions that protect the domestic industries from foreign competition"²

Countries in the TFTA therefore participate in programmes and activities to identify, monitor and eliminate NTBs within the Tripartite Area. Towards this end, an online NTBs Reporting, Monitoring and Eliminating Mechanism was developed and

implemented by COMESA, EAC and SADC, initially, with technical and financial support from TradeMark Southern Africa (TMSA), a DFID-financed programme³, and over the years, with additional support from other partners, notably the African Development Bank (AfDB).⁴

The Online NTBs Mechanism incorporates provisions for reporting NTBs as they occur within territorial boundaries of Member States and establishing concrete timelines to resolving them within an overall regulatory framework. At the Member State level, the system is coordinated by structures called NTBs Monitoring Committees (NMCs). As reflected on the NTBs website⁵, the Mechanism: “enables stakeholders to report and monitor the resolution of barriers encountered as they conduct their business in the COMESA, EAC and SADC regions. It enhances transparency and easy follow-up of reported and identified NTBs and NTMs. The web based NTBs Reporting, Monitoring and Eliminating Mechanism is accessible to economic operators, government functionaries, academic researchers and other interested parties”. The NTBs Mechanism website lists all 29 Member States that are part of the Tripartite area⁶, including the 21 COMESA Member States. Nonetheless, NTBs often still arise. For instance, as of June 2020, there were 14 officially recorded outstanding NTBs in COMESA, according to data in the Online NTBs Mechanism.

However, in recent times, there have been few, if any, systemic evaluations of the effectiveness of implementation of the Online NTB Mechanism. A key evaluation question arising from the establishment and implementation of the Online NTBs Mechanism therefore has to do with how well the Mechanism has fared in capturing, publishing and publicizing information on the imposition and resolution of NTBs under the Tripartite. This is an important issue because the public provisioning of information on NTBs should potentially offer evidence to its users that the platform works. It should also give indications about how the Tripartite area is faring in resolving NTBs. Making information publicly available, especially in a user-friendly fashion, ensures awareness building and relevance of the mechanism. These are among the main considerations of this internal policy paper.

2. Objectives

The focus of this policy paper was to review the Online NTBs Mechanism and determine how it fared over 2004-2020 in capturing and publishing information on the erection and resolution of NTBs in the COMESA region and Tripartite area. Specifically, the policy paper sought to achieve the following:

- To establish the number of (active and resolved) NTB complaints that were recorded on the Online NTBs Mechanism over the reference period, both in aggregate terms across the Tripartite and COMESA regions as well as in all participating countries individually.
- To establish the patterns of Member States and RECs reporting of NTBs to the online system, categorized by geographical state (coastal, island, or landlocked) of countries and RECs.
- To determine the speed with which barriers were resolved in relation to resolved NTBs.
- To establish the overall user-friendliness and usefulness of the data and information that are published on the Online NTBs Mechanism website.

3. Data Collection and Handling Considerations

The NTBs data used in this analysis was collected exclusively from the NTBs website⁷. The website lists all NTB complains by

countries and Regional Economic Communities (RECs) and against these entities for the period 2004 to date. The reporting is in three categories of complaints, namely: active complaints; resolved complaints; and non-actionable complaints. For each category, the website presents all applicable NTBs, describing them in terms of:

- Complaint number;
- NTB Type (i.e., categorization);
- Date of Incidence;
- Location (where NTB was reported against);
- Reporting country or region (i.e., complainant);
- Status; and
- Actions [taken].

This analysis used these fields to analyze the trends and patterns of NTB reporting and elimination from the point of view of the Online NTBs Mechanism. Additional data and information on country-specific characteristics of interest such as the geographic designation of countries as coastal countries, islands or landlocked countries, which were important for the analysis, but are not included on the NTBs website, were obtained from other authentic sources (e.g., World Atlas⁸ for geographic data) and used to augment the Online NTBs Mechanism data. The analytical approach was in terms of simple descriptive statistical analysis.

A major limitation of the NTBs website was that it did/does not possess data and information querying and download functionalities through which the NTBs data could be readily customized and managed for analysis. The policy paper therefore collected the NTBs data through a tedious manual process of copying and pasting each relevant webpage of the website. Because of this limitation, this policy brief only collected data on two complaints categories only, notably: *active complaints*; and *resolved complaints*. The category on non-actionable complaints was disregarded to keep the analysis tractable.

4. Key Findings and Observation

4.1 Usefulness of the Online NTBs Data: Descriptive Statistical Perspective

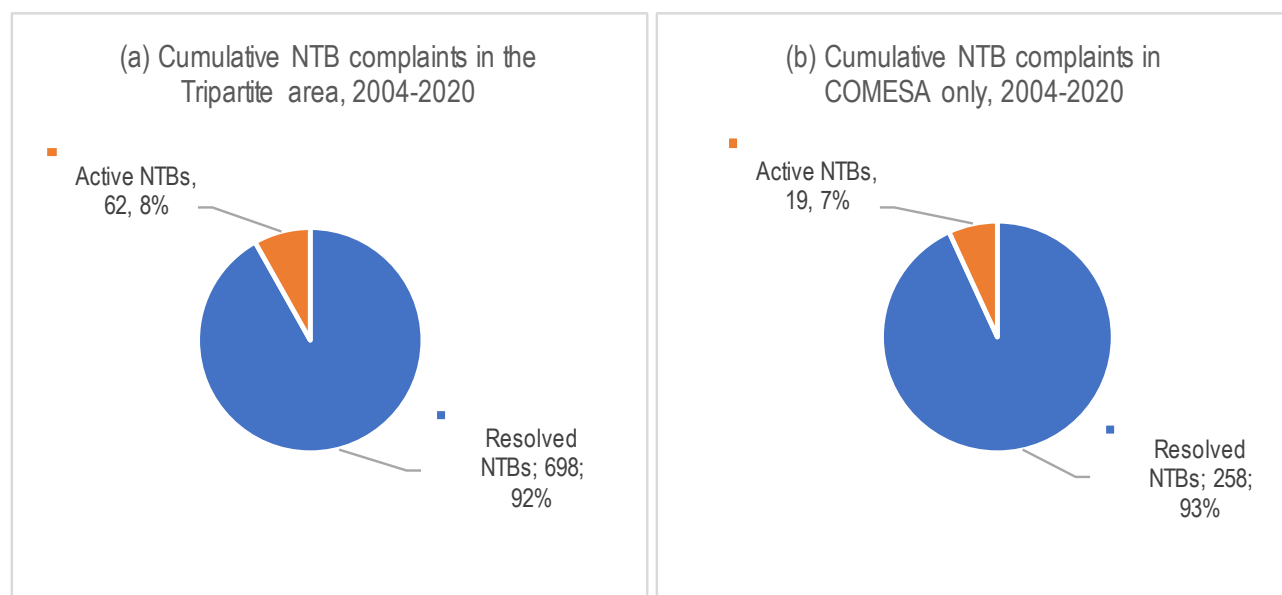
(a) Online NTB Complaints: 2004-2020

- ***Overall and COMESA-specific NTB complaints recorded on the Online NTBs Mechanism over the reference period (2004-2020) and across all countries. And NTB complaints recorded as active and resolved as of end-2020***

The Online NTBs Mechanism recorded a total of 760 NTB complaints in the Tripartite region during 2004-2020. Out of these, 698 NTB complaints (92 percent) were reported as resolved by the end of 2020 while 62 NTBs (8 percent) were still active (unresolved) (Figure 1, Panel (a)). Thus, overall, the rate of NTB complaints resolution was relatively high over the reference period.

