



Effective Market Access for Least Developed Countries' services exports

Case Study on Utilizing
the World Trade Organization Services Waiver in
Senegal





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ABBREVIATIONS AND ACRONYMS

ACP	African Caribbean and Pacific Group of States
AfCFTA	African Continental Free Trade Area
AfDB	African Development Bank
BPO	Business Process Outsourcing
CPC	United Nations Central Product Classification
CPTPP	Comprehensive and Progressive Trans-Pacific Partnership
CSS	Contractual Service Suppliers
CTS	Council for Trade in Services
DCE	Direction du Commerce Extérieur
DDA	Doha Development Agenda
DITC	Division on International Trade and Commodities
ECOWAS	Economic Community of West African States
EFTA	European Free Trade Association
EIF	Enhanced Integrated Framework
ENT	Economic Needs Test
EPA	Economic Partnership Agreement
FTA	Free Trade Agreement
GATS	General Agreement on Trade in Services
GDP	Gross Domestic Product
IAM	Institut Africaine du Management
ICMPD	International Centre for Migration Policy Development
ICT	Information and Communication Technology
ILO	International Labour Organization
IMF	International Monetary Fund
IOM	International Organization for Migration
IT	Information Technology
ITC	International Trade Centre
ITES	Information Technology Enabled Services
LDC	Least Developed Country
MFN	Most-Favoured Nation
MRA	Mutual Recognition Agreement
NGO	Non-governmental Organization
OECD	Organisation for Economic Co-operation and Development
ONMS.	Ordre National des Médecins du Sénégal
PTA	Preferential Trade Agreement
PSE	Plan Sénégal Emergeant
RTA	Regional Trade Agreement
SME	Small Medium Enterprise
SONATEL	Société nationale des télécommunications
UNCTAD	United Nations Conference on Trade and Development

USAID	United States Agency for International Development
WAEMU	West African Economic and Monetary Union
WEF	World Economic Forum
WHO	World Health Organization
WTTC	World Travel and Tourism Council
WTO	World Trade Organization

PREFACE

This paper was prepared in the context of the United Nations Conference on Trade and Development's (UNCTAD) work in support of least developed countries' (LDC) participation in trade. It aims to contribute to the discussion on market access for services and services suppliers from LDCs, in particular, in the context of the World Trade Organization (WTO) LDC Services Waiver Decision adopted on 17 December 2011 (hereinafter "the Waiver").

For many years UNCTAD has been emphasizing the importance of services and services trade for developing countries, and the need to strengthen and diversify services sectors. This includes a focus on services and services-supported exports. Over the past 30 years the share of services in the gross domestic product (GDP) of developed countries has grown from 61 to 75 per cent, while the share in developing countries has grown from 42 to 55 per cent. In LDCs the share was and is still lower, but the growth trajectory is very clear – services are a key part of their economic future. Trade in services remains important as their exports have grown more than goods exports and more resiliently.

In addition to these direct effects, services provide inputs to all economic sectors. They are bundled with goods – for example when manufacturing firms also provide distribution services; and create linkages in productive value chains – as in the case of telecommunication and ICT services which integrate, through digitization, production processes more than ever before. These indirect effects imply that there is value added of services included in output and exports of all economic sectors. While direct exports of services were 13 per cent of total exports in LDCs, services accounted for 39 per cent of total value added in their exports. This value added, the so called "Mode 5" of services trade, confirms that servicification trends also occur in international trade and place services as a key contributor to trade as it is for output.

The LDC Services Waiver, which effectively operates as a new LDC-specific "Enabling Clause for services", now allows developed-country WTO Members and developing WTO Members in a position to do so to provide preferential treatment to services and service suppliers originating in LDCs. Consequently, the Waiver releases WTO Members from their legal obligation to provide non-discriminatory (MFN) treatment to all trading partners (General Agreement on Trade in Services (GATS) Article II) when granting trade preferences to LDCs.

After a slow start, WTO Members took up the challenge. Since 2015 developed and several developing Members – in total 24 WTO Members (counting the European Union as one) – have submitted Notifications granting specific preferences to LDCs under the Waiver – an important start, but more remains to be done.

Perhaps most importantly the Waiver has been a catalyst for a growing discussion and growing awareness among policy makers, service suppliers and other stakeholders both – from LDCs and from current and potential importers of LDCs services. But the task at hand for all those interested in LDCs and their services trade integration goes beyond the operationalization of the Waiver. The Waiver is just one tool among others – from autonomous liberalization to regional and bilateral agreements – that enables services liberalization in favour of LDCs.

The Waiver itself neither requires WTO Members to grant preferences, nor provides them with specific ideas or tools to devise smart mechanisms that actually facilitate LDC services exports into their markets. Thus, even if the range of preference-granting countries itself is noteworthy, the breadth, depth and real-life relevance of the preferences offered require and deserve attention, not least with a view to diversifying and sharpening the tools to provide effective pro-development access to services markets of export interest to LDCs.

UNCTAD has an important role to play in fostering, facilitating and enriching this discussion among all those who care about LDCs and their considerable potential in services. In 2016 UNCTAD commissioned a study on "LDCs Services Waiver – Operationalized?" The study carried out an in-depth assessment of the preferences offered in the context of the Waiver and juxtaposed them with what LDCs had asked for through their 2014 Collective Request. This deliberation has now been further developed through four pilot case studies in four LDCs services exporters – Cambodia, Nepal, Senegal and Zambia – that accompany an overview study. The pilot studies aimed at reviewing the implementation of the Waiver in the overarching idea of improving effective market access for LDC services and service providers. This resulted in an overview paper and a set of four country papers.

This paper presents the findings of the pilot study on Senegal. Focusing on a selection of services sectors of particular export interest to Senegal, this case-study assesses, where appropriate on an anecdotal basis, whether and to what extent the preferences granted by WTO Members respond to the market access, regulatory and other barriers experienced by Senegal's services exporters in their export market(s). By converging all available sources of information, the analysis aims to identify the relevance of the notified preferences for Senegal's services exports, possible gaps and opportunities for further development of improved market access mechanisms, as well as its utilization by LDC services exporters.

This is a pilot study. It does not aspire to provide a complete view of services exports from Senegal or of every demand-side barrier existing in respect of the services examined. The analysis neither aims to give a comprehensive picture of all services exported and barriers operating in the sectors chosen for examination. This paper and other works produced under this study are hence selective, aimed at providing a critical mass of useful findings that could meaningfully advance the discussion on LDC services trade. It is based on desk research and in-country consultations with services exporters, services regulators, representatives of relevant government agencies and representatives of services related business associations, against the background of often weak and unreliable services statistics.

This paper is intended to assist negotiators and policymakers in the WTO Members and LDCs in their efforts in identifying, designing and implementing smart mechanisms that could facilitate LDCs' services exports. The set of papers will not only benefit the countries examined, but other LDCs and the LDC Group, as the barriers faced by one LDC's service or service supplier are often also faced by services and service suppliers from other LDCs. It follows that potential preferences suggested by this study may be relevant for several, often for many, and sometimes for all LDCs.

This exercise remains by its nature necessarily a limited one, a work in progress that should stimulate further, progressively broader and deeper engagement by LDC governments, LDC services importers and other stakeholders, on the obstacles encountered and the solutions to be sought. UNCTAD's hope and ambition is to encourage stakeholders to carry the discussion forward, and to support them in this endeavour.

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INTRODUCTION

This paper focuses on Senegal as an LDC and a services exporter. It does so embedded in the immediate context of the overall question of LDC services exports, their promotion and the operationalization of the WTO's LDC Services Waiver. It thus serves as a case study – one of an initial set of four – and should be read in conjunction with the overview paper “Effective Market Access for LDC Services Exports – An Analysis of the WTO Services Waiver for LDCs”, which considers cross-cutting observations and conclusions.

A. LDC SERVICES EXPORTS

Least-Developed Countries (LDCs) participation in services trade is on the rise. According to the WTO, LDCs' commercial services exports expanded by 12 per cent on average per year during 2005–2016.¹ An impressive outcome compared to 8 per cent in other developing economies and 5 per cent in the developed group.²

While LDCs as group are generally services importers, their share of global services imports is slowly decreasing. In 2016, for instance, LDCs' services imports decreased to 1.4 per cent from 1.7 per cent in 2011.³ In turn, the share of LDCs in global exports of commercial services grew from 0.4 in 2015 to 0.7 per cent in 2016.⁴

However, LDCs services exports have also seen a sharp decline in recent years. Services exports from LDCs in Africa dropped by 5 per cent in 2016. Likewise, services exports from LDCs in Asia, which recorded the most rapid export growth expanding by 14 per cent on average per year during 2005–2016, saw a 3 per cent decline in 2016, while imports recorded 10 per cent growth.⁵

LDCs' portfolio of services exports is mainly focused on tourism with some variations by region. In 2016 exports of LDCs in Africa accounted for more than half of LDCs' total commercial services thanks to transport and tourism services in Ethiopia and in the United Republic of Tanzania and Uganda respectively.⁶ LDCs in Asia recorded the most rapid expansion from 2005–2016, mainly due to Myanmar's and Cambodia's performances as the leading tourist destinations in the region, and to Bangladesh and Nepal as leading exporters of information and communications services.⁷ In LDC islands, tourism accounted for more than two-thirds of their services exports.⁸

LDCs commercial services exports remain concentrated within a few economies. Myanmar leads the table boosted by rising travel exports that account for 12.3 per cent of LDCs commercial services exports. It is followed by Cambodia (12.1 per cent), United Republic of Tanzania (11.6 per cent), Ethiopia (8.7 per cent), Bangladesh (6 per cent), Sudan (4.8 per cent), Uganda (4.2 per cent), Angola (3.6 per cent), Senegal (3.3 per cent) and Nepal (3.1 per cent). This is a pattern unchanged since 2005.⁹

In addition to these direct effects, services provide inputs to all economic sectors; are bundled with goods; and create linkages in productive value chains. These indirect effects can be measured by the value added of services included in output and exports of all economic sectors. While direct exports of services were 13 per cent of total exports in LDCs, services accounted for 39 per cent of total value added in their exports. This value added, the so called “Mode 5” of services trade, confirms that servicification trends also occur in international trade and place services as a key contributor to trade. Such important indirect effects have a relevant bearing on inducing efficiency and effectiveness, reducing productive and trade barriers, and contributing to more productivity and increased productive and export capacity.¹⁰

B. THE WTO SERVICES WAIVER FOR LDCs

While LDCs participation in services trade is slowly increasing, their vast potential is still untapped partly due to capacity constraints, partly due to market access barriers encountered in export markets. This fact has initiated a series of deliberations in the WTO and other multilateral fora.

In 2003 the WTO Council for Trade in Services adopted a Decision on Modalities for the Special Treatment for Least-Developed Country Members in the Negotiations on Trade in Services. Quite generally, this decision aimed at defining negotiating modalities for LDCs in the area of services to ensure that WTO Members would take the special situation of LDCs into consideration when negotiating with them. The text also highlighted the need for WTO Members to open their services markets as a priority in sectors of interest to LDCs. A bit more than two years later, further developments on the matter were reflected in the 2005 Hong Kong Ministerial Declaration, where WTO Members agreed to “implement the LDC modalities

and give priority to the sectors and modes of supply of export interest to LDCs, particularly with regard to movement of service providers under Mode 4”.

After several years of discussions on how to effectively implement those LDCs modalities, trade ministers finally adopted on 17 December 2011 a waiver to enable developing and developed-country WTO Members to provide preferential treatment to services and service suppliers originating in LDCs. The Waiver, initially granted for 15 years from the date of adoption, releases WTO Members from their legal obligation to provide non-discriminatory (MFN) treatment to all trading partners (GATS Article II), when granting trade preferences to LDCs. It effectively operates as a new LDC-specific “Enabling Clause for services”.

Two years later, with no progress made, ministers came back to the issue with a subsequent decision on the ‘Operationalization of the Waiver Concerning Preferential Treatment to Services and Service Suppliers of Least Developed Countries’, adopted on 7 December 2013 at the Ninth Ministerial Conference in Bali. That decision established a process which foresaw that a High-Level Meeting – an idea akin to that of the Signalling Conference of 2008, or a pledging conference – would be held six months after the submission of a Collective Request by the LDC Group. After significant research the LDC Group developed the Collective Request and circulated it to WTO Members in July 2014, followed by the High-Level Meeting in February 2015, at which WTO Members agreed that those intending to grant preferences under the Waiver would follow up by submitting specific and detailed notifications of their intended preferences by July 2015.

