

30 April 2003

ENGLISH ONLY

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

STRATEGIES FOR THE MULTILATERAL TRADE NEGOTIATIONS  
AND IMPLEMENTATION ASPECTS OF THE WTO AGREEMENTS

GHANA



## CLUSTER 2

English  
August 2001

# STRATEGIES FOR THE MULTILATERAL TRADE NEGOTIATIONS AND IMPLEMENTATION ASPECTS OF THE WTO AGREEMENTS

## GHANA

Report prepared for JITAP under the supervision of UNCTAD by Mr. Fataki LIONDJO, International Consultant, with assistance of Mr. Isaac OSEI, National Consultant. The views expressed in this report are those of the consultants and do not necessarily reflect the views of the Secretariats of ITC, UNCTAD and WTO. The designations employed and the presentation of the material do not imply the expression of any opinion whatsoever on the part of these Secretariats concerning the legal status of any country, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

## CONTENT

Chapter	Page
LIST OF ABBREVIATIONS .....	5
EXECUTIVE SUMMARY .....	7
INTRODUCTION .....	10
1. NATIONAL STRATEGY FOR PARTICIPATING IN THE ON-GOING NEGOTIATIONS ON AGRICULTURE AND SERVICES AS WELL AS ON OTHER ISSUES IN THE BUILT-IN AGENDA .....	11
A. NEW NEGOTIATIONS .....	11
1. Agriculture .....	11
2. Services .....	14
B. OTHER ISSUES .....	16
1. Trade and Investment .....	16
2. Trade Related Aspects of Intellectual Property Rights (TRIPS) .....	17
3. Textiles and Clothing .....	18
4. Trade and Environment .....	19
5. Government Procurement .....	19
6. Other issues .....	20
2. EFFECTIVE MANAGEMENT OF THE IMPLICATIONS OF THE EXPIRATION OF TRANSITIONAL PERIODS IN THE WTO AGREEMENTS AND SPECIAL AND DIFFERENTIAL TREATMENT .....	21
1. Special and Differential Treatment provisions .....	21
2. Recommendations .....	22
3. TAKING INTO ACCOUNT THE CONCERNS OF THE PRIVATE SECTOR AND OTHER STAKEHOLDERS .....	24
1. The Ghana private sector .....	24
2. Recommendations .....	25
4. TRADE POLICY ISSUE OF POSSIBLE OVERLAPPING OF TRADE NEGOTIATIONS AT MULTILATERAL, REGIONAL AND SUB-REGIONAL LEVELS .....	28
1. Multilateralism and regionalism .....	28
2. Implications and recommendations for Ghana .....	29
5. CONFORMITY OF CURRENT LEGISLATION WITH WTO RULES AND NEED FOR NOTIFICATIONS .....	31
1. National legislation .....	31
2. Notifications .....	31
6. REVIEW OF THE CURRENT WORK STATUS OF THE IIC .....	33
1. Objective, structure and membership .....	33
2. Problems .....	34
3. Work programme and methodology .....	35
4. Recommendations .....	36

ANNEXES .....	37
I: MEMBERSHIP OF GHANA INTER-INSTITUTIONAL COMMITTEE (IIC) ON THE FOLLOW UP OF THE WTO AGREEMENTS .....	37
II(a): IIC Sub-Committee on Services: Elements for a work plan 2000 .....	38
II(b): IIC Sub-Committee on Agriculture: Elements for a work plan 2000 .....	39
II(c): IIC Sub-Committee on Market Access: Elements for a work plan 2000 .....	40
II(d): IIC Sub-Committee on Technical Barriers to Trade and Sanitary and Phytosanitary Measures: Elements for a work plan 2000 .....	41
II(e): IIC Sub-Committee on Trade Related Intellectual Property Rights (TRIPS): Elements for a work plan 2000 .....	42
III: MAIN SOURCES .....	43

## LIST OF ABBREVIATIONS

ACP	African, Caribbean and Pacific Group of States
AEC	African Economic Community
AFTA	ASEAN Free Trade Area
AGI	Association of Ghana Industries
AGOA	African Growth and Opportunity Act
ALADI	Latin American Integration Association (Spanish abbreviation)
APEC	Asia Pacific Economic Co-operation
ASEAN	Association of South-East Asian Nations
BoP	Balance of Payments
PEF	Private Enterprise Foundation
CBD	Convention on Biological Diversity
CDC	Commonwealth Development Corporation
COMESA	Common Market for Eastern and Southern Africa
DSA	Daily Subsistence Allowance
DSM	Dispute Settlement Mechanism
ECOWAS	Economic Community of West African States
EU	European Union
FAO	Food and Agriculture Organization
FDI	Foreign Direct Investment
FAGE	Federation of Associations of Ghanaian Exporters
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product
GEPC	Ghana Export Promotion Council
GIMPA	Ghana Institute of Management and Public Affairs
GSB	Ghana Standard Board
GSP	Generalised System of Preferences
GSTP	Global System of Trade Preferences among Developing Countries
IFC	International Finance Corporation
IIC	Inter-Institutional Committee on the Follow-up of WTO Agreements
ITC	International Trade Centre (UNCTAD-WTO)
JITAP	Joint ITC/UNCTAD/WTO Integrated Technical Assistance Programme for Selected Least Developed and other African Countries
LDCs	Least Developed Countries
MERCOSUR	Southern Common Market (Spanish abbreviation)
MFA	Multi-Fibre Arrangement
MFN	Most Favoured Nation clause
MOA	Ministry of Agriculture
MOTI	Ministry of Trade and Industry
MTAs	Multilateral Trade Agreements
MTS	Multilateral Trading System
NAFTA	North American Free Trade Area
NGOs	Non-Governmental Organisation
OAU/AEC	Organization of African Unity/African Economic Community

ODA	Official Development Assistance
PTA	Preferential Trade Area for Eastern and Southern African States
RC	Reference Centre
RTAs	Regional Trade Agreements
SADC	Southern African Development Community
SADCC	Southern African Development Coordination Conference
SDT	Special and Differential Treatment
SPS	Sanitary and Phytosanitary Measures
TBT	Technical Barriers to Trade
TRIMs	Trade Related Investment Measures
TRIPS	Trade Related Aspects of Intellectual Property Rights
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UR	Uruguay Round
URAs	Uruguay Round Agreements
WTO	World Trade Organization

## EXECUTIVE SUMMARY

1. This study aims to provide Ghana's Inter Institutional Committee on Follow-up of WTO Agreements (IIC) with the necessary elements to enable Ghana to participate more effectively in ongoing multilateral trade negotiations and, to build up the capacity for an effective functioning and improved method of work for the Committee. The IIC was established with a view to enabling Ghana define areas and priorities in which action can be taken within the national framework, help the country to rationalize work on WTO and, to assist national trade policy formulation machinery to prepare for effective participation in WTO. However, there are obstacles faced by the IIC, which should be addressed if the Committee is to fulfil its tasks effectively. These include lack of perception of the national interest involved in the work of the IIC and of in-house capacity to understand WTO Agreements and undertake in-depth analysis of multilateral trade issues, as well as paucity of financial resources available to IIC for carrying out its tasks. The work programme of the various IIC sub-committees should be systematized to include work on awareness creation, agreements implementation of both obligations and rights, and formulation of a negotiating strategy based on Ghana's trade interests, economic situation and development objectives.

2. Ghana's negotiating strategy must underpin the work of the IIC. Such strategy should be based on a clear perception of her national trade interests bearing in mind the importance of the agricultural and services sectors, her development objectives in these areas and specific views on the other issues on the multilateral trade agenda. In agriculture, Ghana aims to promote non-traditional products such as cocoa butter, fish and fish products and pineapples, which form part of her most dynamic non-traditional export sub-sector. She should seek to obtain improved market access for these products. She should also seek policy flexibility to improve and diversify agricultural production. With regard to services, Ghana made specific commitments under GATS in construction, education, tourism, maritime transport, insurance and banking. She should assess whether to limit her commitments to the liberalization programme already under way or, add more sectors with a view to taking advantage of the kind of benefits accrued from the liberalization in the above five areas. The primary objective must be the development of efficient services. For the negotiations on agriculture and services and, on other issues in the WTO's built-in agenda, Ghana should harmonize her position with that of other African countries, taking into account the proposals made by these countries during the preparations for the Seattle WTO Ministerial Conference.

3. Special and Differential Treatment (SDT) for developing countries like Ghana covers practically all the UR Agreements. Some SDT provisions in the form of transitional periods expired in 2000. These include subsidies to support import substitution industries, the Agreements on Customs Valuation, Sanitary and Phytosanitary measures (SPS), and Trade and Related Investment Measures (TRIMs). Ghana has to comply with the obligations contained therein. Others are still valid, but most will expire by 2005; however, some could be extended upon request. These include the following Agreements: Safeguards, Anti-dumping, Agriculture, Textiles and Clothing, Technical Barriers to Trade, Trade Related Aspects of Intellectual Property Rights (TRIPS) and, Balance of Payments. Ghana and other African countries should systematically request that transitional periods be extended and that SDT provisions be linked to well defined development objectives and made practically implementable.

4. Since 1992, Ghana has undertaken to liberalize her economy, making the private sector the engine of growth. It is recommended that measures be taken to enhance closer dialogue between the public and the private sector within an appropriate framework, help solve the private

sector's financial and managerial problems and, involve it in the process of formulating negotiating strategies and in the negotiations themselves. The private sector should be a key active party in the IIC.

5. Beside the WTO framework, Ghana has other multilateral, regional and sub-regional commitments which are critical in the formulation of trade policies and, which may require follow-up action to minimize areas of conflict and, ultimately, determine trade policy measures that will enable Ghana to derive benefits from the different agreements. Ghana for instance, is a member of the OAU/African Economic Community and ECOWAS, and a party to the Cotonou Agreement between the ACP Group of States and the European Union. Therefore, coordination should be established and strengthened between the various negotiations taking place at all these levels. Ghana and other ACP countries should be prepared to face the foreseeable erosion of non-reciprocal preferences enjoyed in the EU market by 31<sup>st</sup> December 2007 when the new WTO compatible trading arrangements under the Cotonou Agreement will be applied and, to be more directly exposed to the conditions of a liberalized multilateral trading system. It is necessary, therefore, for Ghana to engage in a bold economic restructuring programme aimed at achieving product and market diversification and improved competitiveness, which will render her less vulnerable to the vagaries of international trade. The Cotonou Agreement should be approached for financial and technical assistance to support such a diversification programme.