With a similar pattern in relative terms, a total of 277 NTB complaints were recorded on the Online NTBs Mechanism in COMESA during 2004-2020, of which 258 complaints (93 percent) were reported as resolved by the end of 2020 and 19 (7 percent) were still active (unresolved) (Figure 1, Panel (b)). The 19 active NTB complaints in COMESA were 31 percent of the 62 complaints in the Tripartite region and similarly, the 258 resolved COMESA NTBs were 37 percent of the 698 Tripartite NTBs.

Figure 1:



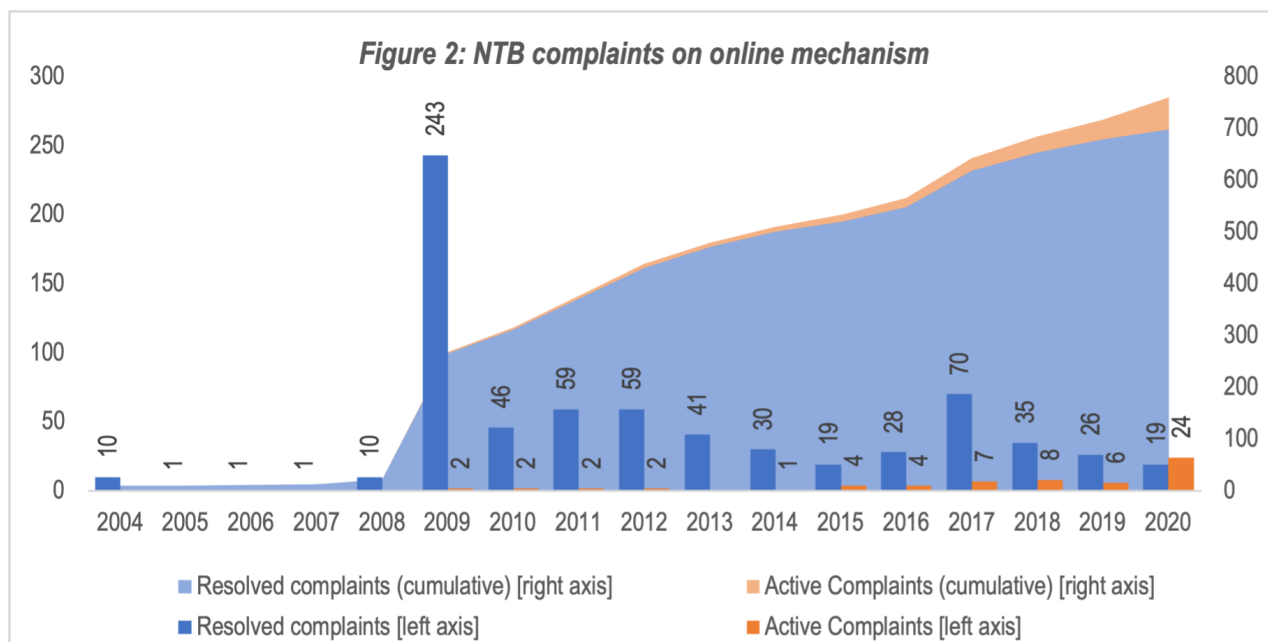
Source: constructed from Online NTBs data

Thus, despite COMESA larger size in terms market size and spatial coverage, the share of NTBs associated with intra-COMESA trade was relatively lower than overall NTBs, suggesting that the bulk of NTBs in the Tripartite were associated with trade among non-COMESA countries or COMESA countries with non-COMESA countries.

- **Breakdown of resolved and active NTBs by year in which the complaint was reported to the Online NTBs Mechanism**

Resolved and active NTBs on the online platform were analyzed by year of complain (i.e., by the year in which the NTB incidence was reported) for the Tripartite regional level overall as well as for COMESA. The analytical profiles are presented in turn below:

Firstly, regarding resolved NTBs in the Tripartite, the largest number of NTB complaints recorded as resolved on the mechanism was in 2009, with 243 resolved NTBs (Figure 2). This was relatively very high compared to the average NTBs resolved in a typical year, which stood at 41 NTBs per year.

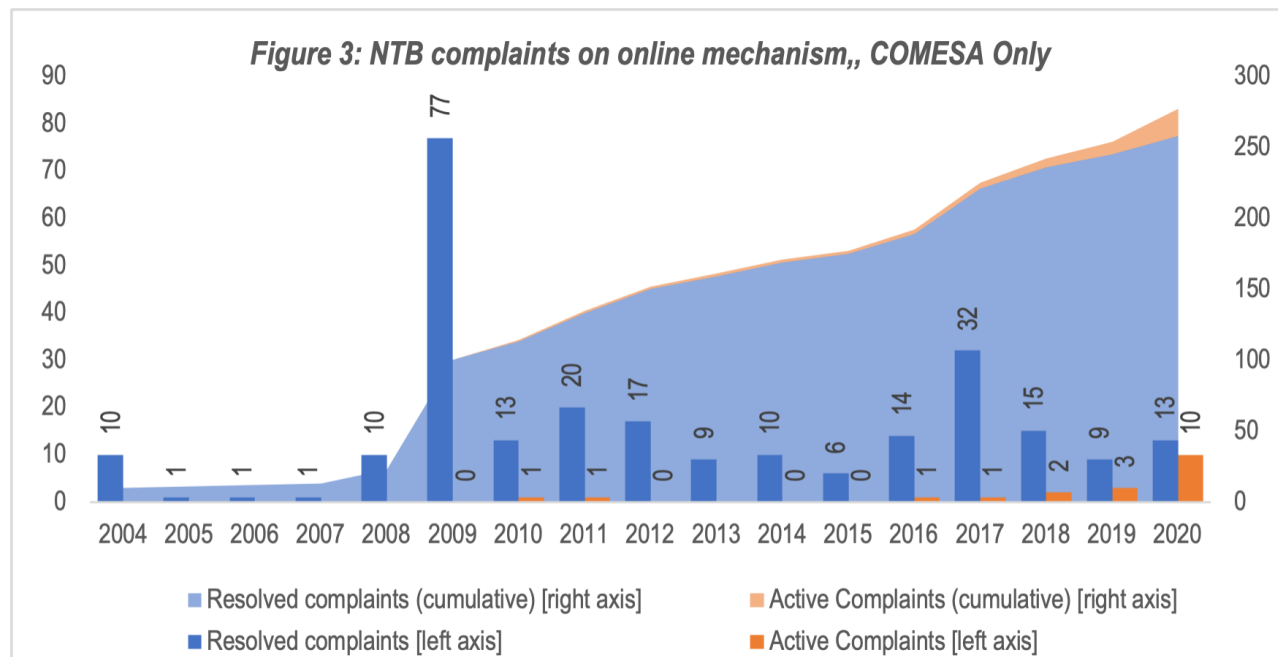


Source: constructed from Online NTBs data

Secondly, the largest number of active NTBs over the period was in 2020, with 24 active NTBs. Other than in that year (2020) when resolved NTBs (19) were fewer than active ones (24), the number of resolved NTBs in each year was consistently higher than that of active NTBs.

Finally, in consonance with Figure 1, cumulatively, the total number of resolved NTBs recorded on the online platform reached 698 as of end-2020 while that of active NTBs reached 62 by the end of the same year.