Building on this success, the Nairobi Ministerial Conference in 2015 adopted the decision to extend the Waiver until 31 December 2030. The decision encourages WTO Members that have not notified preferences to do so, and WTO Members that have notified one to provide technical assistance and capacity building in order to allow LDCs to actually benefit from the preferences granted. It also asks WTO Members to address regulatory barriers as defined in GATS article VI:4 and mentions tasks to be fulfilled by the Council for Trade in Services (CTS) for quicker and more efficient implementation of the notified preferences.

Since its adoption, the Waiver has been a catalyst for a growing discussion and growing awareness

among policy makers, service suppliers and other stakeholders both from and in LDCs and from and in many other countries that import services from LDCs or may do so in the future. Twenty-four WTO Members have so far taken the next step and notified the lists of preferences they grant to LDC service providers and services under the Waiver. For now, this discussion process at the WTO has become a permanent feature of the proceedings in the CTS. One element of that discussion has been the attempts to evaluate the ‘value’ of the preferences offered.

But the task at hand for all those interested in LDCs and their services trade integration is arguably much greater than that. The Waiver is a legal tool that enables WTO Members to sidestep the otherwise applicable MFN obligation when granting preferences to LDCs. As such it only enables preferences, but neither requires WTO Members to grant them, nor provides them with specific ideas or tools to devise smart mechanisms that actually facilitate, and perhaps even support, LDC exports into their markets.

This paper stands in the context of efforts to assist all stakeholders in doing precisely that: identify, design and implement smart mechanisms to facilitate LDC services exports. It aims to make a contribution to the process stimulated by the LDC Services Waiver, but not exhaustively covered by that tool or the specific processes around it. The goal must be to come to an integrated, holistic debate and development process where the needs are fully understood, and tools are used in the most constructive, creative and productive way.

Building on a study “LDCs Services Waiver – Operationalized?” that was commissioned by UNCTAD in 2016, the current analysis presents and reflects on the pilot review, undertaken in late 2017, of Senegal’s services trade and its interests under the Waiver. By taking a look at a selection of Senegal’s services and service providers, and the issues they encounter in their export markets, the study aims at providing a start into the next phase of the ongoing discussion process. Thus, taking the Waiver process as a context, it is now needed to look at the specific situations of service providers on an LDC-specific basis, consider specific issues encountered in export markets, and devise specific responses, whether incremental improvements or complete solutions, to these challenges.

C. PREFERENCES NOTIFIED BY WTO MEMBERS – A SUMMARY ASSESSMENT

At the time of writing 24 WTO Members have notified preferences under the Waiver to the WTO, including all developed but also many developing country WTO Members: Australia; Brazil; Canada; Chile; China; European Union; Iceland; India; Japan; the Republic of Korea; Liechtenstein; Mexico; New Zealand; Norway; Panama; Singapore; South Africa; Switzerland; Thailand; Turkey; United States; Uruguay; Hong Kong, China; and Taiwan Province of China.

Categorizing, counting and assessing the preferences contained in the 24 notifications so far is a complex task requiring multiple choices that can affect statistical outcomes and other findings. With that caveat in mind certain careful observations on the – by our count well over 2,000 preferences – can be made.

- **Rising Above the 2006–2008 Doha Development Agenda (DDA) Offers:** Almost half of the preferences promised to LDCs now go beyond what was offered a decade ago to all WTO Members. In another 40 per cent of the cases the preferences correspond to the Doha Development Agenda (DDA) offers. Only 12 per cent remain below that threshold. While that is encouraging in that it reflects a willingness of WTO Members to engage seriously in the challenge to design services preferences and make the Waiver work, most of the DDA offers already a decade ago reflected applied MFN treatment rather than new, improved Market Access or National Treatment. It is fair to assume that at least half of the preferences – those that are either equal or less than the DDA offers – reflect currently applied MFN treatment or less, *i.e.*, no actual preferences for LDC services and providers, and no additional market opening *vis-à-vis* the *status quo ante*.
- **Getting close to the “Best Preferential Trade Agreement (PTA)” Level:** Preferences already offered under Preferential Trade Agreements (PTAs) are politically and technically tested. Their extension to LDCs under the Waiver was therefore a logical demand enshrined in the WTO Ministerial Meeting’s 2013 ‘Operationalization Decision.’ Over two thirds of the preferences promised in the 24 notifications correspond to what the respective WTO Members have granted to third parties under recent PTAs. Almost one quarter of the notified preferences seem to provide even better treatment to LDC services

and service providers. That finding, however, may be affected by the choice of comparator PTAs and other factors, and should be used with caution.

- **More than demanded in the Collective Request? Yes, but...:** A simple count suggests that 46 per cent of the notified preferences go beyond what was specifically demanded in the 2014 Collective Request. That, however, is arguably misleading. Over one third of these ‘CR plus’ preferences are in the – mostly meaningless – Mode 2, which the LDCs mostly left out of their request, presumably in order to steer the focus towards the more important other modes. Second, many of the preferences are arguably covered by the general list of services and activities of interest annexed to the Collective Request. Third, the fact that preferences are offered in sectors/modes not asked for may also in part reflect a choice by preference grantors to ‘boost’ their packages by adding more easily feasible but less relevant preferences.
- **Most preferences cover market access.** Only about 15 per cent cover National Treatment, with very few providing preferential regulatory treatment. This is arguably the biggest weakness of the notifications so far.
- **Uneven sectoral distribution.** By far the most notified preferences are in Business Services (including professional, IT and many other services), arguably corresponding to a focus of the Collective Request. The second largest number concern transport services, also important are recreational, cultural and sporting services. Arguably disappointing is the small number of preferences in tourism, construction, health and education services, all with significant export potential for LDCs.
- **Modes almost equally distributed, with Mode 4 being the strongest.** Rather encouraging is the notifying WTO Members’ response to the LDCs’ expected strong emphasis on Mode 4. One third of the preferences – as counted here – concern Mode 4. This effect is however to some extent linked to the counting method applied, where improved horizontal commitments are counted per each sub-sector to which they apply. This leads to a multiplication effect, but arguably appropriately so, as improved horizontal commitments in Mode 4 – for example, a new category such as CSS and/or independent professionals – do indeed apply their effect in all sectors covered.

- **Degrees of liberalization: A mixed picture.** Almost half of all notified preferences are full commitments ('none') – almost one third of which, however, are in Mode 2. Often partial commitments however may in fact be the most interesting ones, as they reflect efforts to carefully craft access opportunities in cases where barriers exist, but their prevalence also suggests that there is room for improvements in the future.
- **Some WTO Members offer big, some small packages.** While some of these variations may result from scheduling techniques and/or the counting method applied here, large discrepancies remain in any case. Chile, the European Union, Iceland and Norway lead the table, with Australia, Canada, India, Japan, Mexico Switzerland, and the United States forming a second group. Very few preferences were offered by China and Singapore. Brazil; the Republic of Korea; Liechtenstein; New Zealand; South Africa; Thailand; Turkey; Uruguay; Hong Kong, China; and Taiwan Province of China each offer a small selection of preferences, often however seemingly carefully selected. However, numbers don't necessarily imply quality. Selected, targeted and carefully designed preferences offered by WTO Members with existing geographical or other links to LDC markets may well offer more meaningful access to markets than large sets of commitments in less relevant sectors, less relevant modes, and/or less relevant geographical contexts.

Actual Preferences?

Unlike normal services trade agreements the LDC Services Waiver is, or was meant to be, about *actual preferences* – meaning: Real-life deviations from MFN treatment – and about *actual improvements for LDC services trade*. It remains unclear how many such actual preferences (*vis-à-vis* the previous practice) are contained or reflected in the notifications – finding out would require a comparison with applied regimes, something rather ambitious to do. Local academics and NGOs in particular would ideally fill this gap, bringing clarity to what remains to date an obscure situation.

That said, there has been significant progress with regard to data on applied regimes. While the WTO's and the World Bank's joint *I-TIP Services* database¹¹ began integrating applied regime data some time ago, it appears that recently new and much richer data has become available and is now

being integrated into the database. It is hoped that this will in future allow for at least some analysis of the Waiver and other preferences against applied regimes.

That said, "best practices" observed in existing notifications and preliminary lessons for future notifications would include the following:

Best Practices: Approach, technique and presentation

- **Comprehensive and systematic approach** pro-actively considering the complete range of services sectors, rather than a selected approach to 'cherry-picking' sub-sectors and modes of supply arguably tends to generate more and more open-ended opportunities, better suited to respond to a very dynamic sector. That said, seriously targeted sets of preferences may be of high value as they may send equally targeted and concentrated signals, and hence make recognizable contributions to the development of LDC services trade as 'pilots' or 'bridgehead' commitments.
- **Clear identification of preferences *vis-à-vis* GATS MFN commitments** (ideally *vis-à-vis* applied MFN *treatment*, although no WTO Member made this step). Ideal would be a hybrid: A full schedule with LDC preferences highlighted. Iceland's notification does that to a large extent.
- **Clustering modes where possible.** Services are often provided in several modes within the same business relationship. For LDC service providers (as for SMEs generally) separating modes is often particularly difficult. It is therefore desirable for WTO Members to provide to the greatest extent possible market access across all/most modes of supply.
- **Using the flexibility of unilateral action to explore uncharted waters.** The Waiver offers the possibility of unilateral preferences but, does not commit WTO Members to maintaining them indefinitely or indeed at all if and when found to be undesirable. This is in contrast to multilateral WTO or even bilateral FTA negotiations. Therefore, it seems unnecessary to exercise heightened caution in sectors and modes where the potential impact of LDC services would in any case be marginal for the importing country, but potentially interesting for LDC services exporters.

Best Practices: Substance

- **Taking Mode 4 seriously.** Among the most interesting potentials for LDC services exports are improvements for exports through Contractual Service Suppliers (CSS) and Independent Professionals, often effective trailblazers for and components of primarily Mode 1-based business models, alongside Service Sellers and Business Visitors. While many WTO Members struggle with the challenge of integrating trade and immigration tools and mechanisms for this purpose, some have made a recognizable effort to make steps forward to facilitate *bona fide* services trade.
- **Taking regulatory issues (and possible preferences) seriously, creatively so.** Unfortunately, most WTO Members have so far shied away from exploring regulatory preferences, an approach that stands in some contrast to the express needs and desires of LDCs and the potentials enshrined in many qualification requirements and procedures, licensing requirements and procedures, and technical standards.
- **Targeted efforts in difficult or complex areas help in exploring possibilities.** India's explorations of limited but creative Mode 4 access for tour guides and language teachers from LDCs show the way towards serious detailed engagement with LDC services issues. The LDC Services Waiver indeed provides the opportunity to expand trade in services by exploring better solutions for SME providers, and should be welcomed as such. This will be for the benefit of LDC providers as well as possibly others, but without detracting from the former.

Lessons Learned

- **The squeaky wheel gets the grease.** LDCs have been proven right in their approach to confront WTO Members with very specific requests. This should be kept up, as there's much room for improvement in how LDCs services and service providers are received.
- **Format influences content: The problematic use of the schedule format.** WTO Members (including LDCs themselves) seem to gravitate towards using the tools and mechanics they know rather than those that fit the task. The use of the GATS (or other) schedule format has had two unwelcome effects. First, many delegates and observers often find themselves discussing commitments rather than applied measures. While this works comfortably

in trade negotiations, it risks reducing the Waiver's operation to very little. Its function is to enable WTO Members to grant *actually applied MFN-violating preferences*. A promise to apply treatment that is actually granted to all on an MFN basis means something in FTAs, but nothing under the Waiver; such treatment does not require any deviation from MFN, hence does not need the Waiver, and should not count as its operationalization (even if intelligent and /or overdue MFN liberalization stimulated by reflections on preferences is welcome as long as they actually respond to LDC services exporters challenges). Second, the schedule format has allowed – if not enticed – WTO Members to largely abstain from granting regulatory preferences, despite a number of specific (and realistic) requests in the Collective Request. This is unfortunate and should be avoided in future – not necessarily by abandoning the format, but by challenging its completeness.

- **Applied MFN v. actual preferences – many misunderstandings still intact.** Much of the discourse gravitates towards a consideration of 'commitments' instead of actually applied preferences. In many cases this is because the discourse never left the comfort of the known context. More awareness raising is required. Active usage of the notified preferences and systematic feedback can make a significant contribution over time.
- **Forward-looking approach.** While the requests so far have chiefly focused on areas of current export interest to LDCs, it is also important to seek for preferences in sectors that will contribute to longer-term development goals, including by contributing to diversification and upgrading. This means that LDCs, in addition to build on their existing comparative advantages, also need to challenge them and strive for new avenues and build new comparative advantages. Along this line, data on services value-added in all sectors, which is still scarce in LDCs, could be informative to evaluate what are the services sectors that are contributing more to overall productive capacity, productivity and competitiveness. This is important to expand the debate on development options, revealing that services are not an alternative to agriculture or industrial development, but instead they should be a key element of strengthening agriculture and of industrialization strategies.