6. As a member of WTO, Ghana is committed to applying all the rules of this organisation as embodied in the Uruguay Round Agreements. This implies adjusting national trade legislation and regulations to meet the WTO requirements. Available information shows that Ghana has prepared a number of laws which are being considered by Parliament. Ghana has also complied with most notification requirements but there are capacity problems. This points to the need for technical cooperation, especially as regards regular notifications.

### **SUMMARY OF KEY RECOMMENDATIONS**

- i. Ghana's negotiating strategy should be based on a clear perception of the country's trade interests bearing in mind the importance of the agricultural and services sectors, her development objectives in these areas and specific views on the other issues on the multilateral trade agenda.
- ii. For the negotiations on agriculture and services, and on other issues in the built-in agenda, Ghana should harmonize her position with that of other African countries, taking into account the proposals made by these countries during the preparations for the Third WTO Ministerial Conference in Seattle (United States).
- iii. Ghana and other African countries should systematically request that transitional periods be extended and that SDT be linked to well defined development objectives and made practically implementable.
- iv. Closer dialogue between public and private sectors should be enhanced within an appropriate framework, primarily the IIC and its sub-committees. Ways and means should be sought to help solve the private sector's financial and managerial problems and to involve it in the process of formulating negotiating strategies, as well as in the negotiations themselves. The private sector should be a key active party in the IIC.



- v. Coordination should be established and strengthened between the various negotiations taking place at the multilateral, regional and sub-regional levels.
- vi. Ghana should engage in a bold economic restructuring programme aimed at achieving product and market diversification and improved competitiveness. This will render her less vulnerable to the vagaries of international trade with the phasing out of non-reciprocal preferences in the EU market by 31<sup>st</sup> December 2007. The new Cotonou Agreement should be exploited for adequate financial and technical assistance to support such an economic restructuring programme.
- vii. Given the large number of notification obligations contained in most Agreements, including some regular notifications, Ghana should check with the WTO Secretariat whether her submissions are up-to-date and use the IIC to monitor compliance. As there are capacity problems, Ghana should also seek technical assistance from WTO and JITAP.
- viii. In order to enhance the work of the IIC, it is necessary to motivate members through technical and financial supports and, have it supervised by an appropriate high-level coordinating government body. Financing the activities of the IIC through the national budget should be envisaged and effected, and clear procedures established for the IIC to appear as an autonomous entity with high priority when the budget is being prepared. As an inter-institutional body, the IIC should ideally be supervised by an Inter-Ministerial Committee.
- ix. In order to reflect the wider role of the IIC in the formulation of Ghana's trade negotiating positions at various levels, it is recommended to give it a more general appellation such as "The Inter-Institutional Committee on the Multilateral and Regional Trading Systems."
- x. With a view to ensuring the sustainability of the IIC, it is recommended that technical cooperation by ITC, UNCTAD and WTO be extended to the IIC through frequent advisory missions, easy financial support for their meetings, training in trade diplomacy and support for trade negotiations. This assistance should go beyond the life of JITAP in the form of a two-year period of institutional support to the IIC, in order to avoid losing in a short period, the invaluable results obtained through this programme.

## INTRODUCTION

7. The Uruguay Round Agreements sought to provide a stable, transparent and predictable environment to increase trade and investment and thus assure prosperity for all Members. Ghana acceded to the WTO as an original member thereby accepting in a single undertaking the core agreements including the GATT. New rules and commitments on liberalization of the market for agricultural products, brought textiles and clothing back into the GATT system; provided rules for trade in services; offered protection and enforcement for trade related aspects of intellectual property rights; provided the legal framework for action against dumping, subsidies and safeguards and, strengthened the multilateral dispute settlement mechanism.

8. In signing and ratifying the Agreement establishing the WTO and, becoming a member of this organization, Ghana's main concern was, as for all other signatories from developing countries, to increase her trade and better integrate into the world economy. It is generally recognized, however, that WTO agreements, as they stand, have not fully addressed developing countries' problems and concerns. In particular, there was not an underlying consensus as to how the trade and development needs of developing countries could be reflected in trade principles, particularly in the operative rules. This lacuna, to some extent, arose from the weak participation by many developing countries in the UR negotiations. As a result, developing countries, in particular the African ones, face major difficulties in exploiting the global and liberalized world economy that they contributed to establish.

9. The Uruguay Round left some unfinished business (the "built-in agenda") with formal provision for re-opening negotiations and for further review of some provisions of some WTO agreements. This offers an opportunity for Ghana and other African countries to ensure that this time, and in any other future negotiations, their specific interests are taken into account by participating more effectively in the negotiations. They should, for example, insist that the multilateral trading system should always seek to establish an interaction between trade policies and development objectives, including important aspects such as financial flows, debt relief, the stabilization of commodity markets and, to examine such issues as the relationship between immigration policies and international trade.

10. The fact that the new negotiations since 2000 have taken place in the backdrop of the setback of the Third WTO Ministerial Conference in Seattle, followed by ongoing demonstrations against a merely commercial form of globalization, has prepared the ground for a better understanding of these concerns. Therefore, Ghana and other African countries should take advantage of this situation to highlight their specific trade and development concerns.

11. Ghana should seriously prepare for the negotiations by analysing each issue, with the participation of all stakeholders, in order to define negotiation options based on the country's trade and development interests. This requires that clear trade and development objectives are set with a view to enabling Ghana to achieve trade expansion and better integrate in world economy. It will also require that her negotiating capacity is improved so that she will be able to defend her position during the on-going or forthcoming negotiations, in coordination with other African and developing countries having similar problems.

12. In this regard, the Ghana IIC can assist by providing the country with an adequate negotiation agenda and institutional framework to undertake the required preparations for the multilateral trade negotiations and the implementation of the various trade agreements.

## Chapter 1

# NATIONAL STRATEGY FOR PARTICIPATING IN THE ON-GOING NEGOTIATIONS ON AGRICULTURE AND SERVICES AND, ON OTHER ISSUES IN THE BUILT-IN AGENDA

13. Negotiating strategies for the multilateral trade negotiations (MTNs), especially in the WTO's Built-in agenda, must necessarily involve an identification of the interests of and options available to Ghana as a developing country as she prepares for the ongoing and future negotiations. However, Ghana is too small a country in terms of world trade to stand on its own in negotiations. Therefore, she has to strategize in concert with other developing and African countries which all face similar difficulties. Ghana also has other multilateral, regional and sub regional commitments which are critical in the formulation of trade policies and which may require follow-up action to minimize areas of conflict and ultimately determine trade policy measures which will enable Ghana to derive benefits from the WTO agreements.

14. The WTO's built-in agenda referred to in the introduction includes: (a) the commitments to launch new negotiations for the continuation of the reform process in agricultural trade and for progressive liberalization of trade in services; (b) the unfinished business in the areas of financial services, basic telecommunications services, maritime services, and several GATS articles, etc. and, (c) the reviews of the operation and implementation of certain specific provisions of the WTO Multilateral Trade Agreements (MTAs).

### A. NEW NEGOTIATIONS

#### 1. Agriculture

**First priority: determining Ghana's interests in accordance with her economic situation and development objectives**

15. Agriculture is a critically important sector for Ghana. In 1999, the sector accounted for 40.5 per cent of the Gross Domestic Product (GDP), contributed 37.4 per cent of the total US\$2.1 billion foreign exchange earned, 7.5 per cent of total tax revenue through the tax on cocoa, and employed at least 60 per cent of the working population. The Agreement on Agriculture and its impact are therefore important to Ghana.

16. The main development objectives of Ghana in the agricultural sector are to improve the general levels of production, enhance diversification and, increase the productivity and the income levels of the rural poor. This includes the rehabilitation and promotion of the country's traditional agricultural products (cocoa, timber), the promotion of non-traditional products (cocoa butter, fish and fish products and pineapples), and the increase of food production.

17. As a net food importing country, Ghana is concerned about the effects of the reduction of subsidies by developed countries that may lead to higher import prices for basic foodstuffs.

Ghana can take advantage of the Ministerial Decision that tried to establish a mechanism for making available food aid in full grant form and aid for agricultural development (see below).

**Second priority: defining Ghana's negotiating strategy**

18. Ghana's negotiating strategy should aim at obtaining improved market access for her agricultural export products, taking into account the erosion of tariff preferences enjoyed so far in the European Union market resulting from tariff reductions within WTO and the eventual disappearance of such preferences under the Cotonou Agreement. During the interim period, Ghana will have to pursue her effort to develop and diversify the agricultural sector so as to improve her competitive position. To this end, technical and financial assistance by competent international organizations, and bilateral donors, will be required to back up national efforts and policy measures on agricultural development.

19. The WTO negotiation on agriculture is currently at its first phase until March 2001. During this phase, WTO Members submit their proposal on the agenda of the agricultural negotiations which covers the scope, the structure and the timeframe.<sup>1</sup> Hence, to ensure that the negotiating agenda will include her interests, Ghana should identify key issues for negotiations that are relevant to these interests; understand possible implications to her of proposals made by other Members; and table her proposals in consultation with other African countries in general and ECOWAS members in particular.

20. However, it is still uncertain if a negotiating agenda is to be agreed at the end of stocktaking of all the proposals (i.e. January-March 2001). This is because there is an ambiguity among WTO members as to whether negotiations on agriculture could enter into the actual talks on concessions independent of a possible future comprehensive round of trade talks that will ensure trade-off among the concessions made in the agricultural sector with those in other sectors.

**Third priority: harmonizing Ghana's position with other African countries**

21. Meanwhile, African countries made a number of useful proposals during the preparations for the Seattle Ministerial Conference in 1999 and at recent OAU/AEC Ministers of Trade meetings on measures to be taken into account in the future agreement on agriculture. Ghana has endorsed most of these proposals, among which the following main principles have been advocated for inclusion in the reform process under the Agreement on Agriculture:

- specific disciplines should be established with regard to the reduction of tariff rates

22. The UR Agreement on Agriculture required that, taking 1986-1988 as the base period, all non-tariff barriers be converted into tariff equivalents. These tariff equivalents were to be added to the existing tariffs and the total tariff be bound and reduced (developed countries by January 2000 and developing countries by January 2005). While tariffication and binding has brought improved transparency to trade barriers affecting agriculture, the process has also resulted in peak tariffs for certain products in developed countries since the announced base tariff rates exceeded

---

<sup>1</sup> The initial deadline for the submission of proposal was the end of December 2000. However, there is flexibility for the submission of further or more detailed proposals after December 2000, provided that such submissions are made sufficiently in advance of stock-taking exercise, covering all proposals submitted, to be undertaken at a March 2001 meeting of the Special Session of the Committee on Agriculture.

the actual rates. Developed countries should be requested to reduce significantly these rates, with an appropriate tariff reduction formula.