At the COMESA level (Figure 3), the largest number of NTB complaints resolved over the period was also in 2009, with 77 resolved NTBs. Similar to the overall Tripartite picture, the number of NTBs resolved in 2009 was relatively higher than the average NTBs resolved in other years over the period. The largest number of active NTBs over the period in COMESA was in 2020 with 10 active NTBs.



Source: constructed from Online NTBs data

▪ **Patterns of Member State and REC reporting of NTBs to the online system, categorized by geographical state (coastal, island, or landlocked) of countries and RECs**

Firstly, using supplementary information – from World Atlas – on the geographic classifications, the policy brief grouped the 26 countries and three regions (collectively referred to as territories) on the Online NTBs Mechanism into four sub-groupings, namely: Coastal, Island, Landlocked and REC. Overall, it was observed that among the four groupings, 10 territories were Coastal countries, three were Island states, 10 were landlocked countries and three are RECs (COMESA, EAC and SADC).

In terms of NTB reporting, as earlier indicated, the Online NTBs Mechanism captures both complaints by a territory and complaints against a territory, and the complaints could have been resolved during the reference period (resolved NTBs) or unresolved (active NTBs). By geographic classification, all territories had at least NTB reported against them over the period 2004-2020 but not all territories reported an NTB on the NTBs platform. Overall, the territories reporting against others were less than the territories being reported against. That is, all countries and RECs had at least one NTB complaint against them over the period but not all countries and RECs participated on the platform as complainants; two coastal countries and one landlocked country did not participate at all in the online platform over the period 2004-2020 (Table 1).

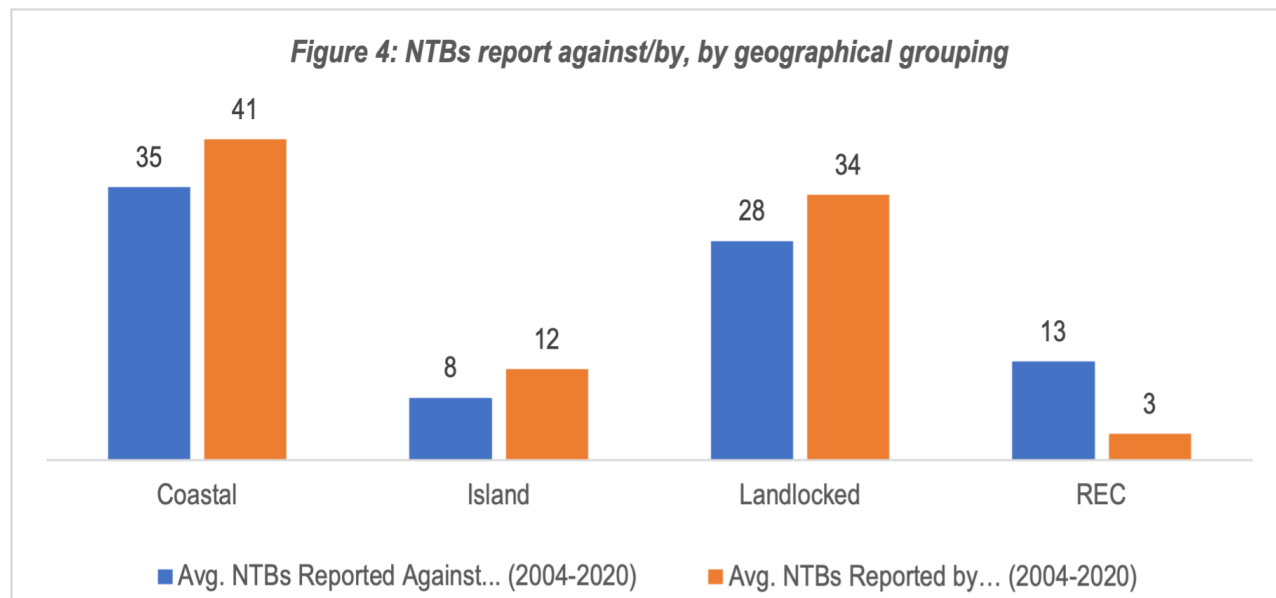
Table 1: Groupings reported against and grouping reporting NTBs

Geographical grouping	Territories reported against (No.)	Reporting territories (No.)
Coastal	10	8
Island	3	3
Landlocked	10	9
REC	3	3
Total	26	23

Source: constructed from Online NTBs data

Based on the classification of territories into the above geographical groupings, the policy brief observed the following regarding the period average number of NTBs reported against and reported by a typical member of each geographical grouping (Figure 4):

- Coastal countries each had 35 NTBs reported against them, on average, over the period (2004-2020) and each reported 41 NTBs, on average, against other territories. Among the geographical groupings, the coastal countries had the highest average numbers of both NTBs they report and NTBs reported against them.



Source: constructed from Online NTBs data

- The landlock countries and Island States had similar patterns as the coastal countries; respectively, they reported more NTBs on average than they had reported against them over the period.
- On the other hand, the REC had a different pattern from the other three groupings. The RECs reported far fewer NTBs against others than they had reported against them over the period. Possibly, the RECs – through their secretariates – refrain from raising reports against their Member States to avoid potential backlashes of “biting the hand that feeds you”.

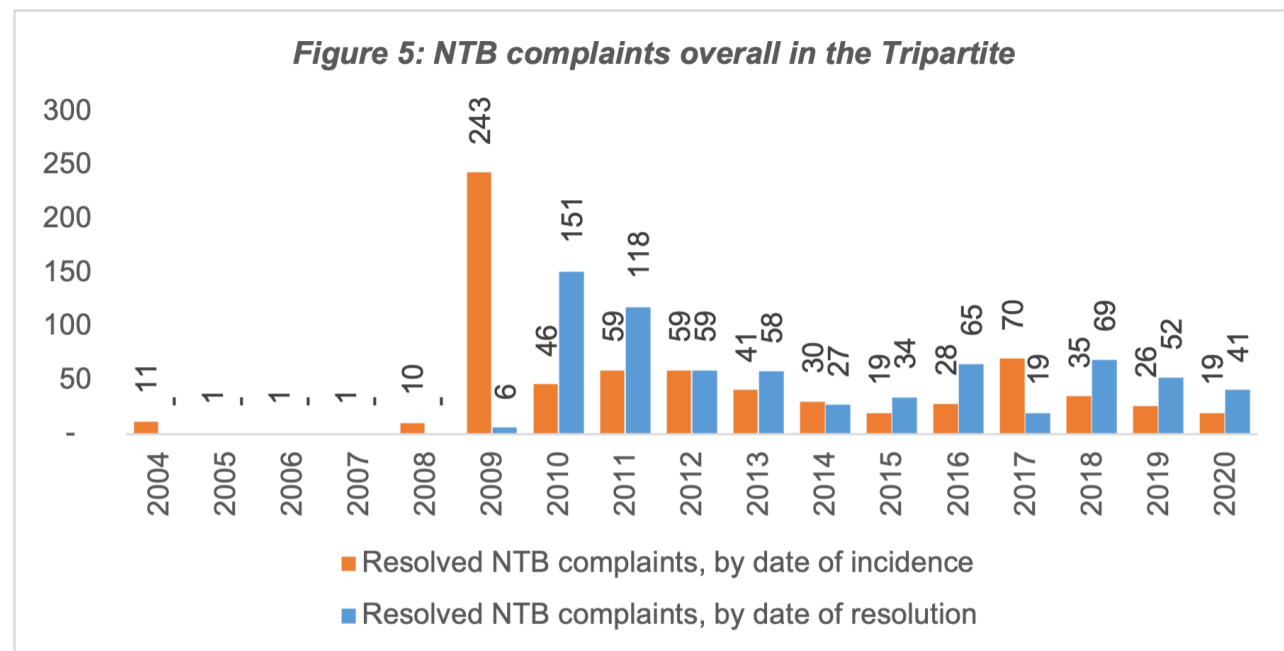
(b) Resolved NTB Complaints on the Online Platform: 2004-2020

▪ Overall Tripartite and COMESA pattern of “resolved NTBs” captured on the online platform

It should be noted that the Online NTBs Mechanism records “resolved NTB complaints” (i.e., NTB complaints that were resolved at some point during January 2004 to March 2021) by *date of incidence* and *date of resolution*. In Sub-section (a), the focus of the analysis of resolved NTBs was on the *date of incidence* only; that was to gain a general understand. In this Sub-section, the analysis considered resolved NTB complaints by both *date of incidence* and *date of resolution*, to gain more specific insights into the efficiency with which NTBs were resolved in the Tripartite and in COMESA.