D. PREFERENCES NOTIFIED AND SENEGAL'S SERVICES EXPORTS: APPROACH

The effective value of the preferences for LDC services exports is under discussion. LDCs and other WTO Members are engaged in an ongoing dialogue at the WTO's Council for Trade in Services. A small number of studies have looked at some of the issues, including the abovementioned study commissioned by UNCTAD in 2016, whose main findings were already reflected, which took a reasonably detailed look at the notifications and juxtaposed them with what LDCs had asked for through their 2014 "Collective Request".

The 2016 study also recommends that a more systematic and detailed monitoring exercise be conducted, ideally regularly, considering the perspectives of services exporters. The present case study serves as one of the pilots for that exercise. It presents a summary of a pilot review conducted in Senegal aimed at reviewing the implementation of the WTO Services Waiver, or rather: The underlying idea of improving effective market access for LDC services.

Taking a bottom-up approach the case study looks at Senegal's services exports, the relevance of the notified preferences for these exports, and possible gaps and opportunities for further development of mechanisms for improved effective market access and its utilization by all LDC services exporters, and by Senegal's services exporters, in particular. Focusing on sector(s) of particular export interest to the country, this case study assesses, where appropriate on an anecdotal basis, whether and to what extent the preferences granted respond to the market access, regulatory and other barriers experienced by services exporters from Senegal in their export market(s) of interest. By doing so, the analysis aims at identifying existing gaps and proposing options for further improvements.

This pilot analysis relies on desk research combined with brief and compact in-country consultations held with services exporters, services regulators,

representatives of relevant government agencies and representatives of services related business associations.¹² It aims to bring together what knowledge is available to allow an instructive picture to emerge.

Based in particular on anecdotal research this paper looks at Senegal's current and emerging interests in terms of services exports and hence in the related – potential – removal or modification of barriers encountered in its export markets under the LDC Services Waiver. These interests are then juxtaposed with the preferences on offer, both directly (Does any preference granted respond to the needs or desires identified?) and indirectly (Are there other positive elements in the notified preferences?) with a view to identifying both remaining gaps and useful achievements.

A word of caution is needed: This exercise remains by its nature necessarily a limited one, a work in progress that should stimulate further, progressively broader and deeper engagement by LDC governments, stakeholders and friends on the subject of services exports, the obstacles encountered and the solutions to be sought. Its bottom-up approach looking for the real-life example of barriers to services trade by those who know: The services providers affected. Identifying those stories is a challenging exercise, but it remains without alternative: It is those stories that identify the obstacles to be removed, as usable data on export interests and obstacles encountered are hardly available, often in the form of anecdotes.

The purpose of this paper is to generate insights into pertinent challenges to LDC services exports in their export markets, and potential measures that could make a contribution to addressing those challenges. This paper is thus not a study on the services sector in Senegal as such; rather, it is a collection of useful anecdotal evidence from a few selected sectors of export interest that serves to understand the bigger picture in order to pave the way for a more meaningful operationalization of the LDC Services Waiver.

Box 1: Services Data – A Caveat

When considering services trade data, it is important to note that current statistics in many countries, including not least LDCs, rarely capture with any accuracy what is actually happening. This reflects both the secondary attention accorded to services trade and the objective difficulties in collecting and collating the relevant information. These difficulties include:

- First, unlike in trade in goods usually no physical commodity crosses the border, and hence can be observed, counted and measured. Balance of payments (BOP) statistics provide some help, but the collection of traditional BOP statistics primarily relies on measuring cross-border transfers of money, and hence does not “see” the actual transaction of the service that is being paid for. Even if the service provider can be identified as the recipient of the payment, it is often not clear which service was provided (as the provider may provide different services), nor in which mode of supply. Modes 1, 2 and 4 will usually trigger international money transfers as provider and recipient are based in different jurisdictions, so bank or cash transfers across borders will happen and can thus be reflected in the BOP. However, central banks or statistics agencies have little means to tell which mode was actually applied – did the lawyer travel to the client, the client to the lawyer, or just the legal memo through the internet before the client made the bank transfer to the lawyer? The picture is further complicated for purposes of accounting the value of services provided by natural persons (Mode 4) who stay for a period that is longer than a year in the export market. Those are usually treated as residents of the host country while under the GATS they are still considered as Mode 4 services providers beyond this period – for example as intra corporate transferees staying for 2–3 years. Remuneration for services provided by (resident) natural persons often appear only as net of costs in the form of remittances in the BOP statistics, effectively underreporting the value of services.
- Second, sectoral classifications traditionally used in BOPs are largely out of synch with categories usually used in trade policy, making it difficult for policy makers to use BOP data for many sectors, even if such data are available, as they will often be too aggregated. Much work has been done to advance convergence, but until today services trade statistics remain mostly unusable for trade policy making and trade negotiations.
- Third, Mode 3 is almost entirely under the BOP radar screen as it triggers local, not international payments (from a local service consumer to a foreign-invested, but locally established provider). The needed Foreign Affiliates Trade in Services Statistics (FATS), both inbound and outbound, are difficult and tedious to establish, and most developing countries do not even try. As a result, Mode 3 services provision goes largely unmeasured, except to the extent that it appears as part of FDI statistics.

All these (and some more) issues have long been recognised, and a group of international agencies including among others the International Monetary Fund (IMF), EUROSTAT, the WTO and UNCTAD, has made significant efforts to compile recommendations and international best practices,¹³ but actual practice lags far behind.

The issue of services trade statistics, notably, is not exclusive to developing countries. Traces of the magnitude of the challenge are found almost as much in developed country resources and discourse. For example, a report by the United States Congressional Research Service on members of the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP) looked at United States of America services trade with only eight of the eleven (non-United States) CPTPP parties because the United States Bureau of Economic Analysis (BEA) lacked individual data for trade with the others.¹⁴

This weakness of data has the understandable but odd consequence that more often than not the unavailability of data translates directly into a lack of awareness among those who otherwise tend to rely on data, such as administrative agencies, politicians and negotiators.

This effect is exacerbated in trade in services as many stakeholders (including businesses themselves) have only a shallow grip on the concepts and mechanics of trade in services. Finally, the sheer sectoral spread in services adds to the resulting confusion.

The result is a political and economic discourse that is sometimes perilously removed from reality. However, the fact that something is difficult to measure of course does not mean that it is not there. The observations and any exchange with service providers and their clients will make it clear that trade in services is a major reality, and an even bigger potentiality, for any economy. It is therefore incumbent on policy makers and other stakeholders to make every effort to ensure that the absence or paucity of data does not lead to misinterpretations. This requires



SERVICES AND SERVICES TRADE IN SENEGAL

an enhanced qualitative, as opposed to just quantitative, discourse, and arguably an even closer engagement with stakeholders than elsewhere.

Senegal is a West African country bordered by The Gambia, Guinea, Guinea Bissau, Mali, Mauritania and the Atlantic Ocean. With a population of around 15.4 million, Senegal is a key political and economic hub in the region. It is a member of the Economic Community of West African States (ECOWAS), The West African Economic and Monetary Union (UEMOA/WAEMU), the African Caribbean and Pacific Group of States (ACP), the African Union and the African Development Bank Group (AfDB), among others. Services matter greatly for Senegal. It has multiple vibrant services sectors, an outward-looking, mobile population, and a strong impetus towards modernization, including of infrastructure and policies relevant to services. The country's overall flagship strategy "*Plan Sénégal Emergent*" (PSE) refers prominently to services, and the Ministry of Trade¹⁵ and its *Direction du Commerce Extérieur* (DCE) makes every effort to engage development partners, including UNCTAD, the WTO and other multilateral agencies, in its efforts to develop policies relevant to services trade and services exports in particular.

A. THE ECONOMY – A SNAPSHOT

After a period of modest economic growth, the Senegalese economy has experienced an accelerated growth over 6 per cent since 2014. An increase in agricultural and industrial exports volumes is the main contributor to this growth.¹⁶

Agriculture contributes around 17 per cent to GDP. The sector is primarily dominated by food farming, which in 2016 grew 12.8 per cent with respect to the previous year. However, this marks a deceleration in the sub-sector's growth, as in 2015 it grew 35.4 per cent. Likewise, industrial agriculture grew 10.6 per cent in 2016, a sharp decrease compared to the 2015 growth of 20.9 per cent. The livestock sub-sector, in turn, rose by 5.7 per cent in 2016, compared to 4.8 per cent in 2015, mainly due to the improved performance of poultry and milk production.¹⁷ Senegal's primarily agricultural exports include soups and broths, cigars, raw groundnuts, rice and malt extract. Mali is the main export market (17 per cent), followed by the European Union (15 per cent), Switzerland

(10.2 per cent), India (7.9) and Côte d'Ivoire (5.1 per cent).¹⁸ It is worth noting that despite the economic contribution of agriculture, the production base still narrow, making the economy vulnerable to shocks, especially to climate hazards, as the sector is mainly dependent on rainfall.

Industry contributes 23.2 per cent to GDP. The sector is primarily focused on phosphoric acid and fertilizers production. Extractive industries account for 2.6 per of GDP and are mostly export-oriented. The country's main industrial exports are gold, petroleum oils other than crude, cements and phosphate. In the past years, there has been an increased development of the manufacturing sector, marked by rising exports products in textile and clothing, footwear and machinery.¹⁹ Despite the overall growth of the industrial sector, its potential is being drawn-back by the lack of energy management in the country.

B. SERVICES AND SERVICES TRADE

As illustrated in Table 1, services are the main contributor to GDP, however its share has remained largely unchanged for the past two decades. Transport, financial services, hotel and restaurants, and real estate activities are the main services sub-sectors. In recent years, transport has been the main contributor to the modest growth of services. The sub-sector grew by 12 per cent in 2016 and 9.5 per cent in 2015, mainly due to investments in ports, expansion of road network and renewal of the public transport fleet. Commercial activities, in turn, increased by 5 per cent in 2015, compared to 4.4 per cent in 2014.²⁰

The economic importance of services has arguably not translated fully into Senegal's export portfolio and export performance. The country is a net importer of services. According to the IMF the main reasons for this is that the sector is mainly composed of "non-tradables" and that the scope for services with high productivity to grow is limited by the predominance of informality.²¹

Despite services trade statistics generally and in LDCs in particular are notoriously incomplete, unreliable and sometimes misleading (see Box 1), some observations may nonetheless be helpful in illustrating Senegal's situation for purposes of this paper.

Trade in services accounted for 18.1 per cent of GDP in 2014, which is higher than the Sub-Saharan regional average of 10.6 per cent in the same year.²² As mentioned before, Senegal remains a net importer of services, but with exports of commercial services slowly increasing in an average of 3.4 per cent from 2009 to 2014²³ (from \$ 905 million in 2009 to \$ 1.2 billion in 2014).²⁴ While the overall services trade balance is increasing negatively, the trade balance of some sectors is positive, including travel, telecommunications, business, construction and personal, cultural and recreation services.²⁵

The main sub-sectors for exportation of commercial services, as illustrated in Table 2 – other than travel or communication, by far the biggest contributors

in terms of recorded statistical value – are transport, business, construction and computer information services. It is worth noting that the dataset in Table 2 does not capture informal transactions in services ranging from housekeeping to telemedicine and construction, and thus, figures may be inflated.

Senegal also exports services in other sectors such as education, IT, professional services (mainly health related) or audio-visual services. The limited representation of these sectors in Table 2 does not reflect the absence of current exports, but rather the lack of statistics and data able to capture the flows, and to disaggregate what is recorded.