- trade-distorting measures such as export subsidies which continue to prevent products from Ghana and other African countries from competing on a level playing field and undermining their domestic production of like agricultural products should be abolished in a reasonably short period.

23. The Agreement on Agriculture bans new export subsidies but allows the old ones to exist. The aim of the ongoing negotiations should be to bring export subsidy provisions in agriculture in line with those applicable to industrial products. In this area, much of the action is to be taken by developed countries and African countries should vigorously seek an agreement from them.

- special and differential provisions for developing countries should allow sufficient time for Ghana and other African countries to achieve sustainable diversification of production in products with potential high added-value and, to be in a position to compete successfully in world markets.

24. Ghana and other African countries should have the flexibility in the areas of import restraint and domestic support to protect and provide support to small farmers and household farmers. As people are highly dependent on a very small number of export commodities for their livelihoods, flexibility must be allowed in providing the needed domestic supports for these commodities.

- assistance should be provided to Ghana and other African countries to improve agricultural productivity and to ensure feasible and sustainable diversification in the agricultural sector

25. Ghana and other African countries should stress as a constant objective in negotiations within WTO (and with the European Union), the need for structural changes of their economies transforming them from primary commodities producers and exporters to competitive producers and exporters of valued-added products and industrial goods.

- While it is important that further reduction is agreed upon on products already included in the Agreement on Agriculture, it is imperative that reduction in tariff rates is negotiated for previously excluded products as well.

26. For Ghana, products such as cocoa butter, fish and fish products and pineapples which form part of her most dynamic non-traditional export sub-sector, should now be included. In this regard, Ghana should agree with proposals for the elimination of peak tariffs and tariff escalation.

27. As a net food importing country, Ghana should be concerned about food security issues that can arise from the removal of subsidies by developed countries. Emphasis should be put on the need for the elaboration of concrete measures/provisions for the yet-to-be implemented Marrakech Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed and Net-Food Importing Developing Countries. The modalities of implementing this Decision require a close re-examination. In particular, it is important that:

- (a) appropriate mechanisms be established to ensure that the implementation of the results of the Uruguay Round on trade in agriculture does not adversely affect the availability of food aid at a level which is sufficient to continue to provide assistance in meeting the food needs of developing countries, especially least developed and net food-importing developing countries;
- (b) some flexibility be provided to developing countries for the adoption of domestic policies with the intention of providing continued food security and employment to a large segment of the population; and
- (c) appropriate mechanism be established to ensure that, whenever imported food prices exceeded a particular ceiling or whenever domestic food production drops below a certain threshold, concessional facilities are made available to developing countries.

## **2. Services**

**First priority: determining Ghana's interests in accordance with her economic situation and development objectives**

28. The services sector is an important component of Ghana's economy. Its contribution to the Gross Domestic Product (GDP) was 30.1 per cent in 1999. The Tourism sub-sector alone contributed 17 per cent of estimated export earnings in 1999.

29. Ghana, therefore, has an interest in how the negotiations on the unfinished agenda in the General Agreement on Trade in Services (GATS) and the new negotiations under the built-in agenda proceed in future. Article XIX of GATS calls for progressive liberalization of services through further negotiations, the first of which was set to start in January 2000. At the same time, Article XIX negotiations should contain an "overall balance of rights and obligations".

**Second priority: defining Ghana's negotiating strategy**

30. Negotiations are likely to focus on widening and deepening the specific commitments on market access and national treatment made in the GATS. During the Uruguay Round, developing countries were keen on achieving the liberalization of the export of labour intensive services. There were also relevant issues of national sovereignty and control in relation to financial and telecommunication services. Developed countries, on the other hand, were interested in seeking the right of commercial presence in any market.

31. Under the GATS, Ghana made specific commitments in construction, education, tourism, maritime transport, insurance and banking. Pursuant to these commitments, Ghana has liberalized and restructured its financial services and telecommunications sub-sectors and will continue to liberalize these sub-sectors and, its maritime transport services in order to bring in modern products and efficient systems which will make these services more competitive.

32. Ghana is committed to liberalising those areas identified in its schedule subject to specified limitations. These limitations sought to ensure that Ghana's development objectives in

those areas were not compromised. Ghana's commitments have led to improvements in all these service areas as foreign service providers especially in financial services, tourism and travel related services and construction, have entered the Ghanaian market, and are now offering new products and better services. The activities of these foreign service providers is having a positive effect on Ghanaian service providers as they attempt to improve the quality of their services in order to be competitive or carve a niche in the market place.

33. With regard to the ongoing negotiations, Ghana's position could be, either to limit her commitments to the liberalization programme already under way or, add more sectors with a view to taking advantage of the kind of benefits accrued from the liberalization in the above five areas. In this regard, Ghana and other African countries should first be aware of the areas where they have potential to capitalize or, a comparative advantage in order to benefit from trade offs in the services sector. They could then seek greater liberalization of services sectors of interest to them in developed country markets.

**Third priority: harmonizing Ghana's position with other African countries**

34. The following summarized proposals made by some African countries for the third WTO Ministerial Meeting are relevant for enabling Ghana to map out her strategy for the negotiations on services :

- GATS should include a safeguards provision similar to Article XIX in GATT in favour of developing countries.

35. Such provision which should include the establishment of an Emergency Safeguard Mechanism (ESM) would enable Ghana to respond to adverse effects resulting from liberalization of the trade in services. Thus, Ghana should seek with other African countries, the expeditious conclusions of negotiations on operationalizing emergency safeguards in services.

- With regard to the treatment of government procurement practices in services, developing countries need studies analysing the pros and cons of the inclusion of the subject in negotiations and showing which direction to take.

36. The question of government procurement involves many issues such as discrimination and market access, transparency in government procurement practices taking into account national policies, information on national legislation, prior information on procurement opportunities, tendering and qualification requirements, conditions for fairness, accountability and integrity in evaluation procedures and, surveillance and enforcement mechanisms.

37. Ghana's position is in line with the stand of the African Group at the WTO. The African Group's position is that any multilateral agreement on government procurement should primarily be concerned with transparency and not market access. In Ghana, domestic suppliers have a 12 per cent preference margin over foreign suppliers in government procurement and this is published and generally well known. The African Group seeks full recognition of the development dimension of government procurement and the need for preferential treatment of national suppliers. Non-binding guidelines emphasizing best endeavour action should form the basis of the new disciplines, while the scope and definition of government procurement should be limited.

- GATS should include meaningful provisions on liberalization in the mode of movement of natural persons without commercial presence.

38. One of the most significant aspects of GATS is that it covers cross-border movement of service suppliers as an integral part of trade in services, but excludes an area of interest to Ghana and other African countries, namely the movement of natural persons, which is limited by entry visa requirements and economic needs tests of potential recipient developed countries. This issue should be addressed.

- Assistance should be provided to Ghana and African countries in designing national objectives for the type of service sectors and the nature of regulation, which they expect to need in the long run, and then to obtain information about how other similar countries regulate their services.

39. This assistance is necessary because although Ghana has been participating in the workings of the WTO, she continues to be "handicapped" in pursuing and protecting her interests. With nine diplomatic staff, Ghana's Permanent Mission in Geneva is small compared to developed countries' Missions but relatively well staffed compared to other Sub-Saharan African countries. However, the Ghana Mission has responsibilities outside the WTO, in the UN and its affiliate agencies. In the country itself, Ghana does not appear to have an in-house capacity for understanding and carrying out in-depth analysis of multilateral trade issues on services. There are not many officials who understand the agreements and their implications for policy or, have the capacity to develop and formulate domestic policies on critical trade issues. Hence, the pressing need for technical cooperation to help Ghana determine key services sectors, assess the impact of liberalization in these sectors, propose the level and extent of liberalization consistent with Ghana's capacity and commitments under regional agreements and, compile and computerize trade rules and regulations affecting services.

## **B. OTHER ISSUES**

### **1. Trade and Investment**

40. Negotiations in this area involve the review of the implementation of the Agreement on Trade Related Investment Measures (TRIMs) and may include new issues on trade and investment that the Singapore Ministerial Conference added to the WTO work programme. The purpose of the Agreement on Trade Related Investment Measures is to eliminate measures which can restrict and distort trade. No signatory to the WTO Agreement is permitted to apply TRIMs which are inconsistent with GATT obligations on national treatment under Article III and the prohibition of quantitative restrictions under Article XI.

41. The TRIMs Agreement contains an appendix with an illustrative list of the prohibited TRIMs. The list includes measures which have local content and trade balancing requirements, foreign exchange restrictions and domestic sales requirements.

42. With regard to the implementation aspects, there is a notification clause which compels member states to inform WTO about inconsistent TRIMs. In the case of developing countries like Ghana, these notified TRIMs have to be eliminated within five years.



43. Ghana's policy on investment promotion is encapsulated in the Investment Promotion Centre Act, 1994 whose provisions are in conformity with the TRIMs Agreement. As far as the local content clause is concerned, the Act reserves only four areas for Ghanaian Nationals. These are petty trading, small taxi service operations (fleet limit of ten vehicles), betting business and lotteries, and beauty salons and barber shops.

44. The new issues for discussions relate to investment policy and competition policy. These are relevant issues of interest to Ghana as efforts are made to attract foreign direct investment. In addition, Ghana is interested in building domestic capacity through technology transfers, strengthened management techniques and human resource development. Thus, performance requirements are important to Ghana, and Ghana's position can be promoted by working closely with other interested African and developing countries on negotiating proposals that allow them to maintain these development goals. Another area of interest to Ghana and many other developing countries is how investor behaviour can be brought under WTO disciplines.

## **2. Trade Related Aspects of Intellectual Property Rights (TRIPS)**

45. The TRIPS Agreement is delicately poised between rights and obligations in various areas of intellectual property. There are many aspects and areas of interest to developing and least-developed countries. In this connexion, it is important to begin a full review of the TRIPS Agreement from the development standpoint, taking into account the scope and interpretation which should be given to special and differential treatment and the identification of the policy areas necessary for the achievement of this objective.