The total numbers of NTBs reported as resolved in the Tripartite in each year between 2004 and 2020 are presented in

Figure 5, by year of incidence and year of resolution. As seen earlier, the largest incidence of resolved NTBs was reported in 2009, with 243 NTBs reported in that year. Only 6 NTBs were resolved in that year. In the years that followed, the incidences of resolved NTBs declined markedly, averaging 47 and 36 NTBs per year over 2010-2014 and 2015-2019, respectively. In 2020, only a relatively lower incidence of 19 NTBs was recorded.

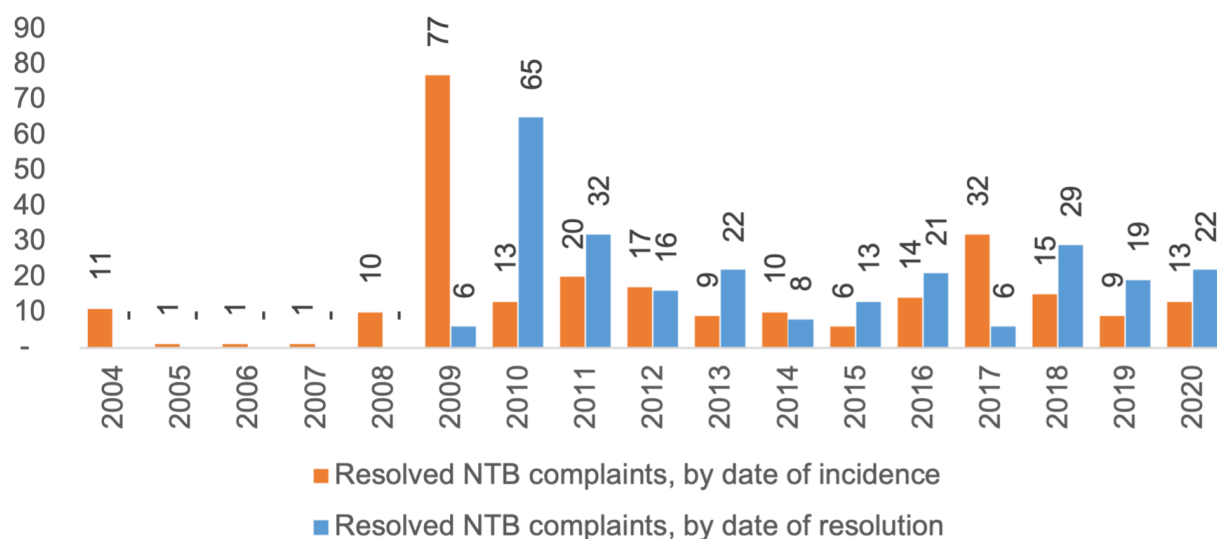


Source: constructed from Online NTBs data

By year of resolution, the largest numbers of resolved NTBs were reported in 2010 and 2011, with 151 and 118 NTBs reported as resolved in those years, respectively. In tandem with declining NTB complaints incidences, the number of resolved NTBs by year of resolution also declines, closing the period with 41 NTB complaints reportedly resolved in that year (2020).

At the COMESA level (Figure 6), the total numbers of NTBs reported as resolved in each year over 2004-2020 are presented in Figure 5, by year of incidence and year of resolution. The largest incidence of resolved COMESA NTBs was in 2009; a total of 77 NTBs were reported in that year. Only 6 NTBs were resolved in that year, the same number as seen at the Tripartite level (in Figure 5), implying that all NTBs resolved in that year were related to intra-COMESA trade. In subsequent years, the incidences of resolved NTBs declined markedly, albeit with a notable spike in 2017. By the close of the period (2020), the incidence of NTBs was relatively low at 13.

Figure 6: NTB complaints in COMESA only



Source: constructed from Online NTBs data

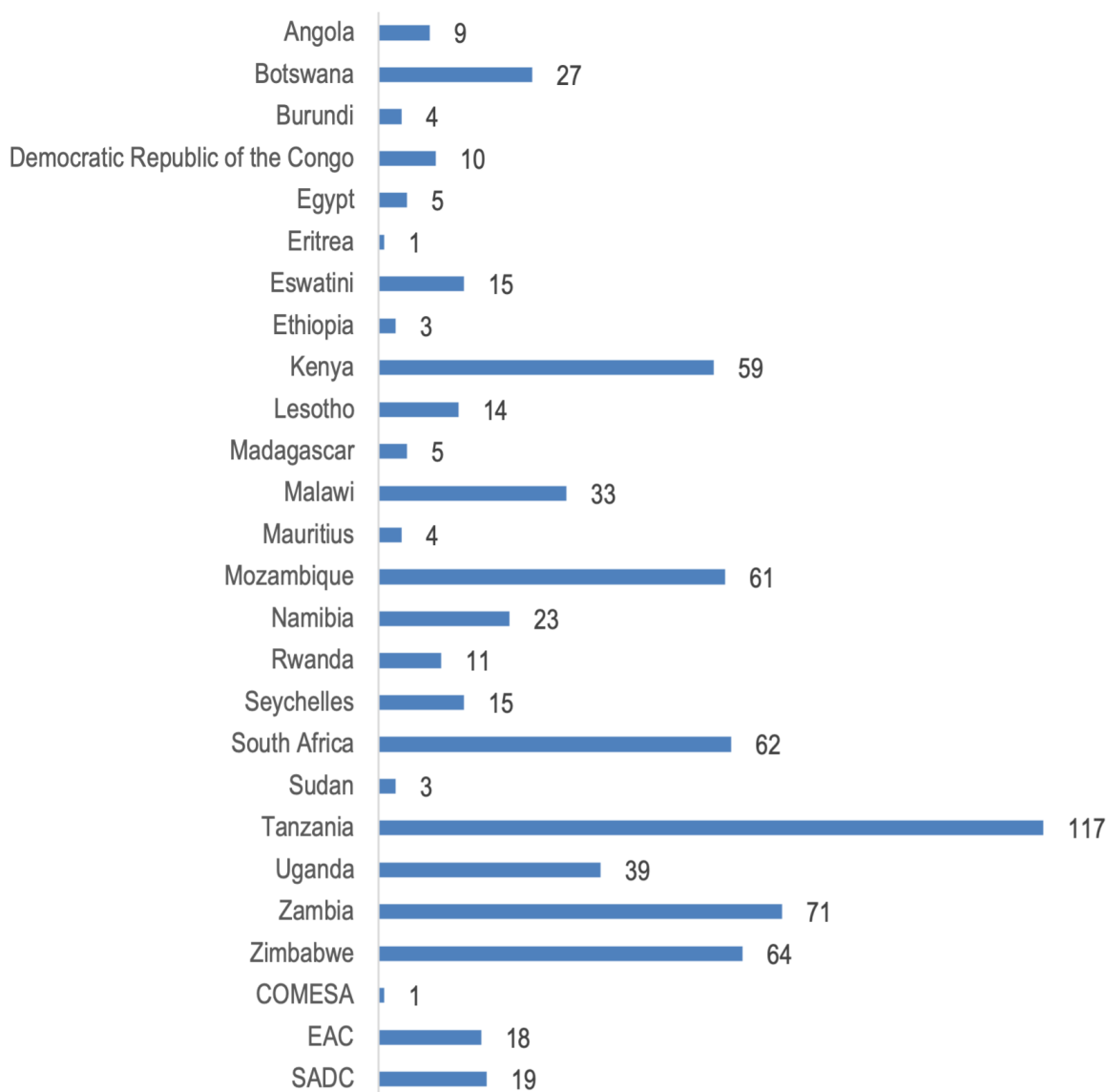
By date/year of resolution, the largest number of resolved NTBs in COMESA was in 2010, with 65 NTBs reported as resolved. In tandem with declining NTB complaint incidences, the number of resolved NTBs by year of resolution also declined, closing in 2020 at 22 NTB complaints resolved.