With the same general caveat in mind Figure 1 provides an impression of the relative weight values

Table 1: Sectoral contribution in Senegal's gross domestic product, 1980–2016 (% of gross domestic product)

Sector	1980	1990	1995	2000	2005	2010	2012	2015	2016
Agriculture	20.09	19.9	21	19.14	16.81	17.46	16.9	17.46	32.98
Industry	20.07	22.1	23.7	23.23	23.63	23.36	23.8	23.2	14.76
Services	26.31	32.13	35.49	37.05	45.96	47.84	47.99	51.63	52.26

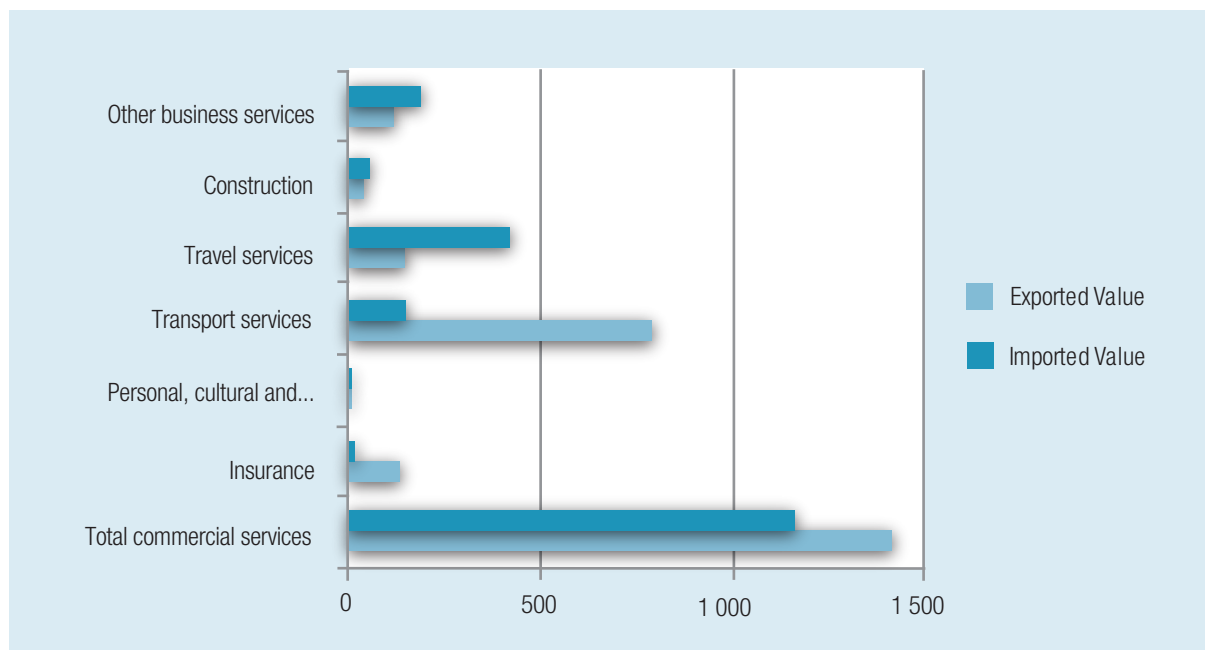
Source: World Bank, World Development Indicators.

Table 2: Value and share of exports for different commercial service subsectors in Senegal, selected years (\$ million and per cent)

Sector	1980	1990	1995	2000
Commercial Services	1080.134	100	1162.232	100
Transport	126.062	11.7	148.388	12.8
Travel	407.057	37.7	422.964	36.3
Communications	224.039	20.7	274.490	23.6
Construction	68.510	6.4	57.514	4.9
Insurance	16.697	1.5	14.436	1.2
Financial services	11.277	1.0	12.779	1.1
Computer and information	23.559	2.2	21.727	1.9
Royalties and license fees	3.389	0.3	3.865	0.3
Other business services	185.507	17.2	188.237	16.2
Personal, cultural & recreational services	0.161	0.01	1.555	0.1

Source: ITC, Trade Map.

Note: The shares in the table have been calculated after excluding "Government services n.i.e."

Figure 1: Senegal's export and import in commercial services in 2014 (\$ thousands)

Source: ITC, Trade Map.

of export and import in some of the services sectors and sub-sectors.

Available data suggests that France is Senegal's main services trading partner, followed by Japan, Sweden, Belgium, the United States, Finland and India. If counting bilateral flows of services (export and import), France is the main partner for trade in insurance, financial, computer and information, and other business services.²⁶ It is worth noting that this list is indicative and may not fully reflect the real trade flows, as statistics only capture trade in selected services,²⁷ **but do not include other sectors of importance to Senegal, such as education,**

audio-visual or entertainment. Likewise, this data does not capture trade flows with other African countries (except for South Africa).

With regards to employment, 51.4 per cent of the labour force works in the agriculture sector. However, services are the second largest employer, reaching 27.9 per cent in 2017.²⁸ Services' share of total employment is recovering in the past years after falling dramatically in 2010. While from 1991 to 2006 services contribution to employment grew steadily reaching 43.1 per cent in 2006, it experienced a sustain decrease in the following four years accounting for only 23.5 per cent of



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total employment in 2010. Since then, services

contribution to employment and job creation has

been growing, reaching the aforementioned share

of 27.9 per cent in 2017.²⁹

A. DEFINITION

As explained in section A.2.1, the GATS defines Mode 4 as ‘the supply of service by a service supplier of one Member, through the presence of natural persons of a Member in the territory of any other Members’. It is worth recalling, for good order, that the GATS and other trade agreements aim to distinguish between temporary presence to provide services, on the one side, and labour migration which involves joining the local labour market, on the other side.³⁰

This section ultimately focuses on trade in services, and hence services supplied in Mode 4 by Senegalese providers, as a subset of the broader group of (temporary) economic migrants from Senegal. This should be kept in mind when considering this section— particularly where reference is made to data on economic migration, which encompasses (much) more than Mode 4 exports.

B. MODE 4 AND ECONOMIC MIGRATION FROM SENEGAL: AN OVERVIEW

Senegal is known as a vibrant exporter of people. Most economic migrants from Senegal seek employment abroad, often in agriculture and manufacturing, and those engaged in services industries (from hospitality to retail to health services) would often not fall under the definition of Mode 4 as local employers in the host countries employ them. However, others qualify as intra-corporate transferees (e.g. communication, call centre management and staff, staff of education institutes’ foreign branches), contractual service suppliers working for Senegal-based service companies supplying services abroad (e.g. dance troupes, film crews) or independent professionals (e.g. veterinarians), hence Mode 4 suppliers. These supplies in Mode 4, therefore, should be seen both as an integral element of the bigger picture of Senegalese labour mobility and as a distinct feature meriting special attention under trade in services



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arrangements – including the WTO LDC Services Waiver.

Overall Migration Data

According to the latest demographic census, from 2008 to 2013 around 164,901 Senegalese were living abroad for at least six months, which accounted for 1.2 per cent of the population in 2013. However, a study from the International Centre for Migration Policy Development (ICMPD) and International Organization for Migration (IOM) estimates that if comparing the census with diplomatic and consular posts data, as of 2013, 3 to 4 million Senegalese have migrated. This number may be even larger given the importance of irregular migration.³¹

The majority of Senegalese living abroad were young males aged between 20 and 34 years. There is some disagreement as to the main destinations. The census reported that the main destinations were Europe (44.5 per cent), particularly France, Italy and Spain, followed by West Africa (27.5 per cent) and Central Africa (11.5 per cent). ICMPD and the IOM, on the other hand, reported that the majority migrated to other African countries and only 195'990 moved to Europe. The data does not include statistics of Senegalese migrating to the United States, estimated to have been around 60'000 in 2010.³²

Migration Management and Bilateral Agreements

The demographic census also reported that 73.4 per cent of the mentioned population temporarily migrated for work purposes.³³ Some of this migration was channelled through several initiatives and projects implemented by the Government. In 2008, the National Commission of Job Offers was established with the responsibility of receiving and circulating job offers from partner countries, those with which Senegal has bilateral labour agreements, such as France or Spain.³⁴

In 2006 Senegal and France concluded the Pact on concerted management of migration, which entered into force in 2008. It facilitated labour and student mobility between both countries. The pact eased visa procedures for businessmen, intellectuals,

academics, scientists, traders, lawyers, high-level sportsmen and artists, who actively participate in economic, trade, professional, scientific, academic, cultural and sports relations between both countries.³⁵ In addition, the pact established a quota of 1,000 persons per year for young professionals from both countries applying for temporary work permits of less than 12 months, with the possibility of a six-month extension.³⁶

Two agreements on seasonal labour migration were also concluded with Spain in 2006 and 2007 respectively. Pursuant to the agreement, the Spanish Embassy in Dakar disseminated job offers to Senegalese authorities. Initially, the National Agency for the Promotion of Youth Employment pre-selected the candidates, who were finally selected and recruited by Spanish employers, but later, the National Commission of Job Offers followed up on the process. The agreement granted a quota of 2,700 job places in the fishery and agricultural sectors.³⁷ As of 2014, several Spanish companies and multinationals have conducted recruitment missions in Senegal under this agreement. Around 4,000 Senegalese have been employed per year on temporary one-year visas.³⁸ Furthermore, Spanish trade unions and the National Confederation of Workers of Senegal concluded an agreement to provide vocational training. With the assistance of the ILO several workers in the fields of hospitality and agriculture were trained under this program.

Senegal has also signed similar agreements with Morocco (1964) and Mauritania (1972) facilitating workers' mobility between both countries. An agreement was concluded with Gabon (1982) dealing with Senegalese education workers placement. Gabon has not yet ratified the agreement, however cooperation mechanisms have been implemented. Two additional agreements were concluded with Saudi Arabia (1988) and Kuwait (1992) organizing the placement of Senegalese migrant workers in the construction sector.³⁹

Skilled and Unskilled Migration: Mode 4

While the bigger share of economic migration from Senegal seems to be taken by low-skilled young people seeking employment abroad, there is also

a significant migration of higher-skilled labour, not least in the health sector. According to the National Agency of Statistics and Demography, 24.1 per cent of total migrants in 2010 were skilled workers.⁴⁰ As of 2000, 43 per cent of all Senegalese medical specialists and 26.9 per cent of nurses born in the country were working in OECD countries.⁴¹ Despite the fact that the latest comprehensive data available is almost twenty years old, the phenomenon appears to continue to be relevant.⁴²

A. CREATIVE INDUSTRIES: ENTERTAINMENT AND AUDIO-VISUAL SERVICES

1. Definition

“Creative industries” is an emerging concept without a single definition. It involves a group of activities that “are intensive in creative skills and can generate income through trade and intellectual property rights”.⁴³ Thus, it comprises a range of services from arts performance (music, dance and theatre) film production, broadcasting, digital animation, video games to architectural and advertising services.

In the WTO’s Services Sectoral Classification List W/120 creative services are found in various sectors and subsectors. Music performers’ services, for example, are grouped under “Entertainment services” as a sub-category to “Recreational, cultural and sporting services, while film-related services are mostly found under “Audio-visual services”, a subsector to “Communication services”. Audio-visual services are further subdivided into “Motion picture and video tape production and distribution services”, “Motion picture projection service”, “Radio and television services”, “Radio and television transmission services”, “Sound recording” and “Other”.

The sub-categorization under “Entertainment services” has seen some significant evolution since the provisional United Nations Central Production Classification (CPC) was drawn up in 1991, still acting as the reference document for the WTO’s W/120 list. There the relevant services

are subdivided into in particular “Theatrical producer, singer group, band and orchestra entertainment services” and “Services provided by authors, composers, sculptors, entertainers and other individual artists”. (Later versions of the CPC go into significantly more detail and would appear to more accurately reflect the reality of the various services involved.) In the case of Senegal Mode 4 supply through the live performance of music artists is particularly relevant.

2. Creative industries in Senegal: Entertainment and Audio-visual Services

Senegal has a dynamic cultural sector enriched by its vast heritage. In 2012, the country exported \$ 6.31 million worth of cultural goods. 42 per cent of which was exported to other African countries, while 41 per cent to Oceania and 16 per cent to Europe.⁴⁴ Between 2003 and 2012 “Audio Visuals” were the creative goods exports that grew the most after “Art Crafts”,⁴⁵ which in turn gives an indication that the supply of audio-visual services also increased during the same period. Unfortunately, recent data on creative services exports are not available. (The seemingly latest available figures report that as of 2003 exports of cultural services were worth \$ 2.14 million.)⁴⁶

Entertainment services in Senegal

Entertainment services in Senegal have traditionally been focused on Senegal’s music industry. According to the Senegal’s copyrights office, 8,920 albums in physical format were produced as of 2015.⁴⁷ Commercial music production is dominated by the combination of traits of Jamaican reggae, hip-hop, jazz and Afro-Cuban bits with Senegalese folk music that attract local and international audiences’ attention.⁴⁸

Senegal has an ever-increasing crop of talents, some of which have made international headlines. Youssou N’Dour, for instance, has broken into global markets. He is the recipient of a number of international awards, including a Grammy, and has collaborated with worldwide known artists. His music is a fusion of traditional mbalax sounds

with modern rhythms such as hip-hop, jazz and soul.⁴⁹ Orchestra Baobab, is one of the most famous Senegalese bands. Its music mixes Cuban-Caribbean rhythms with Casamance harmonies and drumming and Wolof sounds. In 2003, the group was granted the Best African Artist Award by the BBC Radio World Music Awards.⁵⁰ Coumba Gawla is the second best-selling Senegalese singer in the country. Her creative music combinations of traditional griot structures and modern rhythms have acquired wide international recognition, mainly in Belgium and France.⁵¹ Other well-known local artists include the acoustic band Isamel Lo, the singer and song-writer Baaba Mal, the mellow group Touré Kunda, the band Xalam, the young stars Pape Diouf and Titi, to name only a few.