46. As some provisions contained in the TRIPS Agreement create difficulties for members of the African Group, the following proposals have been made during the preparation for the Seattle Conference on how these difficulties should be addressed during the review of the agreement:

- (a) The heavy workload of the TRIPS Council should be staggered and sequenced in a manner that enables developing countries with meagre resources to participate effectively in its work. This can be achieved by *inter alia* delaying some of the reviews or speeding up those on which conclusion is near such as the one on non-violation complaints.
- (b) The moratorium on the application of the non-violation remedy under the TRIPS Agreement should be maintained indefinitely until Members agree by consensus that sufficient experience has been gained with the application of the Agreement and, that the remedy if adopted will not increase Members' level of obligations.
- (c) There is need for a regular full review of the implementation of the provisions of Article 66.2 by developed countries. The provisions of this Article are couched in "best endeavour" terms. Best endeavour provisions are fundamentally flawed in that they are neither enforceable nor do they constitute a real benefit for developing and least-developed countries. Consequently, many developed countries have not yet demonstrated how they are fulfilling the provisions of this Article which require them

to provide incentives to facilitate technology transfer to developing countries. Therefore, the provision on technology transfer should be made binding.

- (d) The review of Article 27.3 (b) on Protection of Plant Varieties should be understood to be a review of the substance of the subparagraph itself, and not be confined to the implementation of its provisions.
- (e) Clarifications are needed on several provisions in the article related to patents in Article 27.3, including artificial distinctions between biological (plants and animals) and microbiological organisms, processes in the article related to patents in Article 27.3(b) and, the option of a *sui generis* system for plant varieties such as those developed by African rural people throughout past centuries.
- (f) The review process should seek to harmonize Article 27.3(b) with the provisions of the Convention on Biological Diversity (CBD) and the International Undertaking on Plant Genetic Resources (under the FAO), in which the conservation and sustainable use of biological diversity, the protection of the rights and knowledge of indigenous and local communities and, the promotion of farmers' rights, are fully taken into account.
- (g) The negotiations on the Establishment of a Multilateral System of Notification and Registration of Geographical Indications (Article 23.4 of the TRIPS Agreement) should not be limited to wines and spirits, but should be extended to other products recognizable by their geographical origins (handicrafts, agro-food products).
- (h) An international legal framework should be established to protect traditional knowledge possessed by local and indigenous communities in artistic and cultural expression, to enable their legitimate holders to exercise effective control over access, use, reproduction, imitation, exploitation and transmission and other commercial activities relating to traditional knowledge or expressions and manifestations thereof, and ensure that these rights are accompanied by effective means of enforcement at least equal to those already provided for in the TRIPS Agreement.

### **3. Textiles and Clothing**

47. The Agreement on Textiles and Clothing provides for a staged integration of textiles into the Multilateral Trading System (MTS) through a phasing out of the Multi-Fibre Arrangement (MFA) over a ten-year period. Its importance is that it covers a labour-intensive industry which requires less sophisticated machinery and skills for production.

48. There are good prospects for low to medium priced textiles and garments on the international market provided Ghana meets international standards. Ghana used to have a very vibrant textiles industry in the 1960s but the industry has virtually collapsed partly because of working capital deficiency, obsolescence of machinery, associated inefficiencies and, partly because of the influx of cheap imports, especially of used or second-hand clothing. Textiles and garments provide an avenue for entry into large scale manufacturing for exports. Since textiles

and large scale apparel manufacturing offers an opportunity to enter the international market place, necessary reforms should be undertaken to modernize this sector.

49. Ghana has never had any bilateral arrangements with any country using the MFA and Ghanaian law is not at variance with any of the provisions of the Agreement on Textiles and Clothing. In addition, because of its low capacity, Ghana is unlikely to export textiles in quantities which will lead another country to resort to the use of safeguards.

50. As in the case of other sectors, the textiles and clothing trade is expected to increase with liberalization and this could create a demand for raw cotton that Ghana can produce for export. Ghana also has an opportunity to produce materials as a sub-contractor to some of the larger apparel manufacturers. Moreover, Ghana can create a niche in the market place by exporting *kente* products and African fabrics. Ghana may require technical cooperation in marketing some of its specialist textile products.

#### **4. Trade and Environment**

51. Several of the WTO Agreements including those on Services, TRIPS, Agriculture, SPS and TBT, recognize the need to protect the environment. In 1995, the WTO established the Committee on Trade and Environment to identify the relationship between trade measures and environmental measures in order to promote sustainable development.

52. Ghana believes that while trade should be promoted vigorously, the environment must be protected. Ghana recognizes in this context, the important relationship between the functioning of the multilateral trading system and better environmental protection and the facilitation of sustainable development. To that effect, Ghana has taken the necessary measures through the Environmental Protection Agency of the Ministry of Environment, Science and Technology.

53. Environmental protection should however, not be used as a barrier to trade since this is related to production and not trade. What is important is to adopt concerted multilateral action within the WTO framework, and strengthened disciplines to avoid the alteration of comparative advantage through unfair practices (weaker environmental laws implies low costs of production and reduces international competitiveness). Indeed, some developing and least developed countries may use so-called "environmental dumping" or the "pollution haven" hypothesis, which operates on the premise that firms are more likely to locate in countries with weaker environmental laws.

#### **5. Government Procurement**

54. Ghana did not sign any of the plurilateral agreements such as the one on Government Procurement and, is therefore not bound by them. However, since the Central Government and District Assemblies, government agencies and state-owned enterprises together control huge budgets that make the government the biggest purchaser of goods and services in Ghana, it would be advisable to at least follow the discussions which will take place.

55. Internally, Government efforts should be undertaken to encourage fair competition either among domestic suppliers or with foreign suppliers. What is important is the transparency and fairness of procurement and tendering procedures and decision-making.

56. With regard to new negotiations, the stand of the African Group at the WTO is that any multilateral agreement on government procurement should primarily be concerned with transparency and not market access. In Ghana, domestic suppliers have a 12 per cent preference margin over foreign suppliers in government procurement and this is published and generally well known. The African group seeks full recognition of the development dimension of government procurement and the need for preferential treatment of national suppliers. Non-binding guidelines emphasizing best endeavour action should form the basis of the new disciplines while the scope and definition of government procurement should be limited.

## **6. Other issues**

57. Some of the unfinished business mentioned in the built-in agenda have actually been finished in that they have been reviewed in the recent past. These include the areas of financial services and basic telecommunications services (see Built-in summary calendar in Annex III).

58. The suspended negotiations on maritime services were to resume with the commencement of comprehensive negotiations on services under Article XIX of the GATS. Ghana has already made commitments for liberalization in this area.

59. There are other areas which are now under review or will be reviewed in the near future. It is advised that Ghana should deal with them on a case-by-case basis, considering whether they are of such significant interest as to deserve devoting scarce financial and human resources in analysing them and preparing a negotiating position thereon. In this regard, Ghana could rely on the positions taken by the African Group. Whenever necessary, assistance should be sought from competent international organizations including ITC, UNCTAD and WTO, either individually or within the context of JITAP.

## Chapter 2

# EFFECTIVE MANAGEMENT OF THE IMPLICATIONS OF THE EXPIRATION OF TRANSITIONAL PERIODS IN THE WTO AGREEMENTS AND SPECIAL AND DIFFERENTIAL TREATMENT

### 1. Special and Differential Treatment provisions

60. Many WTO agreements have provisions for staged implementation and special and differential treatment (SDT) in favour of developing and least developed countries, as well as for low-income countries such as Ghana, with per capita income of less than \$1,000 a year. Such provisions, *inter alia*, give these countries specified transitional periods to adjust their compliance to obligations in the WTO Agreements.

61. Some SDT provisions expired in 2000. These included subsidies to support import substitution industries which Ghana does not use. The Agreement on Customs Valuation had to be implemented by 2000 and Ghana has complied. With regard to Sanitary and Phytosanitary measures (SPS), Ghana, like many developing countries, has not exhibited her capacity to set her own standards for a whole of range of products. Therefore, she is concerned that SPS measures may be used to protect the agricultural products of developed countries thus making it difficult for her products to enter developed country markets. However, Ghana should take advantage of the provision on specified time-limited exceptions in whole or in part of the obligations under the Agreement, which could be granted upon request by developing countries. For Trade Related Investment Measures (TRIMs), the elimination of prohibited measures had to be achieved by 2000, unless temporary deviation was obtained for balance-of-payment purposes or, time extension had been requested.

62. As regards other provisions still valid, the following are of interest to Ghana:

- On export subsidies, countries like Ghana with per capita income of less than \$1000 are not prohibited from using them, unless they reach a determined degree of competitiveness.
- With safeguards, Ghana can apply them for ten years after 1995 (general limit of eight years plus two years possible extension). She can reapply these measures more frequently and, no safeguard action can be applied against any product originating in Ghana whose share of imports is less than 3 per cent.
- When anti-dumping action is contemplated, special consideration has to be given to Ghana.
- Ghana is not bound to use international standards under the Agreement on Technical Barriers to Trade (TBT). Specified and time-limited exceptions in whole or in part may be granted, upon request, and the possibility of obtaining technical assistance from the WTO is available.

63. In agriculture, there are lower levels of reduction i.e. 24 per cent instead of 36 per cent and the implementation of reduction commitments can be delayed until 2005. Policy measures taken by Ghana to encourage agricultural development are not subject to reduction commitments. Developed countries are requested to improve market access for agricultural products from developing countries, in particular, tropical agricultural products, which are products exported from Ghana.

64. For textiles and clothing, small producers like Ghana should get more favourable treatment. In this regard, Ghana will have to press in concert with other African countries for the deepening of liberal reforms, and seek technical assistance for new entrants.

65. Under TRIPS, the compliance period may be extended until 2005, in particular for provisions related to patents.

66. As regards balance of payments, Ghana has the flexibility to use quantitative restrictions to protect her balance-of-payments situation. This is particularly relevant for Ghana because of adverse terms of trade and recent external shocks emanating from Ghana's heavy reliance on gold and cocoa. Consultation procedures will be simplified in the case of developing countries such as Ghana pursuing liberalization efforts or, scheduled for a Trade Policy Review in the same year as the date fixed for balance-of-payments consultations.

67. Technical assistance for developing countries is envisaged in the following agreements and understandings: Understanding on the Balance-of-Payments Provisions of the GATT 1994; Agreement on the Application of Sanitary and Phytosanitary Measures; Agreement on Technical Barriers to Trade; Agreement on Implementation of Article VII of the GATT 1994 (Customs Valuation); Agreement on Pre-shipment Inspection; Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS); Understanding on Rules and Procedures Governing the Settlement of Disputes and, the Trade Policy Review Mechanism. Ghana and other developing countries should make use of these provisions.

## **2. Recommendations**

68. SDT is critically important for a developing country like Ghana with a small industrial base and hence small exports of manufactures. Ghana has large exports of primary products with high income inelasticity (especially cocoa). This makes Ghana's trade prospects poor. SDT is also important for Ghana and other African and developing countries, against the background that developed countries still use quantitative restrictions in textiles, apply safeguard measures and, offer their own industries subsidies for basic research and development, labour training and environmental protection.