▪ **Sources of Complaints for resolved NTBs at the Member State and REC levels, during 2004-2020**

Cumulatively at the Tripartite level, the largest number of resolved NTB complaints reported against a single territory, by year of incidence, was against Tanzania, with a total of 117 NTB incidences over 2004-2020 (Figure 7). Zambia and Zimbabwe, with 71 and 64 resolved NTBs, respectively, that had been reported against them. South Africa (62), Mozambique (61) and Kenya (59) also had large numbers of resolved NTBs reported against them. The six countries listed here were the outliers in terms of relatively large numbers of NTBs¹; of these three – Kenya, Zambia and Zimbabwe – were COMESA Member States.

On the other side of the spectrum, Angola and SADC recorded the smallest incidences of NTB complaints (one each) during 2004-2021; they were followed by COMESA with two complaints against it.

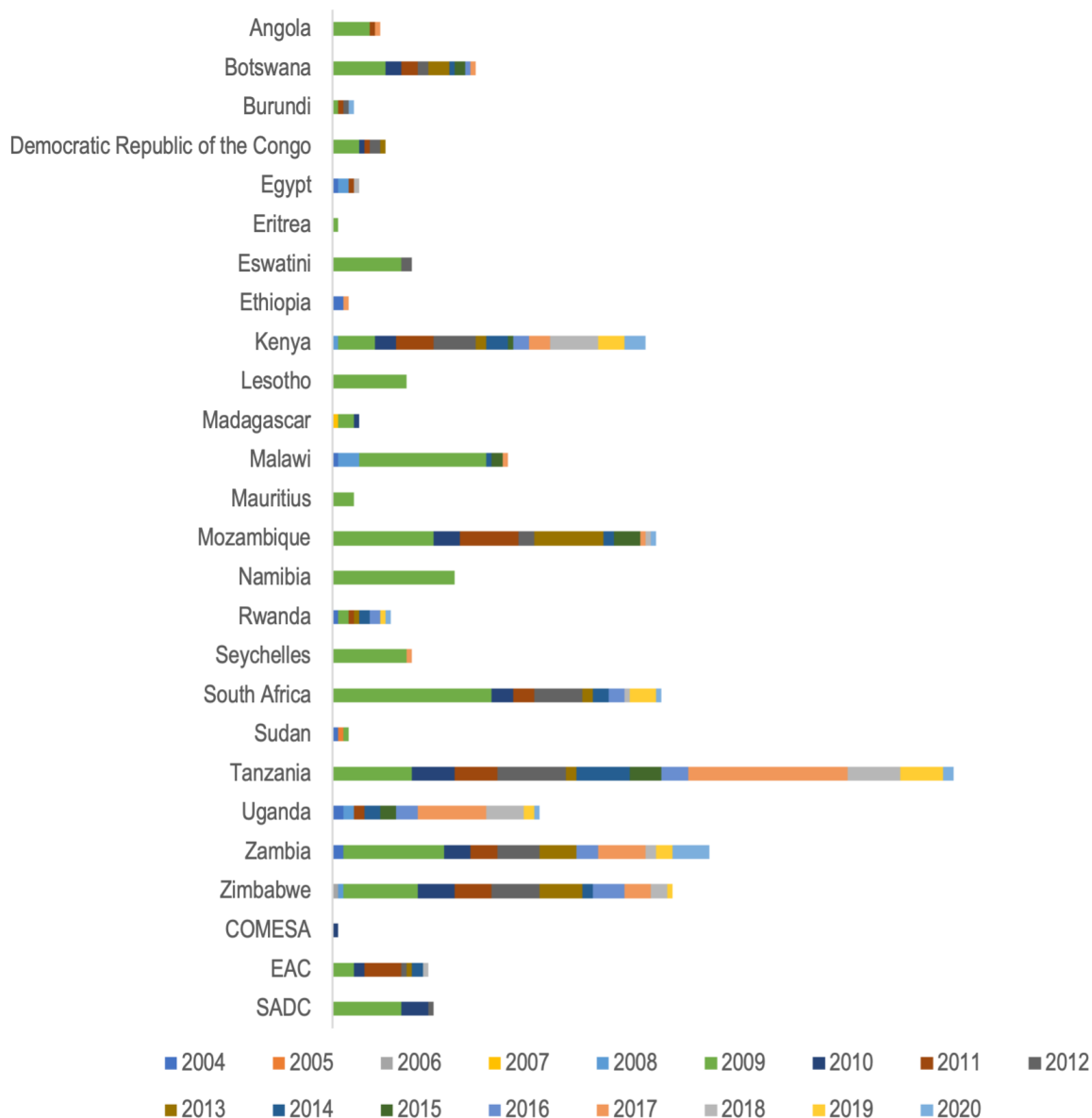
¹ From a statistical perspective, incidences of NTB complaints that were more than 29 standard deviations from the mean (of 27) were taken as an outlier or relatively large numbers of NTBs.

Figure 7: NTBs Reported Against... (2004-2020)

Source: constructed from Online NTBs data

To demonstrate the annual distribution of resolved NTBs incidences reported against each territory, Figure 7 was transformed in terms of Figure 8. Figure 8 presents a breakdown, by year of incidence, of resolved NTB complaints for each territory. The main observation is that for most countries, 2009 was the most problematic year in terms of reported NTBs against them. For a few, notably Tanzania and Uganda, 2017 was also problematic.