Like for many other LDCs the currently greatest export potential for entertainment services lies in the supply of artists and artistic contributions for live performances abroad. Comprehensive data on Senegalese artists' performance in foreign markets is not available, however, an overview on visa applications in popular destinations, gives an indication of demand and supply. In the United States, one major destination for foreign artists, 611 P3 entry visas for artistic life performances were granted to Senegalese artists between 1998 and 2016. During the first four years the figure did not have a pattern as the number fluctuated between 1 and 30. In 2001, applications rose to 48 visas granted that year. Until 2008 this figure varied slightly between 30 and 48 per annum, with the exception of 2006, when only 15 visas were granted. In 2009 the number dropped drastically to 4. However, in 2011 the figure picked up to 60, the largest number of United States visas ever granted to Senegalese artists.⁵²

Despite the large niche of Senegalese musicians, the sector remains underdeveloped with little access to professional promotion services. Heavy taxes, artists' fees and high organizational costs discourage managers, agents and event support service providers to operate in the country.⁵³ As a consequence, many artists are promoted by foreign private agents or international support programs, which end up exporting Senegalese musicians to other markets, mainly France.⁵⁴

Radio France International (RFI), for instance, have played an important role in the promotion of African artists, including Senegalese musicians.⁵⁵

Since 1981, the radio station in partnership with the *Institut français, l'Organisation Internationale de la Francophonie*, Sacem, Deezer and Ubiznew organize the RFI Discovery prize. It awards the best emerging talent in Francophone and Lusophone Africa, the Indian Ocean and Caribbean. The prize includes 10,000 euros, a live performance tour in several African countries and a concert in Paris.⁵⁶ From 1994 to 2016, five Senegalese artists have won the competition, among them the famous rapper Didier Awadi. In 2017, two were selected in the list of 10 finalists.⁵⁷

Audio-visual services in Senegal

Senegal has a dynamic film industry originating back in the 1950s that flourished in the late 60s when it became a pioneer of the African cinema.⁵⁸ Today Senegal is one of West-Africa's leading nations in film production with a niche of talented and professional writers, cinematographers and directors.

In 1955, the Senegalese-Beninese filmmaker Paulin Vieyra became the first African to direct a movie with the French production "L'Afrique Sur Seine". In 1966, Ousame Sembene, the most renowned Senegalese filmmaker produced and directed "La Noire" (internationally known as "Black Girl"), the first film ever released by a sub-Saharan filmmaker and awarded the Jean Vigo prize of the Cinema of France.⁵⁹ In the following decade, the industry stood out in Africa with a number of productions distributed in international markets, such as "Kaddu Beykat" by Safi Faye, "Samaba Tali" by Ben Diogaye Bèye,⁶⁰ "Xala" by Ousame Sembene and Badou Boy by Djibril Diop Mambéty. However, the economic crisis of the 80s marked a slow decline of Senegalese film production as the public funding almost ceased. Since then, most Senegalese cinematic production is internationally funded, despite the efforts of the Ministry of Culture to revive public funding by launching FOPICA, a film production support program, in 2002.

Senegal has a shortage of cinema theatres, as the majority closed in the aftermath of the economic crisis and the rest are only able to screen an inexpensive repertory. Consequently, most of the cinema is exhibited at international film festivals and distributed in international markets rather than in the country.

Since 1972, at least 14 films have been awarded with prizes and recognitions at the bi-annual Pan-African film and television festival FESPACO. From 2010 to 2016, 16 films were screened at Carthage film festival.⁶¹ Since 1961, 11 productions and co-productions have been selected at Cannes Film Festival. Two of them participated in the competition as feature films, five were part of the *Un Certain Regard* section and 4 were screened at Cannes classics.⁶² Likewise, around 15 Senegalese productions and co-productions have been screened at Berlin's renowned annual film festival, the Berlinale. Several have won prizes, with "Félicité" by Alain Gomis the most recent to be awarded the Silver Bear Grand Jury Prize in 2017.⁶³ The film was also nominated to the 90th Academy Awards (Oscars) for Best Foreign Language Film.

3. Barriers encountered, possible preferences, actual preferences

Barriers Encountered

Physical market access: Visa and work permits

Performing artists are among those most affected by horizontal visa/work permit issues, *i.e.* physical entry challenges faced by all Mode 4 services suppliers. Musicians, dancers and other performers, often young, unmarried and without a visa track record, are particularly affected compared to other service providers and professionals.

Bonds and guarantees, for example, are frequently required to obtain visa, and foreign event organizers and agents are often not willing to take on that responsibility. Similarly, bank account balance requirements can be a major challenge, especially for younger performers; when required from each member of a music or dance group individually (something reportedly practiced by some Schengen countries, for example) often means that the band/troupe as a whole will not be able to perform, and hence will not travel. The requirements are more stringent for artists who seek to go abroad to promote their album (organize several concerts) than for those invited by producers. Many music groups and their gigs in Senegal (and the region) are organized in an informal way and, as a result, performers have difficulties showing their professional track record.

The same issue affects professionals in the film industry, albeit less so in Senegal since the *Direction de la Cinématographie* began to issue film professionals with professional ID cards, which foreign consulates now often accept in good faith as proof of being a cultural professional. There is no comparable system yet for musicians and other performers, so *ad hoc* individual confirmations must be obtained. One might mistakenly assume that visas are less important for filmmakers and actors as their main service – the movie – can be transmitted to foreign clients in Mode 1, without them travelling. That however would mean to miss a key element. For filmmakers and actors, and with them the entire exporting film industry

they represent, physical presence at film festivals, special screenings, award ceremonies and workshops/ marketplaces' for filmmakers (often organized in the context of festivals) is of crucial importance.⁶⁴ Their profile for visa purposes is often not dissimilar to that of live performers (young, unmarried, no visa record), and they encounter similar difficulties – perhaps with the difference that at least major film festivals such as Cannes or Berlin reportedly often have some access to their country's consular services.

The costs of visas are a deterrent (the cost of a Schengen visa, for example –40 euros– may not appear much to the casual observer but corresponds to the legal monthly minimum salary in Senegal), and so is the non-refundability of visa fees in case of rejection. (However, as many countries have consulates or consular sections in Dakar, there are at least no additional costs for most Senegalese artists, unlike for their colleagues from countries such as neighbouring The Gambia who have to travel *e.g.* to Dakar, sometimes twice, to obtain the same visa).

Documentation requirements can be rather burdensome. For example, for some English-speaking countries (the United Kingdom of Great Britain and Northern Ireland was mentioned), applicants are routinely expected

to have relevant documents (marriage documents, bank accounts, proof of accommodation / hotels, etc.) translated into English by expensive certified translators.

Film distribution through local distributors

Stakeholders from the film industry indicate that in some export markets the distribution of audio-visual content, notable films, is required by law to pass through local distributors, which they believe is negatively affecting their distribution. This appears to be the case, for example, for movies distributed in France. Direct access to the user (cinema operator) would enhance their opportunities.

Screen/air quotas and co-production

The Senegalese cultural industries, especially the movie industry, are affected by nationality/local content requirements in their export markets, including in the form of screen quotas and requirements imposed under or through co-production agreements.

Local content requirements applied by many countries to film productions as a precondition for (1) access to financial support (film financing, tax relief etc.), (2) access to screen quotas (qualification as national production of the importing country) and (3) tax relief often significantly limit the marketplace not only for LDC movies but also input services that are, or could be, provided by Senegalese and other LDC service providers to international productions. These requirements are often effectively modified through co-production agreements, but these again impose specific requirements that often exclude LDC inputs. Their impact on third parties is sometimes even worse than 'pure' local content requirements. This is because bilateral co-production agreements often require all or a fixed share of inputs of production services (including studio and post-production work) to be provided in the coproduction parties, hence effectively excluding third party (e.g. Senegalese) audio-visual service inputs even where movies are in fact shot in Senegal.

Withholding taxes and social security contributions

Senegalese performing artists who as contractual service suppliers or independent professionals provide their services in Mode 4 sometimes see their fees subjected to withholding taxes and social security contributions. This is, for example the case

in France, an important market for Senegalese artists, which imposes the deduction from their income of the contributions and costs of affiliation to the social security system in France usually applicable to all employment contracts in France. Article L762-1 of the French Labour Code specifies that "any contract by which a natural or legal person ensures, for remuneration, the assistance of a performer to its production, is presumed to be a contract of employment (...)".⁶⁵ Foreign visiting artists, in other words, are treated as local employees for purposes of social security treatment, with expensive consequences. This stands in contrast to the treatment granted to performing artists from EEA countries who get treated as independents/entrepreneurs, and hence do not pay the same charges – a situation that demonstrates, incidentally, that better treatment is reasonably possible from an administrative perspective, provided the required will is there.

Local partnering and hiring requirements (for film productions)

Stakeholders suggest that some countries impose local partnering and/or local hiring requirements on audio-visual productions shooting/recording on their territory. Kenya, for example, appears to require the inclusion of a local executive producer (production company), others require the hiring of a certain number of local technicians.

Possible Preferences

Possible measures that could be devised as preferences for LDCs under the Waiver to address the challenges encountered would thus include the following:

- Create special visa categories for bona fide LDC cultural professionals, with fewer conditions attached, to account for their often-challenging visa profiles (young, male, unmarried, no bank account, no visa track record, etc.);
- Reduce visa fees for bona fide LDC cultural service providers;
- Refund visa fees in case of refusal;
- Reduce or waive bond/guarantee requirements, and/or flexible mechanisms to allow exporting governments or other third parties to provide guarantees on preferential terms;
- Grant longer visa duration and multiple entry visas for cultural professionals where needed to cover several festivals, possibly in several countries (often a challenge in Europe as festivals are spread out over the season);
- Waive or reduce withholding taxes and social security contributions for performing artists and other visiting cultural professionals.
- Allow for the direct distribution of audio-visual content by LDC service suppliers and sellers, where applicable in derogation from otherwise applicable mandatory distribution through designated local channels or other restrictions;
- Reduce local content requirements to allow for greater shares of inputs from LDCs (e.g. by allowing for X per cent LDC inputs to qualify as local content for purposes of screen quotas or subsidies);
- Unilaterally extend the benefits of coproduction agreements (with third parties) to LDC services and service suppliers, possibly even under more favourable terms, e.g. lower minimum financial contribution requirements (e.g. 10 per cent for LDCs, while maintaining 20 per cent minimum for all others);

Waive for LDC input services any restrictions on third party inputs contained in co-production agreements between A and B (e.g. the requirement that production and post-production services must be performed in A or B), thus allowing LDC inputs without affecting the benefits of the co-production agreement for the participating providers from A and B.

Preference notifications by WTO Members: To what extent they respond to the needs?

While many of the mentioned suggested preferences were in fact demanded in the 2014

Collective Request submitted by the LDC Group, the response in the 24 notifications is very limited.

- **Only two WTO Members – the United States and Taiwan Province of China – offer preferences in the audio-visual sector.** The United States in particular underscores its strong commitment to open markets for audio-visual by providing for near-full market opening, especially in motion picture and video-related subsectors, complementing its existing GATS offer. The United States inter alia commits to open distribution markets – a commitment that, if it were undertaken by France, would address the requirement there to go through local film distributors. That said, the United States solution likely does not involve an LDC-only preference but rather an existing MFN openness, so its value as an example for preferential (carve-out based) solutions is limited.
- **None however addresses the specific issues related to local content/coproduction.**
- **Eight WTO Members offer preferences in “Entertainment Services”, the main sector for cultural performers. These are Hong Kong, China; Japan; the Republic of Korea; Taiwan Province of China; Mexico; India; Chile; and Iceland.** Some of these are potentially interesting for Senegalese performers, at least in principle and to some extent.
 - Chile, Iceland, India, the Republic of Korea, and Mexico explicitly extend their horizontal commitments on Mode 4 to this subsector, with (potentially) small differences in coverage (Chile’s and India’s notification remains partly ambiguous on the sectoral coverage). While this does not solve an important issue in the classical Mode 4 categories, namely (where reserved) education requirements for Independent Professionals and Contractual Service Suppliers (CSS) – most musicians, dancers and movie professionals do not have master’s degrees – it is a step in the desired direction, and may indeed help in practice, depending on implementation (including visa/work permit practice).
 - Importantly, Chile’s definition of CSS does not insist on such educational requirements, but rather states in general and open terms that “They must also have the necessary qualifications, expertise and proven work experience (...) in conformity with Chile’s domestic legislation on the activity in which the service supplier wishes to engage

in Chile.” This would appear to normally exclude education requirements not suited to the sector.