69. Therefore, unless compliance with the timetable raises no difficulties, Ghana should systematically ask for maintenance of the relevant provisions or their extension, in order to continue to rehabilitate her economy and improve her competitive position. SDT provisions were incorporated in WTO Agreements on a somewhat *ad hoc* basis, not on an underlying consensus on how the trade needs of developing countries should be reflected in trade principles and rules. Five years after the establishment of WTO, it must be realized that the reasons which led to the inclusion of SDT have not fundamentally changed: the economic structure of most developing countries like Ghana have not improved and their negotiating capacities remains weak.

70. SDT contains not only obligations, but also rights to be exercised by eligible developing countries or to be obtained from developed countries. It would appear that Ghana and many other African countries have not always taken full advantage of their rights due to lack of adequate human resources to follow all the issues and make recommendations for the necessary actions.

71. Ghana's IIC and its Sub-Committees should include these issues in their work programmes. It is also advised that Ghana should consult with the ECOWAS secretariat, the other countries covered by JITAP and, the Geneva-based African Group through the Ghana Permanent Mission, in order to harmonize her position with that of other African countries in general and, those sharing with her the membership of sub-regional economic integration or technical assistance programmes.

## Chapter 3

# TAKING INTO ACCOUNT THE CONCERNS OF THE PRIVATE SECTOR AND OTHER STAKEHOLDERS

### 1. Ghana's private sector

72. Since 1992, when the Ghana Government instituted economic reforms with multi-donor support, the economy of Ghana has become more outward-oriented with increasing emphasis on the role of the private sector as the engine of growth. Once the required policy and legislative framework has been put in place by government, it is the private sector, which has to take advantage of the market access openings in order to maximize the benefits to Ghana. The relevant question then is the following: are there any obstacles facing the private sector in Ghana in its effort to participate in the global market place?

73. The private sector in Ghana today has an apex organisation known as the Private Enterprise Foundation (PEF) which essentially acts and speaks for the private sector as a whole, and takes up negotiations on key policy matters with the government, NGOs and donor agencies. Key members of the PEF include the Association of Ghana Industries (AGI), Ghana National Chamber of Commerce and the Federation of Associations of Ghanaian Exporters (FAGE). Members of these institutions are the players in international trade who are expected to play roles in the import-export trade, which make it possible for Ghana to be part of the global trading scene. Thus, PEF and AGI, by virtue of their articulation of the position of Ghanaian businesses, may be the institutions which will enable the concerns of the Ghanaian private sector to be addressed as the country goes into future negotiations.

74. However, member companies of these institutions are beset with the same capacity problems which afflict the Government of Ghana. Ghanaian producers and suppliers operate small-scale businesses and do not have the managerial and technical capabilities to deal with large scale buyers with specific requirements especially those related to time constraints. They do not have the negotiating skills and experience to obtain realistic prices, lack understanding of or familiarity with instruments of international transactions such as Letters of Credit with specific conditions regarding shipment and payments (Ghanexim, 1997). While these managerial and technical problems do not afflict all Ghanaian companies, a large number of them especially in the small - medium enterprise sector are in this category.

75. In addition, there are other constraints. The first concerns the absence of long-term funds. The situation has made it virtually impossible for many Ghanaian manufacturers to access funds for modern plant and equipment or, to develop modern measurement standards, testing and control facilities. Machinery obsolescence, with its inefficiencies is a key feature of the Ghanaian manufacturing scene. Some companies have been able to secure investment funds from institutions such as the International Finance Corporation (IFC) and the Commonwealth Development Corporation (CDC), but there are only a few companies in this category.

76. The Ghanaian export scene is also dominated by a few big players. This is true of traditional as well as non-traditional firms. Typically, the big two or three firms account for 50-60 per cent of total export value in any product sector.



## **2. Recommendations**

77. Private producers of exportable goods, export and import enterprises and their associations, are directly exposed to the realities in foreign markets and affected by rules governing international trade. Therefore, they should naturally be involved in activities aimed at mapping out the country's foreign trade policies, including trade negotiations at the sub-regional, regional and international levels.

78. The involvement of all stakeholders i.e. public and private interests, in the decision making process which has led to broad agreement in many areas, should be extended to policy dialogue relating to trade negotiations. This means inviting them to contribute to the definition of national trade positions, giving them the mandate to facilitate the decision-making process and subsequent implementation of sub-regional, regional and multilateral trade agreements. Their representatives should be invited as members of the country's delegations to the sub-regional, regional and multilateral trade negotiations. Workshops and seminars, on a joint public/private sector platform, should be organized regularly to discuss particularly important issues with the wider business community. For specific issues, special joint public/private task forces could be set up.

79. In turn, Ghana's private sector and other stakeholders must become more active with respect to the issue of sub-regional, regional and multilateral trade negotiations, realizing that regional and global liberalization trends will leave them behind unless these issues retain their full attention. Private business people, both from small as well as larger companies, need to give adequate resources to their membership organizations, in terms of manpower and finance, to enable these organisations to adequately participate in trade negotiations issues. These organizations need to be adequately staffed with professionals capable of handling these issues.

80. Business people also need to give more of their time to meet government officials to discuss, lobby and participate in the process. Furthermore, the private sector can initiate studies to help in the discussions and the formulation of negotiating strategies for sub-regional, regional and multilateral trade negotiations.

81. In short, extensive consultations should be organized between government and the representatives of the private sector and other stakeholders with a view to identify the concerns of the private sector and other stakeholders to be transmitted to the trade negotiators. Where possible, closer dialogue on these issues should be facilitated and translated into technically sound negotiating positions, including taking advantage of special and differential provisions. In this respect, consultations on key trade policy matters between government and the PEF should be made a permanent feature, preferably within an appropriate and active Public/Private sector Consultative Committee. The private sector should also be a key active member of the IIC.

82. Inevitably there will not be adequate funds and expertise for the private sector in Ghana to participate as extensively as would be desirable. Financial assistance should be sought from donor organizations, in particular with regard to funding private sector and other stakeholders' attendance at meetings, workshops and seminars to discuss MTNs issues. Technical assistance provided by WTO, ITC and UNCTAD could include increasing help to Ghana's private sector and other stakeholders in carrying out studies and preparing their own policy statements. Specific training for Ghanaian businessmen to enable them take advantage of the opportunities provided by

the WTO Agreements should continue and be intensified. Financial assistance is needed for the modernization of measurement standard testing and quality control equipment.

83. Sub-regional action similar to the proposed national programme should also be established at the ECOWAS level. The past trend of limiting regional economic integration to a matter of Heads of States, ministers and officials who meet to decide on the programmes to be implemented should be replaced by a system in which the representatives of the enterprise sector participate in the discussions for the formulation of these programmes. Very often, it has been found that many local enterprises are not even aware of the existence or the content of such programmes. Yet, enterprises are the ones to translate the provisions of the treaties, protocols and other texts into actual trade and investment. They can bring to light the practical problems and difficulties they are confronted with and make proposals for the implementation of programmes in various sectors, and the development up of negotiating strategies in both regional and multilateral forum. More should also be done to enable businessmen and women from the ECOWAS sub-region to meet regularly, preferably by sectors, to discuss their problems, make proposals to governments for their solution and, more importantly, to do business.

84. The question of the promotion of local and regional entrepreneurship is also important. It is clear that the proposal is not to adopt discriminatory measures against foreign-owned enterprises or foreign investors. This would be against WTO rules, in particular those included in the TRIMs Agreement. However, the domestic business sector is still very weak, lacking the necessary financial resources to invest in modern industrial undertakings and the required managerial skills to run these businesses. It is therefore, recommended that regional credit facilities be established to complement the national facilities referred to above. Sub-regional and regional development Banks should play a role in this endeavour. Likewise, regional training programmes, including on-the-job training offered by more advanced enterprises of the region to staff of weaker enterprises of other countries, should be organized. Assistance from more advanced developing countries should also be provided to African countries to create, develop and strengthen local entrepreneurship, as well as to increase its managerial and professional skills through training provided by advanced enterprises of these developing countries to the staff of African enterprises at all levels.

85. Apart from problems of domestic entrepreneurship and related enterprise level deficiencies in administrative and financial management, the relevant question to pose is how Ghana's policy framework affects her ability to compete internationally. How does the policy framework affect the cost of doing business and Ghana's ability to export?

86. Even though there are continuing efforts at revising and repealing a number of laws and commercial regulations which were put in place during the era of the "command economy" with the objective of controlling the private sector and not necessarily to facilitate its performance, obsolete laws still remain on the books and may be a hindrance to private domestic and foreign business initiatives. A general review of Ghana's Laws and Statutes was commissioned in 1999 with a view to harmonizing the legal regimes with the realities on the ground.

87. Generally, the exporters of non-traditional goods operate small-scale businesses and have limited managerial and technical capacity to deal with large-scale buyers who have specific requirements which include strict delivery schedules. Negotiating skills are often lacking and the lack of cooperation among exporters in the same product area makes it difficult for them to obtain realistic prices. There is also a lack of familiarity with and understanding of key instruments of international transactions such as letters of credit with their strict conditions. These constraints effectively limit adequate supply responses to opportunities in the market place. It should thus be

possible to tailor enterprise-level support to enable the exporters to perform more effectively and efficiently to enhance their competitiveness.

## Chapter 4

# TRADE POLICY ISSUE OF POSSIBLE OVERLAPPING OF TRADE NEGOTIATIONS AT MULTILATERAL, REGIONAL AND SUB-REGIONAL LEVELS

### 1. Multilateralism and regionalism

88. During the Uruguay Round, an apparent paradoxical phenomenon occurred. At the same time that countries were striving to set up a liberalized global trading system based on the most favoured nation (MFN) clause by which the best treatment granted to one country is automatically extended to all members of the global system, most of them were busy establishing, expanding and strengthening regional arrangements enabling them to trade among themselves on a preferential basis, and maintaining discriminations *vis-à-vis* non-members. This phenomenon occurred not only during the Round, but new initiatives continued to be launched after its conclusion and until now. These arrangements include groups of developed countries (European Union), mixed groups of developed and developing countries (NAFTA, APEC), as well as groups of developing countries, with a variety of objectives ranging from classical trade liberalization to cooperation in many other areas than trade such as money and finance, investment, transport, environment, and even political cooperation. The notion of “regional” has itself evolved to acquire an “interregional” character.