Figure 8: NTBs Reported Against... (2004-2020)



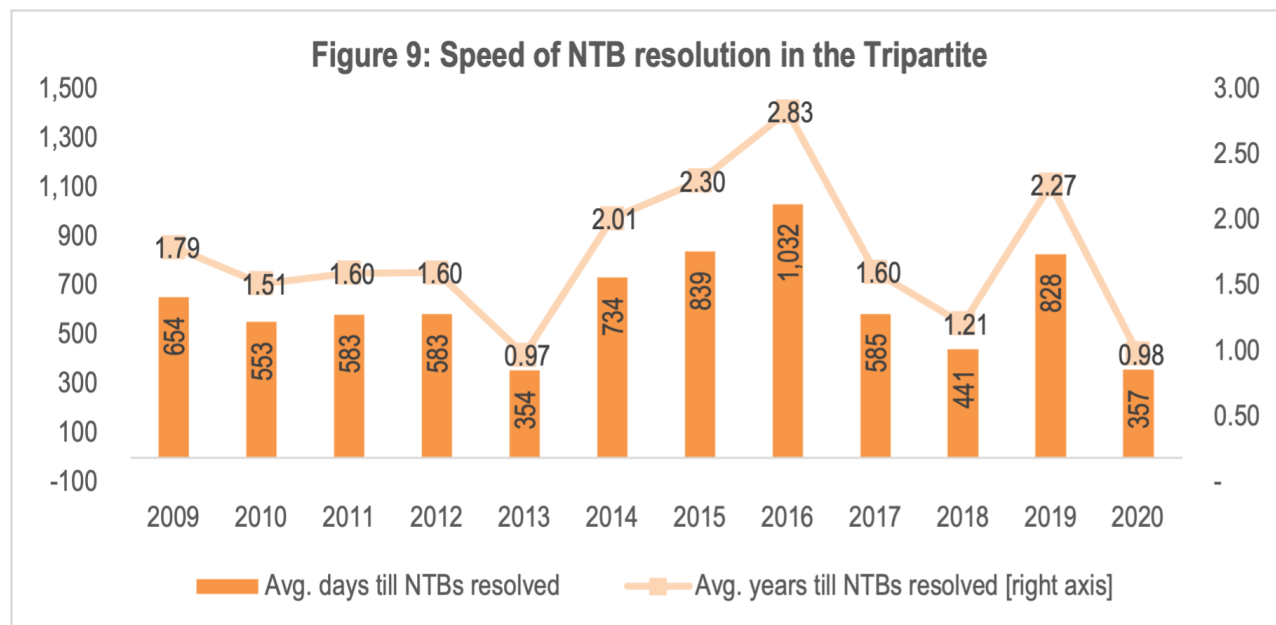
Source: constructed from Online NTBs data

(c) Efficiency of Resolution of NTBs on the Online Mechanism: 2004-2020

- **Speed with which NTB complaints were resolved in aggregate across the countries and RECs, and in COMESA**

The variables on *date of incidence* and *date of resolution* (under "status") in the Online NTBs Mechanism offer insights into the speed or annual rate of resolution of reported NTBs. The analysis therefore calculated the average number of days and years from the time of reported an NTB complaint on the online system until the time the NTB complaint was resolved.

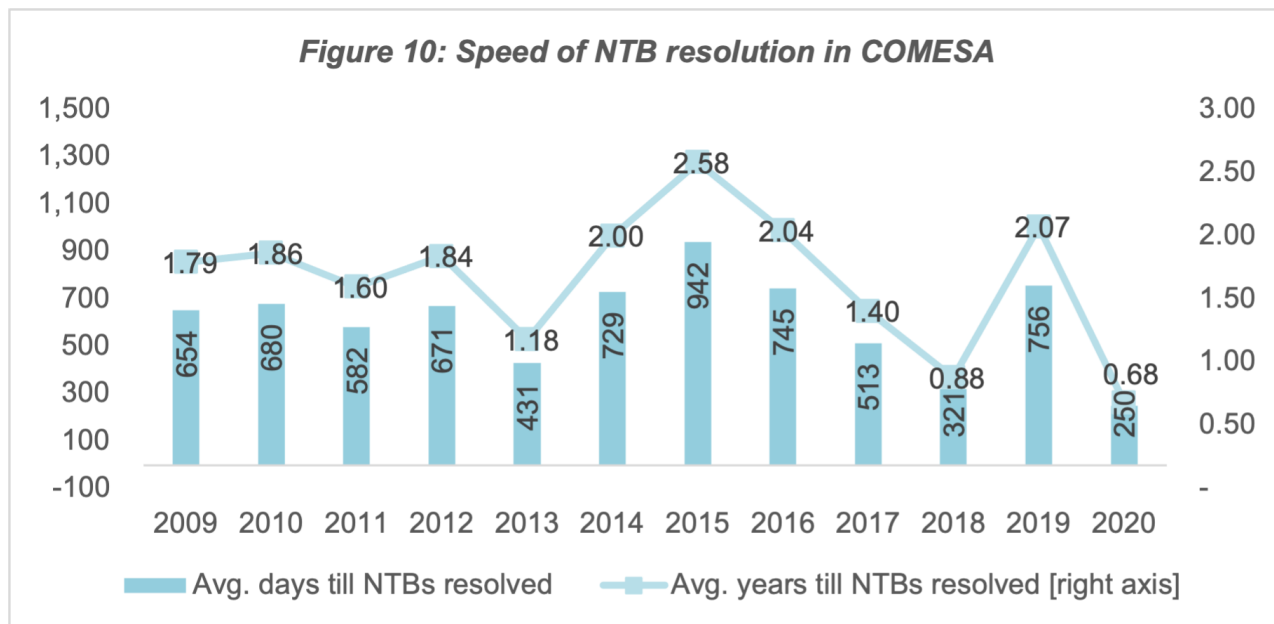
The results on the Tripartite regional level are presented in Figure 9. In terms of interpretations, for instance, NTB complaints that were resolved in 2009 had taken, on average, 656 days (1.79 years) to resolve from the date of incidence. The annual average number of *days till NTBs resolved* declined to a period low of 354 days in 2013 before rising to a peak of 1,032 days (2.83 years) in 2016, reflecting a relatively high prevalence of persistent NTBs. The speed of NTB resolution close the reference period at 357 days in 2020.



Source: constructed from Online NTBs data

The results from the COMESA regional level analysis are presented in Figure 10. The NTB complaints resolved in 2009 took, on average, 654 days (1.79 years) to be resolved, from *date of incidence* to *date of resolution*. The annual average number of *days till NTBs resolved* followed a relatively flat trend over 2009-2014, except for 2013, when the average dates declined to 431. The speed of NTB resolution spiked at 942 days in 2015 before gradual increasing to close the period at low of 250 days in 2020. Over the entire period, the average number of *days till NTBs resolved* in COMESA, at 606 days per year, was marginally lower than that at the Tripartite level overall, with 628 days per year on average. These observed averages deviate markedly from the legal time requirement in the NTBs regulations to resolve NTBs within 60 days of confirmation of an incidence.

Figure 10: Speed of NTB resolution in COMESA



Source: constructed from Online NTBs data

(d) Resolved NTB complaints, by NTB Category

The Online NTBs System classifies NTBs (both resolved and active) into the following eight broad categories:

- Category 1: Government participation in trade and restrictive practices tolerated by governments
- Category 2: Customs and administrative entry procedures
- Category 3: Technical barriers to trade (TBT)
- Category 4: Sanitary & Phyto-sanitary (SPS) measures
- Category 5: Specific limitations
- Category 6: Charges on imports
- Category 7: Other procedural problems
- Category 8: Transport, Clearing and Forwarding

A ninth category was created informally by this policy brief since the Online System also included, over the reference period, ad hoc entries representing COVID-19 related barriers that emerged in 2020.

▪ **Number of NTBs and Speed with which NTB complaints**

The results on resolved NTBs, by category, cumulatively over the period 2004-2020 as well as the speed (measured in number of days and years) with which the NTBs were addressed, from time of incident to time reported as resolved, are presented in Table 2.