- The situation is similar for Taiwan Province of China, which includes a subset of entertainment services in a list of CSS openings, with no onerous formal education requirements attached.
- The remainder of the preferences offered is mostly full market access commitments in Modes 1, 2 and 3, some with small caveats.
- **None of the notifications addresses – in relation to this sector – withholding taxes, social security contributions, nor Mode 4 issues of physical market access (visa, work permit-related).** This is an important omission.

B. HEALTH AND MEDICAL SERVICES: HOSPITALS, DOCTORS, NURSES AND VETERINARIANS

Senegal sees itself as a place of excellence when it comes to health-related training and services. The country’s medical, nursing and veterinary schools enjoy a very good reputation in the region. Senegalese doctors and nurses are sought-after professionals in foreign markets, and professionals and institutions in the wider sector, from hospitals to veterinarians, service *inter alia* foreign patients and clients, *i.e.*, export services, in all modes of supply.

That said, the country remains heavily underserved, with one of the lowest doctors/population ratios in the world according to the WHO numbers, while longer-term ambitions are certainly high: The *Plan Sénégal Emergent* speaks about developing medical tourism and sketches out the idea of a ‘Dakar Medical City’, a platform for *inter alia* three private hospitals.⁶⁶ Dakar Medical City, however, so far seems to exist only on paper, and as an idea rather than an actual project.

1. Definitions

Under the WTO Services Sectoral Classification List – casually referred to as ‘W/120’⁶⁷ – medical (doctors’) services, services provided by nurses and veterinary services are classified as “professional services”, which are listed as a sub-sector of “business services.” The category of ‘professional services’, divided into 10 sub-sectors, encompasses the classical professions (lawyers, doctors etc.)

and other services offered by professionals with specialized higher education. Often these are organized in professional membership groups such as the bar associations or national medical associations, which in many cases are endowed with self-regulatory functions and powers.

Health services are classified separately and include in particular services provided by hospitals, *i.e.*, institutions rather than professionals. In economic reality the health, medical and related services sectors are so closely linked that they in fact overlap.

This section thus focuses on a selection of a sample subsectors, and samples from subsectors, namely medical services, services provided by nurses, hospital services and veterinary services. It bears recalling that this study does not aspire to covering subsectors and their challenges in a comprehensive way, but rather explores instructive examples of exports, challenges and potential solutions.

2. Professional Services in Senegal

Medical and health services

The University of Cheikh Anta Diop of Dakar, the *Ecole Militaire de Santé* and six private institutions are authorized to provide medical qualification in Senegal. While the annual number of medical school graduates is not available, 75 per cent of the health workforce is trained in private schools.⁶⁸

A medical professional may practice only upon registration at the National Order of Physicians of Senegal (*Ordre National des Médecins du Sénégal* (ONMS)), for which one should have completed the medical residency training. As of 2016 there were 1,007 physicians registered at the ONMS 228 of these were general doctors, 90 gynaecologists, 59 pediatricians, 30 ophthalmologists, 37 cardiologists, 21 general surgeons. The rest were specialists in a wide variety of medical specializations, including, urology, orthopaedics, radiology, rheumatology, tropical medicine and infectious diseases, psychiatry, pneumonology, otorhinolaryngology, gastroenterology and aeronautical medicine.⁶⁹ These figures – which put Senegal very close to the bottom of the WHO’s tables for density of physicians⁷⁰ – are far from capturing the reality, as according to the ONMS only 50 to 60 per cent of the physicians practicing in Senegal are legally registered.⁷¹ But even double the official number

would still be very low – one doctor for 7500 people, still close to the bottom of the table.

Mode 4 supply of medical services provided by physicians employed abroad is particularly relevant to Senegal. A 2002 WHO study suggests that 37.9 per cent of health workers intended to migrate⁷² and over the last two decades many medical school graduates have migrated for work purposes. The main destinations are OECD countries, particularly France, the United States, Canada and Spain. While the annual number of Senegalese doctors emigrating abroad is not available, M.A. Clemens and G. Petterson found that in 2000 678 physicians were residing and working abroad accounting for 51.4 per cent of the staff trained in the country.⁷³ An OECD study showed that in the same year 449 physicians were working in OECD countries, accounting for 43 per cent of all Senegalese medical specialists of the time.⁷⁴

There is also anecdotal evidence of Mode 4 supply of medical services by physicians employed by Senegalese health service institutions who are sent abroad to serve in their institution's foreign establishments (Mode 3). Dakar's *Hôpital Principal*, for instance, is a military hospital founded in 1982, which not only regularly treats foreign patients in Dakar, including United Nations peacekeepers stationed in Malia and ECOWAS forces stationed in Guinea Bissau (Mode 2), but also provides its services through affiliates in the region (e.g., again, Guinea Bissau) in Mode 3, with doctors and other staff being transferred there (Mode 4).⁷⁵ Senegal has 20 hospitals, 19 of which are in Dakar.

Services provided by nurses

Senegalese nurses are classified in two categories: State-certified nurses and licensed nurses. The first acquire the certification upon completion of a three years program. They may be appointed Chief nurse

(or ICP) of the *Poste de Santé* – first level medical attention point in urban, semi-urban and rural areas. State-certified nurse acts as head of the *Poste de Santé*, supervisor of health services provided at the centre and in certain cases may also diagnose and prescribe. Licensed nurses are trained in a two years program and assist state-certified nurses.

As of 2010, there were 64 nursing schools, of which 56 were private and 8 were public.⁷⁶ While there is an increasing number of admittances to nursing education, there is also a large number of dropouts. From 2006 to 2009, 1,349 students registered to nursing school and during the same period 959 left without completing studies. Nevertheless, according to the Ministry of Health in 2009, there were 2,789 nurses and 930 midwives, which in relation to the population density accounted for 0.4 nurses per 1,000 people.⁷⁷

Similarly to services provided by physicians, exports of nursing/midwifery services are highly relevant to Senegal. As of 2000, 695 nurses were working abroad accounting for 26.9 per cent of nurses born in the country.⁷⁸ 256 of them were working in OECD countries.⁷⁹

Veterinary services

Senegalese veterinary education is highly reputed, and so are Senegalese veterinarians in the region and beyond.

As of 2017 there are three institutions providing veterinary-related training courses, however only the Inter-State School of Veterinary Sciences and Medicine of Dakar (EISMV) has a full developed curriculum on veterinary medicine. Founded in 1968 as the first veterinary faculty for all African francophone countries, the school offers courses at different training levels. Over 1,000 students from 15 African countries have studied at EISMV.⁸⁰

Besides training, EISMV also conducts research and provide solutions for priority concerns of its members. The School has four highly qualified control laboratories for endocrinology and biochemistry analysis, food control, analysis of veterinary drugs and animal nutrition. With international private and public partners in Central and West Africa and Europe, EISMV provides consultancy services, technical assistance, audit and inter-laboratory tests for its partners (Modes 1, 2 and possibly 4).⁸¹

The practice of veterinary medicine in Senegal is comprehensively regulated. Law N° 2008-07 organizing the veterinary profession and pharmacy establishes that services in the sector may be provided by veterinary doctors, livestock engineers, breeding technical agents and livestock technicians.⁸² Private

veterinary practice is subject to authorization of the Minister of Livestock and Animal Production upon consultation with the Order of Veterinary Doctors of Senegal.⁸³ Most veterinarians operate their own, individual clinics and practices. Partnerships and associations among professionals are virtually non-existent.

Both education and home-country regulation appear to underpin relative export success. Apart from EISMV, as just discussed, which exports its services across the region and beyond, there are reportedly various independent veterinary doctors who supply services to clients abroad. This happens partly in Mode 4, but in large part in Mode 1, as local livestock technicians service act as local anchors and direct interfaces with clients but operating under the remote guidance and direction of Senegalese veterinary doctors. This model is also practiced with/in some European countries, including France.

The above means that at least three modes of supply are used by Senegalese veterinary service providers: Mode 1 for the cross-border advisory services and research provided by independent veterinarians and institutions, Mode 2 for the provision of laboratory analysis to foreigners in Senegal and Mode 4 operating as officials from Senegalese institutions that may visit their partners abroad and provide technical assistance.

3. Barriers encountered, possible preferences, actual preferences

Barriers Encountered

Insurance portability

As for all Mode 2 providers of health and medical services a classical challenge for Senegal's hospitals and health professionals is their patients' funding. While major suppliers such as the *Hôpital Principal* may have succeeded in signing agreements on coverage with some major insurances covering (many) French, Belgian, Gambian and other citizens, the coverage of actual and potential clients, not only tourists and soldiers but also the Senegalese diaspora, for Senegalese health and medical services is otherwise far from automatic and complete, affecting the realization of further export potentials.

Even where reimbursement (as opposed to direct charge) coverage exists (this is reportedly now the case for all French citizens), the cash outlay required from the patients sometimes precludes them from accepting some of the services they would and should normally receive.

Recognition

Senegalese health professionals, including veterinarians, face general challenges regarding the recognition of their qualifications abroad, but are relatively well-positioned to meet them, as their educations enjoy good reputation. Not least because their schools have for a long time served as some of the primary education institutions for the region and its professionals, the recognition of Senegalese qualifications in the region, in turn, is reportedly usually not a major problem, at least within Francophone Africa. Veterinary qualifications from the Dakar school are widely recognized across sub-Saharan Africa.

That said, some recognition issues persist, not least in third countries (including Europe) but also in the region, and facilitated recognition processes, and ideally comprehensive arrangements (mutual recognition agreements) are highly desirable to underpin Senegalese services exports.

Nationality requirement for veterinarians

Some countries maintain nationality requirements for veterinary doctors. This includes France (and several other European Union Members), but also most countries in the region, including Senegal itself, which however maintains an exception for WAMEU citizens.

While Senegalese veterinary doctors sometimes do practice through Mode 4 and Mode 1 in relation to France and regional neighbours in violation of the nationality requirement, exploiting a relatively broad *de facto* tolerance, the requirement nonetheless operates as a significant obstacle to legitimate, *bona fide* business models of highly qualified, highly respected Senegalese veterinarians.

Possible Preferences

Possible measures that could be devised as preferences for LDCs under the Waiver to address the challenges encountered would thus include the following:

- Provide automatic or facilitated portability of medical insurance to cover medical and health services in or from LDCs; provide the facilitated possibility of direct charge (as opposed to reimbursement requiring cash outlay);
- Systematically facilitate the recognition of LDC professional qualifications, unilaterally and/or through the advancement of mutual recognition agreements with relevant LDCs (promotion of MRAs between professional associations/supervisory bodies in LDCs and the recipient country, following the example set by the European Union-CARIFORUM EPA, e.g. through incentives, support and administrative tools);

Waive nationality requirements for LDC veterinary practitioners.

Preference notifications by WTO Members: To what extent they respond to the needs?

None of the specific preferences suggested are addressed in the notifications. There are, however, some gradual openings of interest for doctors, nurses and veterinarians, including in the European Union.

Medical Services

- Only three WTO Members – European Union (Belgium, Germany, Italy, Netherlands, Spain, and European Union all), Japan, and Mexico– offer specific openings relating to medical services.
 - Mexico shows itself fully open to the supply of medical services from LDCs providers in Modes 2 and 3, while Mode 4 remains unbound except for business visitors, investors, intra-company transferees and professionals with an offer of paid employment in Mexico.
 - Japan opens its market to Mode 2. It also eliminates limitations on the participation of foreign capital in Mode 3, although it remains (otherwise) unbound.
- **Perhaps most remarkably, a range of 16 European Union Members (including Belgium, but not including France) offer a new opening in Mode 4, namely for Contractual Service Suppliers (CSS), albeit for 15 of them subject to an ENT.** This obviously reduces the legal and hence economic value, but the general possibility of access remains important. Note that Independent Professionals are not covered by this preference,

which corresponds to the European Union's offer in the European Union-CARIFORUM EPA.

- **Notable is also what is not offered – for example: Remaining limitations on telemedicine.** 21 (out of 28) European Union Member States keep Mode 1 for medical, psychologists' and dental services unbound, which means telemedicine is not covered for them, while one (Hungary) explicitly allows telemedicine.