89. In developing countries, major developments included the setting up of new regional integration entities and the re-orientation of programmes with a view to accelerating, expanding and deepening the integration process, sometimes in reaction to the acceleration of the integration movement in the North. This is the case of ASEAN which, after 25 years of existence, decided to launch the ASEAN Free Trade Area (AFTA) in 1992, partly as a reaction to the establishment of the European single market perceived at the time as "Fortress Europe". This was perhaps not totally absent in the ideas behind the creation in 1991 of MERCOSUR in Latin America which, while remaining in the ALADI framework, became a customs union in 1995 and successfully negotiated partnership agreements with the EU. In Africa, the Treaty establishing the African Economic Community was signed in 1991 and entered into force in June 1994. ECOWAS revised its original Treaty in 1993 to put more emphasis on industrial cooperation and to provide for new schedules and modalities for intra-trade liberalization. The PTA moved from a preferential trade area to a common market in 1994 (COMESA), and SADCC from a co-ordination conference to an economic community (SADC) in 1992, both with programmes for the establishment of free trade areas.

90. These regional trade agreements (RTAs) are an exception to the most fundamental principle of the GATT/WTO, namely the most-favoured nation treatment, that members should treat all other members equally. However, from the beginning, GATT members recognized that some countries had special relationships with each other, and tried to find a compromise between allowing a reduction in barriers among members and minimizing the potential damage to those excluded. This is embodied in GATT Article XXIV and in the Enabling Clause for developing countries. The main requirement in these provisions is that all RTAs be notified to ensure transparency and thereafter, be examined to ascertain compliance with the relevant WTO disciplines in that they do not increase barriers to trade with third countries.

## **2. Implications and recommendations for Ghana**

91. The implications for Ghana stem from her membership of ECOWAS, the OAU/African Economic Community, the African, Caribbean and Pacific Group (ACP) and the Global System of Trade Preferences among Developing Countries (GSTP). Another important element to be taken into account is the United States “African Growth and Opportunity Act (AGOA),” effective since May 2000 and providing *inter alia* for the United States to form free trade agreements with Sub-Saharan African countries like Ghana.

92. At the ECOWAS level, unprocessed vegetable, animal and mineral products and traditional handicrafts move freely with no duty and quantitative restrictions. Industrial products are subject to a liberalization scheme adopted in 1992 which provides for the reduction of tariffs according to three countries groups established on the basis of their level of industrialization. The period for reducing tariffs on all ECOWAS-originating industrial products was fixed at ten years for the Group I countries with the lowest level of industrialization, eight years for the Group II countries with a medium level of industrialization and six years for the Group III countries which includes Ghana, and have the highest level of industrialization.

93. At first sight, there seems to be no specific issue involving any overlapping for Ghana in multilateral, regional and sub-regional trade negotiations. Should ECOWAS or the OAU/African Economic Community move to establish a common tariff, member countries will find themselves in the same position as the EU and other strong regional economic integration groupings in future negotiations. They should then act as a unit, at least on those matters which rest within ECOWAS or the OAU/African Economic Community's responsibilities, for example, tariffs, rules of origin, any services already negotiated, common standards, etc. In any case, it is recommended that Ghana's negotiating positions should be harmonized with that of her partners in ECOWAS. Other experienced RTAs such as the EU, and MERCOSUR may offer advice.

94. Regarding membership of the ACP Group, the future will be determined by the arrangements under the successor Agreement to the now-expired Lomé Convention (February 2000), which had governed the EU-ACP relationship since 1975. The new Cotonou Agreement provides for a preparatory period from 1<sup>st</sup> March 2000 to 31<sup>st</sup> December 2007, at the end of which new trading arrangements would be implemented that would be fully compatible with WTO rules. Such arrangements will most likely take the form of reciprocal free-trade agreements between the EU and individual ACP States or their regional groupings. This will entail a phasing out of non-reciprocal preferences so far enjoyed by ACP countries in the EU's market. Ghana and other ACP States need to prepare to face greater competition that will arise from the erosion and eventual disappearance of these preferences and the subsequent direct exposure to multilateral trade liberalization. Therefore, it is recommended that Ghana should use the period between now and 31<sup>st</sup> December 2007 to implement programmes for economic restructuring, product and market diversification and improved competitiveness, which will render it less vulnerable to the vagaries of international trade. Ghana, for instance, plans to attain her economic goals through global competitiveness with a view to becoming a Middle Income Country by the year 2020. She should now pursue this objective steadily and proactively.

95. Strong financial and technical support from the European Union and relevant international organizations will be needed to enable Ghana and other ACP countries to achieve their economic transformation objectives. The EU, as the main trading partner of Ghana and most African countries, should increase its aid in all forms (European Development Fund, ODA, FDI, etc.)

through a coherent programme devoted exclusively to economic re-structuring, improvement of infrastructure and productivity, to enhance ACP countries' competitive positions and alleviate the erosion of the Lomé Convention's preferences. Such assistance should be extended to national, sub-regional and regional levels.

96. Furthermore, ACP countries should press for the full implementation of technical assistance provided for in many UR Agreements, particularly those relating to TBT and SPS measures, in order to help them assume their obligations and effectively realise the benefits of the multilateral trading system. Such assistance should be granted on national, sub-regional and regional levels.

97. Ghana's IIC should include this point in its work programme and should collaborate with the national institutional machinery dealing with the ACP-EU matters. This objective can also be advanced through cooperation with IICs in other JITAP countries, their relevant institutions as well as the ECOWAS Secretariat and the ACP co-ordinating mechanism.

98. More advanced developing countries which have succeeded in restructuring their economies should assist African countries through advice and exchange of experiences. Active businessmen from these advanced developing countries should consider investing in Africa either directly in sub-regional industrial projects (FDI) or by acquiring shares in enterprises being privatized or, through existing African capital markets (portfolio investments).

99. Ghana is a participant in the Global System of Trade Preferences among Developing Countries (GSTP). Consonant with her market diversification policy, she should explore ways and means to fully take advantage of the openings offered by other developing countries within this scheme and actively participate in the strengthening and improvement of the system, so as to contribute to trade expansion among developing countries.

100. In view of the importance of the United States as an importer of her products, Ghana should also endeavour to take advantage of the "African Growth and Opportunity Act (AGOA)" signed by the President of the United States on 18 May 2000. The AGOA authorizes duty-free treatment for some goods under GSP and for certain textiles and apparel products from sub-Saharan African countries. Ghana should study carefully the implications of proposed free trade with the United States.

## Chapter 5

### CONFORMITY OF CURRENT LEGISLATION WITH WTO RULES AND NEED FOR NOTIFICATIONS

101. As a member of the WTO, Ghana is committed to applying all the rules of this organization as embodied in the Uruguay Round Agreements (URAs). These rules are numerous and intricate. The main concern of Ghana as of most developing countries, is how to undertake the difficult task of complying with all the provisions included therein, and adjusting national trade legislation and regulations to meet the WTO requirements.

#### **1. National legislation**

102. In terms of trade legislation the following information is available for Ghana:

- i. With respect to TRIMs, the Investment Act, 1994, Act 478 governs investment activities in Ghana is consistent with TRIMs.
- ii. Since 15<sup>th</sup> April, 2000 has started to implement the WTO Agreement on Customs Valuation using invoice values instead of arbitrary commissioner's values. A new customs law is currently being considered by Parliament and will bring Ghana's domestic law in line with the Agreement on Customs Valuation.
- iii. With respect to TRIPS, there are nine bills before Parliament. They cover amended laws on copyright, trademarks and patents, and new laws on industrial design, geographical indications, layout design of integrated circuits, protection of new plant varieties, protection against unfair competition and trade secrets.
- iv. Much work needs is needed before anti-dumping legislation can be prepared.

103. Adjusting trade legislation remains an area of concern, and increased assistance by WTO would be required.

#### **2. Notifications**

104. WTO members are required to provide the WTO, using agreed procedures and formats and in a WTO official language, specific information on compliance. A key part of the notification requirements is information on enquiry points and laws and regulations pertaining to the subject matter of various agreements.

105. Ghana has made a number of notifications to the WTO as part of the process of compliance with the Agreements. Thus, Ghana has notified the WTO that the enquiry point for the Sanitary and Phytosanitary Measures (SPS) Agreement is the Plant Protection and Regulatory

Services (PPRS) of the Ministry of Agriculture. Ghana has not used any SPS to block imports from any other country.

106. On Rules of origin, Ghana's notification indicated that the country applies the ECOWAS Rules of origin.

107. Under Article 6.1 and 63.2 of the TRIPS Agreement, Ghana has notified the WTO about draft legislation currently going through parliamentary approval processes. She has further indicated that the enquiry point for copyright issues is the Copyright Administrator's office while the Registrar-General's Department is responsible for patent issues.

108. Ghana has made notification to WTO under Article 6.2 of the Agreement on Trade Related Investment Measures (TRIMs) that Ghana maintains no prohibited TRIMs.

109. The enquiry point established under Article VII.4 and IV:2 of the General Agreement on Trade in Services (GATS) is the Ministry of Trade and Industry.

110. The notification made under Article 7.3 of the Agreement on Import Licensing indicates that Ghana does not operate any import licensing system. Importers, however, have to complete an Import Declaration Form, which is basically for statistical purposes. However, under the Mercury Licence Law, PNDCL207, a license is required for the importation of mercury and enables the appropriate authorities to monitor its use.

111. Ghana has notified the WTO about compliance with the Agreement on Customs Valuation.

112. In compliance with Article 25.11 of the Agreement on Subsidies, Ghana has notified the WTO that the country has no national authority on subsidies and countervailing duties. The enquiry point is the Ministry of Trade and Industry.

113. Ghana seems to have complied with most notification requirements. However, given the large number of notification obligations contained in most Agreements, Ghana should check with WTO Secretariat whether more should be done. As there are capacity problems, Ghana should also seek technical assistance from the WTO. The IIC and its Sub-Committees should monitor and discuss such notifications.