The most prevalent NTBs resolved captured on the Online Mechanism over 2004-2020 were those relating to customs and administrative entry procedures (Category 2), with a total of 286 NTBs complaints in that category, which represented or 41 percent of all NTBs during the period. This was followed by transport, clearing and forwarding related barriers (Category 8) at 127 (or 18 percent of the total) over the period and then government participation in trade and restrictive practices tolerated by governments (Category 1) with 100 NTBs recorded or 14 percent. An inherent artifact of the Online NTBs system is that it

lends itself more strongly to reporting on trade barriers experienced at the border, which are easier to observe and report on.

In terms of speed of NTB resolution (or conversely, duration/persistence of NTBs from time of incidence the NTB to the time the NTB was reported as resolved), the top-three most persistent NTBs were in: the specific limitations categories where NTBs lasted, on average, for 1,041 days or 2.85 years; followed by the sanitary and phyto-sanitary (SPS) measures category with NTBs therein lasting 873 days or 2.39 years on average; and the transport, clearing and forwarding category with NTBs persisting for 840 days or 2.3 years on average. The strong persistence of SPS measures as well as technical barrier to trade (TBTs) (although TBTs do not feature significantly on the Online Mechanism) is corroborated by research studies done recently (Chikabwi⁹, 2022; Masunda¹⁰ et al, 2022; Willie¹¹, 2022).

Although SPS measures and TBTs are not readily captured on the Online NTBs Mechanism to the extent that they prevail in the region, given difficulties in observing and reporting on them, they are arguably the most problematic NTBs to address. Since they are difficult to resolve and remain unresolved for prolonged periods of time, some authors (Chikabwi, 2022; Masunda et al, 2022; Willie, 2022) have suggested that databanks be established for recording and tracking SPS measures and TBTs cases in general. However, given the past investment, extent of development and robustness of the Online NTBs Mechanism, a more cost-effective and reliable to improve to current Mechanism and make it more effective in covering NTMs more broadly, including SPS measures and TBTs.

Nonetheless, from the narrow perspective of the Online NTBs Mechanism in its current state, the customs and administrative entry procedures and the transport, clearing and forwarding categories were observed to have the highest combinations of large numbers of NTBs and longest durations of NTBs. This suggests that policy measures the focus on preventively or correctively addressing issues in these two areas could potentially markedly reduce the emergence of NTB complaints and hasten their resolution; the limited extend of data capture on TBTs and SPS measures notwithstanding.

Table 2: NTB complaints and speed of resolving NTB complains, 2004-2020

<i>Category description</i>	<i>No. of NTBs</i>	<i>Avg days to resolve NTBs</i>	<i>Avg years to resolve NTBs</i>
Category 1: Govt participation in trade & restrictive practices tolerated by govts	100	491	1.35
Category 2: Customs and administrative entry procedures	286	683	1.87
Category 3: Technical barriers to trade (TBT)	13	684	1.87
Category 4: Sanitary & phyto-sanitary (SPS) measures	4	873	2.39
Category 5: Specific limitations	57	1,041	2.85
Category 6: Charges on imports	21	663	1.82
Category 7: Other procedural problems	89	488	1.34
Category 8: Transport, Clearing and Forwarding	127	840	2.30
COVID-19 category	1	5	0.01

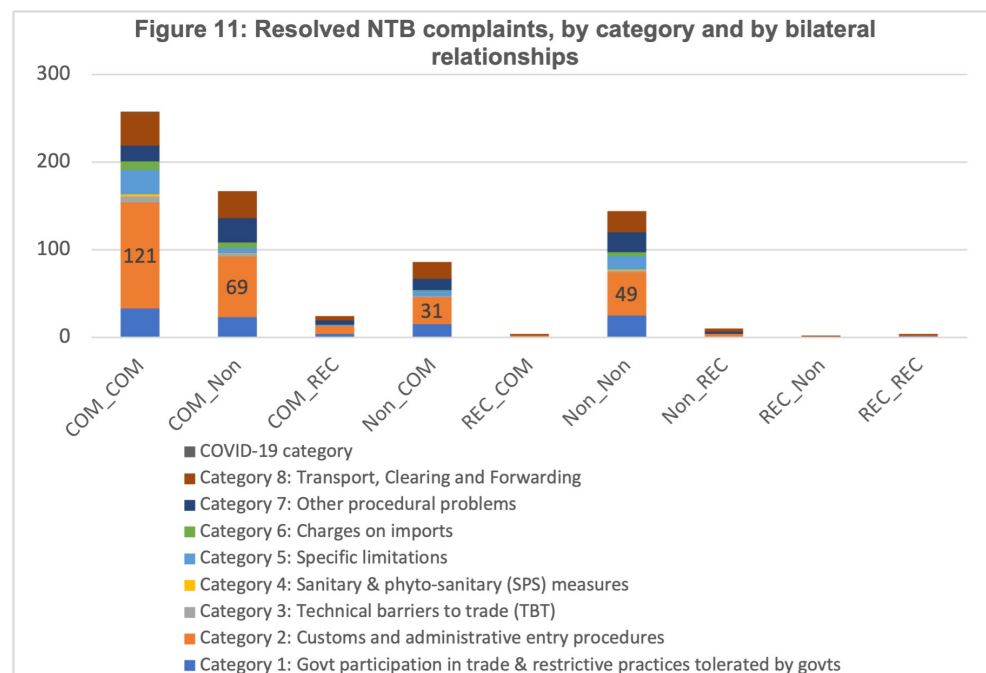
Source: constructed from Online NTBs data

- **Number of NTBs by Category and Regional Relationship**

The policy brief created from the Online Systems data nine categories of bilateral trade and therefore NTB relationships or groupings, namely:

- **COM_COM²**: where a COMESA Member State (COM) reported against a fellow COMESA Member State (COM) (dual Members of COMESA and SADC or COMESA and EAC were treated as COMESA Members);
- **COM_Non**: where a COMESA Member State (COM) reported against a non-COMESA State (Non);
- **COM_REC**: where a COMESA Member State (COM) reported against one of the three RECs (REC);
- **Non_COM**: where a non-COMESA State (Non) reported against a COMESA Member State (COM);
- **REC_COM**: where one of the three RECs (REC) through the secretariat reported against a COMESA Member State (COM);
- **Non_Non**: where a non-COMESA State (Non) reported against a fellow non-COMESA Member (Non);
- **Non_REC**: where a non-COMESA State (Non) reported against a REC (REC);
- **REC_Non**: where a REC (REC) reported against a non-COMESA State (Non); and
- **REC_REC**: where a REC (REC) reported against a fellow REC (REC);

The focus of the policy brief is on COMESA Member States, although the results are presented generally in Figure 11. Firstly, the highest number of resolved NTB complaints were reported by COMESA Member States reporting against fellow COMESA Members (COM_COM); overall, the COM_COM group recorded the largest number of NTBs complaints over 2004-2020, with 258 NTBs or 37 percent of the total on the Online NTBs system. Among the NTB categories, the largest number of NTBs for COMESA reporting against COMESA were in the customs and administrative entry procedures (Category 2), which had 121 NTBs (47 percent of the COM_COM group total) followed by the transport, clearing and forwarding category (Category 8) with 38 NTB (15 percent of the in-group total).



Source: constructed from Online NTBs data

The second highest number of NTB complaints were by COMESA Member States reporting against non-COMESA States (COM_Non) over 2004-2020, with 167 NTBs (24 percent of the total). Similar to the COM_COM grouping, the largest number of NTBs in the COMESA reporting against non-COMESA grouping (COM_Non) were in the customs and administrative entry procedures (69 NTBs or 41 percent of the COM_Non group total) and then in the clearing and forwarding category (31 NTB or 19 percent of the group total).