Services provided by Nurses and Midwives

- **Only three notifying WTO Members made specific promises of preferences relating to services provided by nurses and midwives:** Chile, Japan, and the European Union (several Member States). None of them offer much inspiration for creative preferences.
 - Japan relaxes Mode 3 (nurses) by eliminating limitations on foreign capital participation but keeps the sector otherwise unbound.
 - Chile opens Modes 1–3 for nurses' services (Mode 4: Horizontal commitments), matching its CPTPP commitments.
- Similarly to the preferences offered for medical services, **some European Union Members (not including France and the United Kingdom) are offering some cautious additional openness in Mode 4 for midwives and nurses as Contractual Service Suppliers (not: Independent Professionals),** albeit mostly subject to ENTs. It bears repeating that while an ENT denies legal guarantees, it may be a way to provide an opening in an otherwise closed sector, and hence can be a tool for good.

Veterinary Services

- **Seven WTO Members grant specific preferences relating to veterinary services.** These are Japan, New Zealand, Canada, Chile, Iceland, Brazil and the European Union (several Member States). In most cases these are straightforward market opening promises, covering all or most modes of supply.
- **Again, as for medical services and the services provided by nurses and midwives, many European Union Member States are granting access to veterinary service providers from LDCs who come as Contractual Service Suppliers (CSS).** This stands in most cases under the caveat

of an ENT, however, and it does not cover France or the United Kingdom, who remain 'unbound.'

Health (Hospital) Services

- **A single WTO Member, namely the European Union, provides LDC preferences in this sector.**

These are not noteworthy for purposes of Senegal's exports.

C. EDUCATION SERVICES

Senegal is a regional education hub. Its universities and training centres enjoy a good reputation overall, and several institutes are pioneers and standard-setters in the region. Senegal is thus a long-standing exporter of education services, and it aspires to further growth in this sector.

1. Definitions

Under the WTO's services sectoral classification list 'education services' are sub-divided into primary education services, secondary education services, higher education services, adult education services, and, other education services. Higher education services cover 'post-secondary' (such as technical and vocational training on a large variety of subjects), and other 'higher education services' (mainly university education).

Traditionally global trade in education services took place primarily in higher education. Today, an increasing number of students travel abroad to receive secondary or even primary education, on a short-term basis or at boarding schools.

Global trade in education services used to take place predominantly through Modes 2 and 4 whereby, students travel to the location of the education institution to consume education services abroad and teaching staff and other natural persons engaged in the delivery of education services travel to the location of the education institutions to deliver education services. Today, education services are traded in all modes of supply. Distance and online learning are on the rise (Mode 1) and providers of education services are increasingly establishing offshore campuses or joint ventures in order to offer their services to and in foreign markets (Mode 3).

2. Education Services in Senegal

The WEF's 2017–2018 Global Competitiveness Report ranks Senegal as the 27nd country worldwide in "local availability of specialized training services,"⁸⁴ the 40th in quality of management schools and 51st in "innovation"⁸⁵, being the fifth in Sub-Sahara Africa after Kenya, South Africa, Rwanda and Guinea.⁸⁶ The excellent reputation of its higher education has made the country a regional educational hub. The variety and quality of its training programs, some of which are not offered anywhere else in Africa and are equivalent to those offered by universities in France and the United States, attract international students to Senegalese public and private institutions. The recognition of Senegalese diplomas in foreign jurisdictions and the affordable cost of education are also factors of interest to foreign students.

As of 2016, there were over 10,000 international students pursuing qualifications and degrees in Senegalese public and private institutions.⁸⁷ The majority of them engaged in medicine and management studies, followed by finance, communication and journalism. Students come mainly from francophone countries including Mali, Côte d'Ivoire, Cameroon, Gabon, Morocco, Mauritania and even Haiti. There is also an increasing representation of African Anglophone countries, mainly from Ghana and Nigeria, as some courses are now taught in English. In addition, partnership agreements between Senegalese public and private universities with North American and European institutions have increased the presence of Spanish, French and American students coming under exchange programmes.⁸⁸

The *Institut Africain du Management* (IAM), for instance, is one of the top business schools in Africa and as such attracts foreign students to Senegal. It is a member of the Global Business Network program initiated by the International Finance Corporation. Founded in 1995 under the management of the University Cheikh Anta Diop, the university became an independent private institution in 1997 offering a bachelor program in business administration and management information systems. In 2003, the university launched its e-learning platform, which was approved by the African Virtual University in the following year. In 2004, opened a branch in Mali and started a Japanese program course.⁸⁹

Currently IAM offers eleven bachelors in French, one bachelor in English, two master programs including an MBA, 15 post-graduate courses and immersion programs in Guinea and The Gambia. It also offers language courses, preparation for foreign language tests and distance learning courses. The university has partnership agreements with universities in France, Canada and the United States, which include the mutual recognition of diplomas and

exchange programs for students and professors. There are around 1700 students enrolled and 300 trainees in continuing education programs of seventeen different nationalities. Only 23 per cent of the attendees are Senegalese, the rest come from other African countries, mainly Gabon, Cameroon, Guinea and Chad.⁹⁰

SUPdeCo is another Senegalese group of five higher education institutions which has gained international recognition for the quality of its training. Founded in 1993, it is the first business school in Senegal and the first to have joined the Global Compact and the Principles for Responsible Management Education. *SUPdeCo* is a member of international organizations including the European Foundation for Management Development and *L'Agence universitaire de la Francophonie*. It has also been recognized as a UEMOA Centre of Excellence by the Statutory Council of Ministers of the West African Economic and Monetary Union.⁹¹

The Group offers eight bachelor degrees and five master programs recognized by the African and Malagasy Center for Higher Education (CAMES) and around a hundred courses in its e-learning platform covering all areas of management, transport and ICT. In addition, the Group has partnerships with universities and business schools in Europe, the United States, Canada and China that includes exchange programs for professors and students. Over a hundred students from 25 African countries enrol yearly in the Group's institutions.⁹²

Cheikh Anda Diop University is the oldest and largest tertiary institution in Senegal. It offers training programs at different educational levels in law, medicine, ICT, economics and management, arts and humanities, among others. Founded in 1957 as medicine school, its training courses in the field have acquired international recognition in Africa. It has over 130 agreements with universities in 10 European countries, 14 African Countries, as well as universities located in Turkey, Guadalupe, the United States, Canada, and Brazil. Over 60,000 students are enrolled in the University from several African countries, the majority of them coming from Morocco, Gabon, Côte d'Ivoire, among others.⁹³

UCAO – UUZ is the faculty of the Catholic University of West Africa located in Senegal. The University was founded in 2000 and has presence in seven countries. In Senegal, UCAO opened its first faculty in 2009 – *L'Institut des sciences du management*. It offers seven bachelors and two masters programs.

Currently there are 12 or 13 nationalities represented among the student population.⁹⁴

Senegal thus exports education services in significant quantities, and in all four modes of supply.

3. Barriers encountered, possible preferences, actual preferences

Traditional exports of education services in Mode 2, *i.e.* through visiting students, usually encounter few barriers, as governments rarely aim to limit their citizens' access to foreign education. However, even in this mode subtle challenges do intervene and may have a significant impact on export success, such as difficulties in obtaining accreditation/recognition for curricula and diplomas, and lack of scholarship portability.

Exports in Modes 1, 3 and 4 however encounter the relatively significant regulatory environment in which education usually operates. Education services are normally highly regulated to monitor quality

and delivery, to secure access to education, to ensure the relevance of the qualifications obtained to fulfil the competence requirements set by the regulatory authority, and to protect the integrity of the education system more generally.

Classical measures to achieve the above objectives include licensing and registration requirements and procedure, accreditation requirements and procedures, and the recognition of qualifications. These measures can have an impact on trade in education services, in addition of course to visa and work permit requirements and procedures which can heavily affect the ability of providers and consumers of education services to deliver or consume the service abroad

Barriers Encountered

Senegalese stakeholders overall do not complain about excessive challenges posed by measures of foreign governments. Their concerns, if any, focus primarily on the domestic front.

That said, there are challenges, and measures to facilitate and further strengthen the export of Senegal's famed education services issues are possible.

Recognition of qualifications, accreditation of programmes

The recognition of qualifications generated by Senegalese universities and institutions is, as indicated, thankfully often not a primary concern, as Senegal has historically acted as a first mover and standard-setter in the region. However, recognition remains an issue in foreign markets further afield, and measures to facilitate it useful.

Portability of scholarships and student funding

Whether or not government funding is available, in the form of scholarships or otherwise, is often a decisive factor in decisions for or against an institution. A scholarship that is not 'portable' across the border will often make it difficult or impossible for a student to go abroad. Senegal's universities' exports will thus benefit from the extension of benefits to studies in Senegal.

Possible Preferences

Possible measures that could be devised as preferences for LDCs under the Waiver to address

the challenges encountered would thus include the following:

- Fast track and facilitate the recognition of qualifications including technical/professional (non-academic) qualifications obtained in LDCs;
- Recognize the registration of LDC educational/training institutions, facilitate the accreditation of academic and non-academic programmes;
- Facilitate the registration of LDC educational/training institutions with national professional bodies/national authorities in target markets;
- Reduce the registration fees for LDC educational/training institutions with national professional bodies or national authorities;
- Extend the eligibility for scholarships, grants and student loans to studies at LDC educational institutions; and

Facilitate the granting of visas for LDC providers of training services, including teaching personnel and management.

Preference notifications by WTO Members: To what extent they respond to the needs?

- **Primary target markets are not represented among the notifying WTO Members, and specific engagements on education services are very limited.** Only four WTO Members, namely Norway, the United States, Thailand and the European Union have made any specific preferences available in this sector.
- **Some limited inspiration** can be drawn from existing notifications, such as from the United States' promise of full market access in Modes 1–3 for higher education institutions. This, however, does not address accreditation and recognition.
- **No WTO Member addresses key regulatory aspects such as accreditation and recognition.** While it is challenging to imagine and craft 'hard' preferences, WTO Members could well consider systematically engaging with suitable LDC education service provider to facilitate the accreditation of programmes etc., possibly supporting their design and compliance efforts.
- **No WTO Member has responded to the suggestion, in the LDCs' Collective Request, to grant scholarship portability allowing students to study in LDCs.**

D. IT AND IT RELATED SERVICES

1. Definitions

The provision of IT and IT-enabled services, including – for purposes of this discussion – business process outsourcing (BPO) services has experienced a rapid growth over the past decade with increasing technological possibilities and businesses’ willingness to outsource their back-office, client relation and other business-related operations. The market is highly diverse and dynamic. For BPO services, the classification for GATS purposes depends on the type of service supplied. Moreover, the supply of services in multiple modes may be relevant for the provision of these services. As a rapidly evolving market, the current classifications of IT and IT-enabled services under both the WTO’s “W/120” Services Sectoral Classification List and under the United Nations Central Production Classification (CPC) list appears insufficient to capture with precision all elements of the relevant market. For purposes of this study, however, such precision is not essential, and a certain liberty is hence taken when discussing services in this group.

Under W/120 most IT services are captured in the category of “computer and related services” which includes the following five sub-sectors: “Consultancy services related to the installation of computer hardware”, “software implementation services”, “data processing services”, “database services” and “other computer and related services”.

BPO services, on the other hand, are a somewhat cross-cutting group of services, often defined as including (in particular) the following three sub-sectors: Customer interaction services, such as sales support, back-office operations, such as data entry and handling, and independent professional or business services provided through electronic means such as accounting or taxation services. BPO services partly transcend classifications, which complicates any discussion of statistics.

For the purposes of this study, the ensuing discussion concerns the following types of services: Computer and related services as defined in the WTO classification list, with a particular emphasis on cloud computing, data processing and database

management services and IT enabled business services such as medical transcription service.

2. IT and IT-Related Services in Senegal

Senegal has positioned itself as the leading sub-Saharan French-speaking country in the IT and ITES sector.⁹⁵ The ICT Development Index ranks Senegal 15th in Africa⁹⁶ and 10th among LDCs.⁹⁷ Senegal ranks 48 in “firm-level technology absorption” and 59 in “availability of latest technology” in WEF’s Global Competitiveness Index; positioning itself as the first and second respectively *vis-à-vis* other LDCs.⁹⁸ This has been mainly driven by a series of legal reforms in the telecommunication sector over the last twenty years. In 1997, the country took the first step of this journey by allowing the gradual liberalization of the telecoms sector, which included the privatization of the state-owned telecoms provider – *Société nationale des télécommunications* (SONATEL). Later, three regulating and monitoring bodies were created: The Ministry in charge of information and communication technologies, the Telecommunication and Post Service Regulation Agency and the Agency for the Development of State Automation. Several laws regulating the sector were also adopted, including Law N° 2008-08 on electronic transactions, Law N° 2008-11 on cybercrime, Law N° 2008-12 on the protection of personal data, and a new Telecommunication Code in 2011.