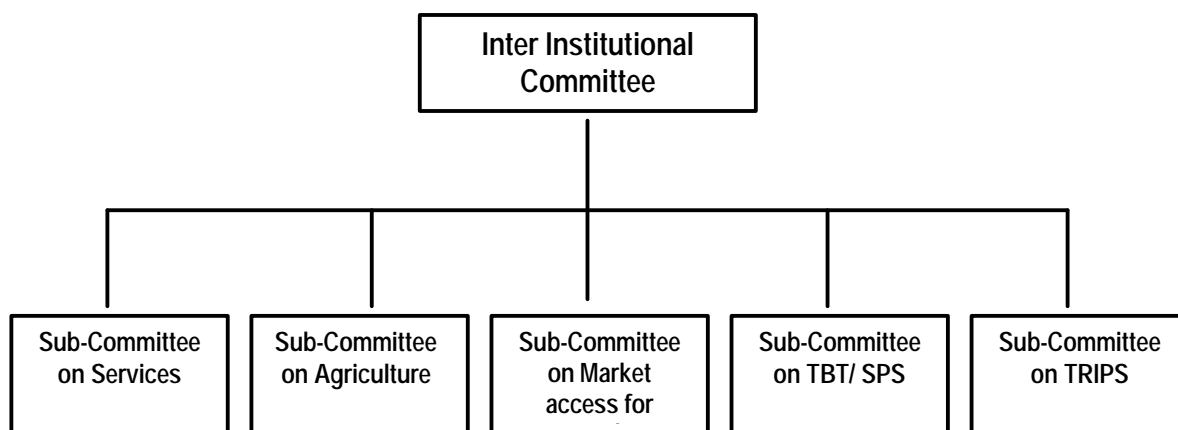
## Chapter 6

### REVIEW OF THE CURRENT WORK STATUS OF THE IIC

#### 1. Objective, structure and membership

114. The Inter-Institutional Committee on Follow-up to the WTO Agreements was established with a view to enable Ghana to define areas and priorities where action can be taken within the national framework, to help the country to rationalize work on the WTO, and assist the national trade policy formulation machinery to prepare for effective participation in negotiations in the WTO.

115. Its structure is as follows:



116. Its membership comprises individuals representing most sectors of society (government, the business community, academia, labour associations, etc). This inter-sectoral membership allows cross-fertilization of ideas, for transparency in setting negotiation directives and, for the incorporation of stakeholders' interests (see Annex I).

117. Each sub-committee advises the IIC which in turn advises the Government on general and specific MTS issues. In addition to the IIC structure, under JITAP auspices, there is a National Steering Committee, a National Focal Point within the Ministry of Trade and Industry, and a national network of trainers on MTS issues is being established.

118. The terms of reference of the IIC are to: (i) to establish a participation structure for Ghana to identify negotiation positions in current WTO negotiations and, at the same time coordinate strategies and policies among the different trade sectors and agreements; (ii) to develop national positions on WTO Agreements and MTS issues; and (iii) to identify and suggest ways of adjusting trade laws in conformity with obligations under WTO Agreements.

## **2. Problems**

119. Generally, there is a lack of perception of the national interests involved in the work of the IIC. Ghana does not appear to have the capacity to understand and carry out in-depth analysis of multilateral trade issues. The real problem is that there are not many officials who understand the agreements and their implications for policy or, have the capacity to develop and formulate domestic policies on critical trade issues in the light of the MTS. There are only four officials working on WTO matters at the Ministry of Trade and Industry but these officials are also responsible for other matters. Adding to their heavy workload, day-long discussions on matters happening far away in Geneva, with no financial compensation (even in the form of transport allowance), is not the best way to motivate them. The only way to attract full attendance is to hold the meetings outside the capitals, which involves paid transport and DSA, as in the case of the 1999 retreats. However, it is difficult to do this for all the monthly meetings of the subcommittees.

120. Financing the activities of the IIC through the national budget does not seem to have been envisaged and in any case has not been effected. This gap should be addressed and a clear procedure established for the IIC to appear as an autonomous entity with high priority when the budget is being prepared.

121. Funds provided under JITAP Authorised Field Expenditures seem to be concentrated with the Regional Co-ordinator, and payments for services supplied for the IIC meetings and other activities, such as conference rooms, stationery, coffee breaks and group lunch, have not often been effected promptly. In Africa, most service suppliers operate on a cash basis and, they have become more and more reluctant to provide the necessary facilities without a down payment upon booking or order, and cash settlement of the rest immediately after the meeting.

122. In order to support the IIC work, Reference centres and a national network of Trainers have been set up. There is mixed situation regarding the performance of Reference centres. The one in GIMPA, supported by UNCTAD, is working properly and it is being used albeit sparsely. Equipment delivered by UNCTAD has been installed. The centre in the Ministry, supported by WTO, is not working owing to technical problems related mainly to in-operational telephone lines and thus not having any access to internet and electronic mail. There must be a continuous updating of documentation on MTS so that the public can access such information and make more use of the centres. The centres need a manager, archivist or librarian to support documentation build up and dissemination to users. Finance is needed to maintain the computer equipment and update it. Training of reference centre managers was conducted by ITC but it was not sufficient. In the case of GIMPA for example the training was done when the centre did not yet have the equipment. Thus new and more training is required.

123. The National network or association of MTS Trainers is still being discussed but has not yet been concretized or formed. The Network should involve the private sector as there is need to sustain private sector interest in MTS issues by providing regular training. There is also a need to continually educate the desk officers on MTS issues in ministries by training. The training of journalists is also important if they are to report on MTS. There is the Economic Writers Union which can be used for this purpose. With appropriate training they can be effective in sensitizing the population WTO and MTS issues.

124. Most "trainers" are "trained individuals" with knowledge of WTO agreements but without pedagogical and methodological capacities. Thus these "trainers" need to be provided with teaching skills to enable them to deliver in-country training.

### **3. Work programme and methodology**

125. Ghana has already established the work programme for the IIC subcommittees (See Annexes II a-e). However, it is suggested to further systematize these programmes to take into account the need for each subcommittee to increase members' awareness of the WTO Agreements under its purview, to contribute to the implementation of the relevant provisions relating to both obligations and rights, and formulate negotiating strategy based on Ghana export and import interests and development objectives. The following general frame is proposed. It should be expanded according to the subject dealt with:

#### **IIC Sub-committee ..: Work programme**

<b>Programme element</b>	<b>Actions</b>	<b>Responsible</b>	<b>Timetable</b>
Knowledge of the Agreements	Review of the provisions of agreements	Trainers' network	Permanent
Implementation of Agreements: - Obligations/Rights	Review and proposal of implementation measures	Designated members	from....to...
- Obligations requiring immediate compliance	Review and proposal of implementation measures	Designated members	from....to from....to
- Obligations at the end of SDT transitional period for which no extension is required.	Drafting required legislative and regulation texts	Designated members	from....to
Adjustment of trade laws and regulations	Drafting required legislative and regulation texts	Lawyers and competent members	As required
Notifications	Identification of provisions requiring notifications, drafting and sending such notifications	Designated members	As required
SDT; requests for extension	Drafting and sending requests for extension of transitional periods before their expiration	Designated members	As required
Commitments by developed countries	Coordination with other developing countries to press for implementation	Designated members, Geneva Mission negotiators	As required
Using the Dispute Settlement Mechanism	Identification of trade violation and submitting case to the DSM	Economic operators and government, Geneva negotiators	As required
Technical assistance	Identification of needs and request for technical assistance	Designated members	Permanent or according to negotiation calendar
Formulation of negotiating strategy based on Ghana export and import interests, economic situation and development objectives	Analysis of economic situation and development objectives, identification of economic operators' interests, proposals for negotiators	Research institutes, economic operators, relevant ministries.	

#### **4. Recommendations**

126. At this early stage of the IIC's life, it is necessary to motivate members to meet through technical and financial support. Technical support should be in the form of advisory missions that would provide the opportunity for the IIC to meet.

127. With regard to financial support, it is suggested to follow the procedure of authorizing local UNDP offices to make available the necessary funds, provided that this is done well in advance, with clear indications as to who should certify the expenditures. This information should be copied to JITAP Focal Points and Facilitators.

128. The IIC should emerge as the legal competent, credible and authoritative national institution to undertake the various tasks involved in the preparations for trade negotiations and to implement the various agreements. Therefore, it should be supervised by and report to, a high-level coordinating government body such as an inter-ministerial economic Committee which usually exist in many African countries or, which should be established. Such a Committee should include representatives of the President or Prime Minister's offices.

129. Financing the activities of the IIC through the national budget should be envisaged and effected, and clear procedures established for the IIC to appear as an autonomous entity with high priority when the budget is being prepared.

130. Funds for Authorized Field Expenditures presently concentrated with the Regional Coordinator should be decentralized to the UNDP Office in Accra, with clear instructions as to the activities to be financed and the person who should certify the expenditure.

131. In order to ensure the sustainability of the IIC, it is recommended that technical assistance by ITC, UNCTAD and WTO be extended to the IIC through frequent advisory missions, easy financial support for their meetings, training in trade diplomacy and support for trade negotiations. This assistance should go beyond the life of JITAP in the form of a two-year period of institutional support to the IIC, in order to avoid losing in a short period, the invaluable results obtained through this programme and to provide Ghana with a solid trade negotiating body.

132. The role of the IIC is not limited to merely following up on WTO Agreements as it now appears in its title, but covers preparation for, and participation at, all important international trade negotiations (WTO, EU/ACP, ECOWAS, OAU etc.). Therefore, it is suggested to give it a more general title such as "The Inter-Institutional Committee on the Multilateral and Regional Trading Systems."

133. The tools for informing IIC's members and disseminating information on the Multilateral Trading System should be strengthened. In this regard, there is need to train librarians to run the Reference Centres (RCs) more efficiently. It is also proposed that ITC, UNCTAD and WTO include the Reference Centres in their mailing lists.

134. Training of trainers should go beyond the mere knowledge of WTO Agreements and include pedagogical and methodological approaches to enhance the trainers' capacities to transmit their knowledge to others.

## ANNEX I

### MEMBERSHIP OF GHANA INTER-INSTITUTIONAL COMMITTEE (IIC) ON THE FOLLOW UP OF THE WTO AGREEMENTS

	NAME	ORGANISATION	TEL	POSITION
1.	Dan Abodakpi	MOTI		Hon.Minister - Chairman
2.	A. Kumi-Atiemo	Copyright Office	229190	E.O.
3.	John K. Amaglo	Min. of Education	683623	Dep. Director
4.	Mrs Mercy Amoah	FAGE	232554	Mkt. Information
5.	Robert Kwame	CEPS	666841	Ag. Asst Commissioner
6.	Kassim Yahya	BOG	665247	Chief Economist
7.	Anthony Tsekpo	ISSER	501182	Research Fellow
8.	Johnson Adasi	MOTI		PIPO
9.	Johnathan B. Alabi	NDPC	773011 ext. 103	Senior Planning Analyst
10.	Dramani Egala	CMC	225730/665146/227510	Dep. Marketing Manager
11.	Kofi Amenyah	MOTI		SCO
12.	Joseph Tamakloe	R-G. Dept	664431-3	Asst. Registrar
13.	S. Boakye-Yiadom	Min. of Tourism	666314	Asst. Director
14.	A. Ben Fadhl	ITC/UNCTAD/WTO		JITAP Programme Coordinator
15.	Ben A. Peasah	MOTI		PCO
16.	Lesley N. Dadzie	Min. of Finance	665115, 663690	Legal Counsel
17.	Dr. T. F. Agyepong	Min. of Works / housing		Dep. Director
18.	Godfried Funkor	GNCCI		Research & Training Specialist
19.	Alexander Dadzawa	GEPC	228541/228813/233725	EDO, Research & Planning
20.	Emmanuel Addison	GEPC	228541/228813/233725	Director, Research & Planning
21.	Yvonne Nkrumah	Copyright Office	229190, 024-384780	Asst. C.A
22.	Kofi Larbi	MOTI		PCCO
23.	Kodjo Agyepong	MOTI		D/Multilateral
24.	Mr Samuel Boakye	AGI		Director , Fin. & Admin.
25.	Mrs Kistina Britwum	GSB		Director, Quality Assurance

Note: The representatives of the member institutions often change.