The third largest number of NTBs were by non-COMESA States reporting against fellow non-COMESA States (Non_Non), accounting for 144 NTBs or 21 percent of the system total. The largest number of NTBs related to the customs and administrative entry procedures (49 NTBs or 34 percent of the Non_Non group total) followed by the Government participation and restrictive practices category (Category 8) (25 NTB or 17 percent of the group total).

The RECs did very little reporting against members of the various groupings, including against fellow RECs.

(e) Summary of Impressions from the Review Observations

From the findings and observations of the analysis, it is almost trivial to highlight that similar analysis can be done at the individual country level and for SADC and EAC at the REC level. However, the analysis above is sufficient for demonstrating the sort of observations and insights that can come from the data and information Online NTBs Mechanism.

Overall, the Online NTBs Mechanism offers an extensive array of statistical insights into the trends and patterns of NTB complains reporting and resolution over the period 2004-2020 in the COMESA region and Tripartite area. The results presented here are but a small fraction of the full range of descriptive statistical insights that could be derived from the data on the online mechanism. The limited presentation provided here was to demonstrate the potential of the online mechanism.

4.2 User-friendliness of the Online NTBs Data

The data on the Online NTBs Mechanism, while relevant, useful and insightful for profiling the trends and patterns of NTBs in the Tripartite region, is not user-friendly. It has at least three key limitations:

- Firstly, as earlier alluded, the NTBs website does not possess data and information querying and download functionalities to enable easy harvesting and management of the data for analysis. Collecting and organizing the data for the policy brief therefore required a tedious and time-consuming manual process of copying and pasting each relevant webpages from the website. This also bore the risk of data and information capture errors and omissions.
- Secondly, the data, information and therefore, emerging observations from the analysis are not fully self-explanatory. For instance, the root source of the outlier observations on the NTBs incidence reporting in 2009 could not be explained based solely on the data and information on the NTBs platform.
- Thirdly, the data and information on the platform to not have a summary version or meta-description component that would help with providing better understanding, at a glance, of the data specifications and capabilities of the online mechanism.

Addressing these limitations will be useful for enhancing the user-friendliness and operational effectiveness of the Online NTBs Mechanism.

Additional limitations of the Online NTBs Mechanism, which were not directly considered in this review but needed to be addressed in order to improve the Online NTBs Mechanism were observed from the internal document on: "Update on improvements on the NTBs online and SMS reporting and Monitoring and Elimination Mechanism". The required

improvements that speak to enhancing the user-friendliness and operational effectiveness of the Mechanism included the following:

- Create an App for easy accessibility of the system by stakeholders;
- Provide option to select more than one country when reporting NTB;
- Allow countries (users) to add on to existing NTBs should they face the same, instead of submitting the same NTBs separately;
- System [to be upgraded] to isolate and organize NTBs by REC so that NTBs are grouped and can be easily searched by REC;
- Translate website into Arabic language [implying, present website in all official COMESA/Tripartite languages];
- Link the SMS [phone] tool to the Online NTBs system;
- Minimize human interaction with the system, allowing it to receive and transmit complaints automatically between SMS and National Online tools;
- Enable system to allow NTB units/Administrators to generate and share regular reports with Member/ Partner States;
- Provide more rights to Focal Points to generate reports from the system;
- Introduce traffic light monitoring dashboard;
- Activate automatic translation into other languages;
- Allow National Focal Points to update information on country details and changes in Focal Points; and
- Review [and enhance] the window for "Report NTB on behalf of unregistered user"

As of the time of preparing the policy paper, all the above improvements were work-in-progress towards enhancing the Online NTBs Mechanism.

5. Conclusion and Suggestions

5.1 Conclusion

Overall, the analysis revealed that the Online NTBs Mechanism performed quite well, over 2004-2020, in capturing and online publishing of data and information on the emergence and elimination of NTBs in the Tripartite area and in COMESA. The data and information were comprehensive and insightful, providing a firm basis for analysis and exposition of the trends and patterns of NTB complaints among Tripartite countries and RECs. The online platform has potential to establish a routine or periodic statistical profile of NTB complaints in the Tripartite region and in COMESA.

However, the online mechanism was not user-friendly as it did not readily lend itself to automated query and download functionalities. Towards this end, various enhancements would be required, as suggested below.

5.2 Suggestions

This policy paper makes the following suggestions:

- Towards widening the coverage the Online NTBs Mechanism to include NTMs more generally and in particular, enhancing its relevance and effectiveness in recording and tracking TBTs and SPS measures, and establishing when these become NTBs, consideration should be given to enhancing the technical specification of the NTBs Mechanisms into a broader Online NTMs Mechanism.
- In relation to the resolution of NTBs reported on the Online Mechanism, particular attention should be given to *customs and administrative entry procedures* as well as *transport, clearing and forwarding aspects at the border* as these were observed as having the large numbers of NTBs and longest durations of presence over the study's reference period. Policy measures that focus on preventively or correctively addressing

underlying barrier in these two areas – e.g., customs modernization and digitalization – would potentially markedly reduce the emergence of NTB complaints and hasten their resolution.

- In relation to making the Online System more user friendly, consideration should be given to enhancing the Online NTBs Mechanism by incorporating data and information query and download functionalities into the platform, which will make the online mechanism more user-friendly for analysis. • Efforts to upgrade the Online NTBs Mechanism website through the inclusion of a *dashboard features* should be sustained, towards establishing systemic element for generating and presenting summary statistical descriptions of the detailed NTBs data; this will offer an easy-to-access summary profile of NTB trends and patterns in the Tripartite and COMESA regions.
- Consideration should be given to the establishment of a periodic NTBs Statistical Bulletin, which could be targeted for annual publication. This would be important towards publicizing the Online NTBs Mechanism and its data as well as building awareness among stakeholders in Tripartite area and in COMESA about the NTBs programme about the prevalence of NTBs and progress in terms of the resolution of the NTBs.

References and Notes:

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- ² <https://www.tradebarriers.org/about>
- ³ TMSA (2011) “Establishing a Regional Non-Tariff Barrier Reporting and Monitoring Mechanism – Aid for Trade Case Story”, TradeMark Southern Africa (TMSA), OECD and World Trade Organization (WTO). January (<https://www.oecd.org/aidfortrade/47407106.pdf>)
- ⁴ <https://www.tradebarriers.org/about>
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- ⁶ Countries listed on the website: Angola (SADC), Botswana (SADC), Burundi (COMESA, EAC), Comoros COMESA, SADC), Democratic Republic of the Congo (COMESA, SADC), Djibouti (COMESA), Egypt (COMESA), Eritrea (COMESA), Eswatini (COMESA, SADC), Ethiopia (COMESA), Kenya (COMESA, EAC), Lesotho (SADC), Libya (COMESA), Madagascar (COMESA, SADC), Malawi (COMESA, SADC), Mauritius (COMESA, SADC), Mozambique (SADC), Namibia (SADC), Rwanda (COMESA, EAC), Seychelles (COMESA, SADC), Somalia (COMESA), South Africa (SADC), South Sudan (EAC), Sudan (COMESA), Tanzania (EAC, SADC), Tunisia (COMESA), Uganda (COMESA, EAC), Zambia (COMESA, SADC), and Zimbabwe (COMESA, SADC).
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- ⁸ <https://www.worldatlas.com/webimage/countrys/af.htm>
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