## ANNEX II (a)

### IIC Sub-Committee on Services: Elements for a work plan 2000

(Retreat of 27-28 May 2000, Prampram)

Chairperson (and alternate): GHANA SHIPPERS COUNCIL  
 Rapporteur(s): MINISTRY OF TOURISM  
 Members: MINISTRY OF EDUCATION, BANK OF GHANA, MOTI, ISSER, MINISTRY OF FINANCE, NDPC, GNCCI, MINISTRY OF TOURISM, CEPA

Issues	Target/output/tasks Please Specify if Legislation or Policy Paper to be Drafted or Amended, Survey to be Undertaken etc	Resources/ Please specify task forces to be set up	Time Frame
Re-convene the Sub-committee	To bring all stakeholders on board	MOTI to mobilize Chairman and other Members. Obtain names of members and Assistants	Mid - June
Update terms of reference	To update members' knowledge through documentation available at MOTI and on the website of WTO: wto.org	All members of the Committee. MOTI to provide documentation and update it.	Mid - June
Identification of export supply capacity and market potential for Ghana	Report on exportable services and markets of interests to Ghana. Workshop to review and adopt report.	JITAP to launch study in conjunction with the members of the Sub-committee.	July - December 2000
Taking stock of issues at stake and negotiating positions of the various players for Telecom, Financial Services, for E-Com, Professional Services, Tourism etc.	To have an issue paper from Ghanaian negotiators at the WTO and at the EU. One-Day Seminar by JITAP trainers	MOTI to request documents from Ghana's Missions in Geneva and Brussels. Disseminate documents.	June 30
Formulate strategy orientation for Ghanaian negotiators and policy makers	Produce an interim policy paper and priorities for each sector.	Sub-committee to write paper based upon their reports for guidance to the negotiators.	August - September
Formulate strategy orientation for Ghanaian negotiators and policy makers	Produce final policy paper on Services with specific elements on each priority sector.	MOTI to present policy document to be adopted by Cabinet submitted by Sub-committee.	End of February 2001
Sectoral strategies for each priority sector and business plans for main operators.	Project document to be proposed using Sub-committee resources	After the Workshop. To be determined	December

## ANNEX II (b)

### IIC Sub-Committee on Agriculture: Elements for a work plan 2000

(Retreat of 27-28 May 2000, Prampram)

Chairperson (and alternate): MOFA  
 Rapporteur(s): ISSER  
 Members: MOFA, GEPC, GSB, NARP, ISSER

Issues	Target/output/task Please Specify if Legislation or Policy Paper to be Drafted or Amended, Survey to be Undertaken etc.	Resources/ Please specify task forces to be set up	Time Frame
Reconvening the Sub-committee	To bring all stakeholders on board	MOTI to mobilises members and obtain names of permanent representatives	
Taking stock of the issues to be negotiated	<ul style="list-style-type: none"> <li>• Obtaining brief issue papers to inform members of the sub-committee</li> <li>• A day's seminar for the sub-committee by trainers</li> <li>• Sub-committee member to visit wto.org</li> </ul>	MOTI to request Mission in Geneva/Brussels. MOTI to provide documentation and up date those Internet access	<ul style="list-style-type: none"> <li>• Immediate &amp; Mid-June</li> <li>• End – June</li> </ul>
Updating the terms of reference	Paper revised TOR	<ul style="list-style-type: none"> <li>• Sub-committee</li> <li>• Task Force to draft</li> </ul>	Mid-June
Knowing the real impact of the Multilateral Trading System (MTS) on the main agricultural products of Ghana	<ul style="list-style-type: none"> <li>• Take stock of impact survey of MTS on Ghana</li> <li>• Identification of subsequent analysis to be done</li> </ul>	MOTI to provide individual copies. Matrix of exportable goods to be provided by GEPC	Beginning of June
Stock taking: Current Agriculture Policies and possible gaps towards participation in MTS	A paper presented by MOFA to one-day seminar of Sub-committee (World Bank/MOFA Policy Review)	MOFA to provide appropriate documentation	Mid- June
Identification of export supply capacity and market potential for Ghanaian products	Export capacity within the framework of the strategy	JITAP/MOTI/GEP C/MOFA to constitute Sub-committee	June – July
Formulate strategy orientation for Ghanaian negotiators and policy makers	Strategy papers for different product groups <ul style="list-style-type: none"> <li>• Commodities</li> <li>• Non-traditional exports (NTEs) and related market access issues</li> </ul>	Sub-committee task on <ul style="list-style-type: none"> <li>• Commodities</li> <li>• NTEs</li> <li>• Related Market Access issues</li> </ul>	Interim results in August – September Final End February 2001

## ANNEX II (c)

### IIC Sub-Committee on Market Access: Elements for a work plan 2000

(Retreat of 27-28 May 2000, Prampram)

Chairperson (and alternate): Mr TAWIA AKYEA (GEPC)  
 Rapporteur(s): FAGE  
 Members: CEPS, COCOBODM, MOTI, TEDB, FAGE, GNCCI, AGI, MOF, BOG

<b>Issues</b>	<b>Target/output/task</b> Please Specify if Legislation or Policy Paper to be drafted or amended, Survey to be undertaken etc.	<b>Resources/</b> Please specify task forces to be set up	<b>Time Frame</b>
Review the Terms of Reference of the Committee	Updated TOR to make it more specific and actionable	Task Force: MOTI, NDPC, COCOBOD,GNCCI	two weeks (by 15 <sup>th</sup> June)
Identify market access opportunities (identify market and product diversification opportunities)	Documentation of products and markets (countries) offering opportunities	Consultancy	three months
Need to create knowledge base of the MTS Agreement	To develop an awareness creation programme through training activities, workshops etc.	Facilitators to be identified	two weeks
Review the existing Impact Survey	Concentrate/isolate market access issues for action	GEPC, MOTI to supply copies to all committee members	one week
Creating the framework for fair trade practices including anti-dumping legislation	Draft anti-dumping legislation	Task force of two	four weeks (by the end of June)
Buildcapacity for competitiveness	Proposal to Government to take measures to improve competitiveness - inputs – infrastructure, trade facilitation, support services, technology etc.	Task Forces	two months (by end August)



## ANNEX II (d)

### IIC Sub-Committee on Technical Barriers to Trade and Sanitary and Phytosanitary Measures: Elements for a work plan 2000

(Retreat of 27-28 May 2000, Prampram)

Chairperson (and alternate): GHANA STANDARDS BOARDS  
 Rapporteur(s): MINISTRY OF TRADE AND INDUSTRY  
 Members: MOTI, MOFA, AGI, PEF, GNCCI, GSB

<b>Issues</b>	<b>Target/output/task</b> Please specify if Legislation or Policy Paper to be drafted or amended, Survey to be Undertaken etc.	<b>Resources/</b> Please specify task forces to be set up	<b>Time Frame</b>
What are the technical regulations, standards and procedures?	Dissemination of information on WTO Agreements on TBT and SPS to the stakeholders, especially exporters, in the form of regular seminars, conferences and provision of enquiry points world-wide	GSB, MOTI, GEPC, FAGE, HAG, VEPEAG	Immediate and continuous
Present level of compliance, convergence or divergence	The capacity to verify the scientific basis of some of the new measures introduced against our exports	GSB, MOFA (PPRS/veterinary) CSIR (Food Research Institute)	six weeks
How to respond to changes in technical regulations and standards	Strengthening technical capability (equipment and manpower)		six weeks
What support to Ghana's Exporters and Importers from Ghana Standards Board, importers of our products and other international organizations ?	Following up on standards and specifications by GSB for prompt notification to local stakeholders. Ghanaian Missions abroad must be made to find out standards prevailing in their countries of designation and feed GSB with the information for a particular export destination and product. This must be on a continuous basis. GSB would be expected to take appropriate steps to ensure compliance		Immediate and continuous

## ANNEX II (e)

### IIC Sub-Committee on Trade Related Intellectual Property Rights (TRIPS): Elements for a work plan 2000

(Retreat of 27-28 May 2000 Prampram)

Chairperson (and alternate): Registrar-General's Dept.  
Rapporteur(s): Ms. Yvonne Nkrumah  
Members: Copyright Office, CEPS, MOTI, Judiciary, Police

Issues	Target/output/task Please specify if Legislation or Policy Paper to be drafted or amended, survey to be undertaken.	Resources Please specify task forces to be set up	Time Frame
Passing of the various intellectual Property bills	Bills already before Parliament		30 July 2000
Implementation and enforcement	Policy consideration to promote trade innovation, creativity and ingenuity		Continuous
Training of trainers: - Schedule officers - CEPS/Police - Judiciary	Ditto		Continuous
Training on TRIPS as part of CEPS/Police training syllabus	Ditto		Continuous
Logistics - Computers - Internet facilities - On line service - Networking systems - Automation of IP offices - Creation of IP data	Ditto		Continuous
Information dissemination (public education) - LCD projectors - Public address system - Seminars, conferences, etc.	Ditto		Continuous

## **ANNEX III**

### **MAIN SOURCES**

GEPC, Report of the one-day IIC Meeting, Miklin Hotel (9<sup>th</sup> October 2000).

Isaac OSEI, JITAP Cluster 2, “Strategies for the Multilateral Trade Negotiations and of implementation aspects of the WTO Agreements” (November 2000).

JITAP, “Multilateral Trading System: Impact on Ghana’s economy and External Trade Policy Adaptation”.

JITAP, Various reports available in the UNCTAD Secretariat

UNCTAD, “Compilation of proposals by African countries and Least developed countries to the WTO General Council in preparation for the Third Ministerial Conference”.

UNCTAD, “The Outcome of the Uruguay Round: An initial assessment”.(TDR 1994).

UNCTAD, “Preparing for future Multilateral Negotiations: Issues and research needs from a development perspective”.