Besides the reform of the institutional and legal framework, Senegal has made efforts in building quality telecoms infrastructure, in which Sonatel’s participation has been core. Over the past years the company has built a modern ICT network, fully digitized by transmission loops and international high-speed optical fibre submarine links. Currently Sonatel provides fixed line telephony services, mobile telephony, internet services, television and corporate telecommunications. The company is the first Senegalese business exporting telecommunication services in Mode 3 and Mode 4. It has become a sub-regional reference operator through its operations in Mali, Guinea and Guinea Bissau. In addition to Sonatel there are other four telecoms service providers that to a lesser extent have also contributed to the infrastructure development.

The mentioned efforts resulted in the rapid development of telecoms sector, which in turn helped to reduce the digital divide. In 2015, telecoms generated a turnover of CFA franc (CFAF) 764 billion compared with CFAF 598 billion in 2008.⁹⁹ The last is notably through the expansion of mobile telephony and internet. In 2016, Senegal's mobile telephony penetration rate reached 102.6 per cent, while internet penetration – primarily mobile – stood at 58.9 per cent.¹⁰⁰

The growth of the telecoms sector has allowed Senegal to explore wider opportunities in the ICT industry. The last is one of the fastest growing sectors of the economy with an annual average growth of 10 per cent. Its contribution to GDP increased from 3.5 per cent in 1995 to 6.7 per cent in 2013.¹⁰¹ This growth is not only due to the expansion of telephony and internet, but also

is largely driven by exports of IT-related services, including BPO and tele-services.

Senegal is one of the first countries in Africa to enter the outsourcing industry by launching tele-services in 1995. Due to the low internet bandwidth, companies initially focused on offline services, such as data entry. With the technological development and internet penetration, the sector moved into the call centre business. Taking advantage of its high skilled labour at lower wages, Senegal became a call centre outsourcing location of international companies, the majority of which were (initially) based in France. Other tele-services were offered later such as voice servers and telemarketing.

As of 2017 a wide variety of outsourcing services are exported, which go beyond the traditional tele-services. A recent study of the United States Agency for International Development (USAID)

suggests that 70 per cent of the local IT and ITES industry is export-oriented.¹⁰² According to the Export Promotion Agency (Asepex), there are over 300 companies providing IT-related services, some with international presence, where they generate more than 80 per cent of their revenues. The services exported by these companies include software engineering services in various fields (health, banking, electronic banking, e-government, monitoring-evaluation), web services (Internet, Intranet, Extranet, B2B / B2C portals, digital transformation), mobile services (mobile applications, mobile banking, SMS platforms) and information system advice and strategy.¹⁰³ The main export markets are other African countries, mainly of the economic communities ECOWAS and WAEMU, as well as France. Recently North America, particularly Canada is growing as an export market for Senegalese IT companies. Importantly, language operates less and less as a constraint, in stark contrast to the past. Senegalese providers now often operate in English and engage increasingly effortlessly with Anglophone markets in Africa.

There are numerous success stories that underline the potential for further growth in Senegal's IT and ITES sector. *Call me*, for instance, was reportedly the first call centre in Africa when it opened shop in 2002. It specializes in telemarketing and telesales, but also offers telephone-based customer services and technical assistance. The company has presences in four countries through its fully controlled subsidiaries in Côte d'Ivoire, Guinea, Mali, and Mauritania. It also has clients in Benin, Burkina Faso, Cameroon, and Central African Republic. The company is one of six business units of the Chaka

group, a conglomerate of the outsourcing industry that provides various offshoring services such as software engineering services and tele-services.

Another technology success story is Gainde, the company behind Senegal's "Single Window" trade facilitation operations. Originally established as a public-private partnership to develop a solution for Senegal it has grown into a sought-after international provider of solutions (e.g. for Kenya – "Simba" and Burkina Faso) and training and advice (e.g. for several Central Asian countries).

A third story is that of a call centre provider who employs 80 people who serve Swedish clients, entirely in Swedish. None of the employees has ever been to Sweden, but they were trained for eight months to be able to serve clients in Swedish. The project, reportedly, is a major success.

The Senegalese industry is organized primarily through OPTIC, the IT and telecoms professional's organization.

3. Barriers encountered, possible preferences, actual preferences

Barriers Encountered

Procurement: Local Preferences

Governments are among the biggest consumers of IT services. Government procurement is thus a crucial sales avenue. Senegalese providers when

bidding for governmental contracts often face strong local preferences, which often translate into requirements to work with local partners. These partnering exercises can be heavy and risky.


Physical and legal market access: Visa and work permits

IT professionals often provide the bulk of their services through remote means, i.e. Mode 1. However, occasionally they need to travel to meet clients, install software, establish and fine-tune systems, train local staff, etc. They may, therefore, need to cross borders as ICT, CSS or independent professionals, depending on the contractual construction.

Senegalese IT professionals recall often persistent challenges in obtaining the necessary access permits, and to obtain it at the required speed. Access to Europe and the Schengen space, for example, can be a formidable obstacle, even – as happened recently – for a company invited to participate in a trade fair in Belgium focused on Senegal. Delays can be a major problem, as speed is often of the essence in IT service contracts, and delayed travel and unreliable access can have a major impact on delivery and hence contracts more generally.

Local staffing requirement

BPO providers in particular who often need to establish a commercial presence to serve clients



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in their local language are sometimes faced with requirements to hire a certain percentage of locals to staff its management and/or its rank and file. This applies, or applied, for example in Mauritania.

Maximum share limitation

Stakeholders also report on equity caps for Mode 3 call centre operations, such as the cap of 30 per cent or 40 per cent which currently applies, or may soon apply, in Mauritania. Similar maximum equity caps have been experienced elsewhere.

Data protection/data localization

BPO suppliers providing offshoring services sometimes see themselves confronted with highly onerous data protection requirements, for instance while serving certain clients in France.

Possible Preferences

Possible measures that could be devised as preferences for LDCs under the Waiver to address the challenges encountered would include the following:

- Exempt LDC IT/BPO service providers from local partnering requirements in government procurement of IT/BPO services
- Grant LDC IT/BPO service providers access to otherwise closed government procurement; grant national treatment to LDC IT/BPO service providers (*i.e.*, grant access to national quota)
 - (Note: These preferences do not require Waiver coverage, as procurement is not covered by the GATS and hence not subject to the MFN obligation.)
- Facilitate visa/work permits (see general Mode 2 suggestions). In particular:
 - Grant facilitated access to visas/work permits for visiting IT professionals (Mode 4, usually as CSS or ICT); ideally create a suitable, separate visa category, or ensure uncomplicated coverage in larger category;
 - Provide a fast-track procedure for LDC IT professionals (and possibly other service providers) and/or facilitated access to multiple entry visas.

- Exempt LDC IT/BPO operators, or a larger category of LDC service providers, from maximum equity caps (Mode 3).

Exempt LDC IT/BPO operators, or a larger group of LDC service providers, from local hiring requirements and the requirement to include a certain number of locals in management bodies / on the board (Modes 3, 4)

E. PREFERENCE NOTIFICATIONS BY WTO MEMBERS: TO WHAT EXTENT THEY RESPOND TO THE NEEDS?

None of the preference notifications directly address the mentioned specific barriers and challenges.

However, the notifications received from nine WTO Members still overall represent a significantly increased bundle of market access opportunities for IT service providers, at least on paper, as several WTO Members offer comprehensive market access coverage for all or most subsectors, and all or most modes of supply, in 'Computer and Related Services' (CPC 84), often on the basis of a 'best PTA' approach:

- Panama offers comprehensive market access, with the exception of Database services where it only opens Mode 3, corresponding to its commitments under the European Union-Central America Association Agreement;
- Chile offers complete coverage, corresponding to its CPTPP offer;
- India offers comprehensive market access, save for an incorporation requirement for Mode 3, corresponding to its commitments under the 2015 India-ASEAN agreement;
- Mexico offers comprehensive coverage, except for one subsector (System analysis and data processing, where it leaves out Modes 1 and 2, allowing for localization);
- The European Union offers comprehensive coverage in Modes 1–3, but several European Union Members reserve ENTs for Mode 4, watering down the otherwise significant opening due to the inclusion of IT services in the general promise to admit CSS;

- Australia opens Mode 4 ('as in horizontal section') which means that IT services now benefit from the arguably improved horizontal coverage of CSS and independent professionals;
- Brazil only offers Mode 3, but without limitations;
- Switzerland complements its already almost comprehensive commitments in 'Computer and Related Services' a comprehensive offer in the apparently only remaining subsector not yet committed under GATS, namely "Services for the analysis and diagnosis of addictive and compulsive Internet-related behaviour; Internet addiction treatment services" ('best PTA')
- Iceland, finally, complements its schedule with a Mode 4 opening (also 'best PTA').

While it is not clear how much of the above, if anything, represents new and increased openness rather than already existing MFN reality, the signal WTO Members sent in this sector still rings clear: There is a general trend towards broad openness in this sector, something that caters to the needs of LDCs such as Senegal who will benefit from overall increased markets where it can advance its cost advantage. Senegal is embracing the services challenge. Several sectors offer both a mature export practice and vibrant, forward-looking players driving progressive development. Senegal's services sectors' reach is no longer limited to the francophone world, and many clients in anglophone Africa appear to have noticed.

Like their colleagues from other LDCs, Senegal's services exporters encounter market access, national treatment and regulatory challenges in export markets, as well as a myriad of additional challenges ranging from administrative procedures, to qualification requirements, to fees and charges. So far these challenges have been left almost entirely untouched in the Waiver operationalization process. This has several reasons, some structural, some substantive. But the main reason is that preferences are designed broadly and lack attention to detail; consequently, preferences appear to contain little of direct value for Senegal's services exporters.

This pilot case study, thus, shows that while the preference notifications submitted under the LDC Services Waiver clearly mark a step forward, they often fail to address the specific challenges faced by LDC service suppliers. Further efforts towards more attentive, generous and creative preferences

are needed. WTO Members should pay detailed attention to the issues encountered by LDC service providers. General, abstract perspectives of the kind cultivated by services negotiators used to dealing with schedules will not work. A key precondition for success is generosity that responds to potentials for development. WTO Members and their representatives need to avoid defensive reflexes and they should be creative. Specific problems would often need specific responses to be solved. That may require leaving an institutional, sometimes political comfort zone, but often demands much less flexibility and political capital than one might think.

Moreover, a forward-looking approach could be further pursued by LDCs. While the requests so far have mainly focused on areas of current export interest to LDCs, it is also important to seek preferences in sectors that will contribute to longer-term development goals, including by contributing to diversification and upgrading. Data on services value-added in all sectors, which is still scarce in LDCs, could be informative to evaluate what are the services sectors that are contributing more to overall productive capacity, productivity and competitiveness. This would highlight that services are not an alternative to agriculture or industrial development, but instead they should be a key element of strengthening agriculture and of industrialization strategies.

An option for the future is the expansion of geographical coverage. While the primary expectations to provide preferences are on "developed countries and developing countries in a position to do so", unilateral preferences for LDCs can be usefully considered and granted by all WTO Members, including LDCs themselves.

This applies even in the context of progressive regional integration, as in the case of Senegal, whose main services markets are in the region and hence its focus when it comes to services trade is on the regional integration agenda – from the advanced WAEMU process via the slower ECOWAS process to the African Continental Free Trade Area (AfCFTA). The LDC Services Waiver, even in the immediate context of regional integration, can offer a complementary tool, namely in cases where there is readiness to grant limited preferences to weak exporters only, hence not to all RTA partners; where there is hesitation or insecurity

as to whether a facilitation measure will work and not cause damage, so that the flexibility to retract a preference under the Waiver is welcome; or where the implementation of regional measures depends on cooperation that may be delayed, so that a unilateral measure under the Waiver could be a useful way to make provisional progress.

That said, Senegal should use the Waiver actively to complement the picture of regional integration, both in the region and especially when it comes to accessing non-African, especially European and North American markets in particular. While there will likely be EPA services cover at some point in the future, Senegal need not wait: It should advance a progressive and demanding market access strategy under the Waiver, engaging its Western and Northern Partners to advance Waiver preferences and to be even more generous and creative. The flexibilities offered by the Waiver, as opposed to FTAs, may not yet have been sufficiently embraced and exploited by Senegal and its partners.

In all this a key interest lies in integrating Mode 4 into the country's overall migration policy and management. It will be important to ensure that *bona fide* Mode 4 trade in progressively interesting services industries is proactively included on the joint agenda of Senegal and its trading/migration counterparts.

This paper shares and supports the cross-cutting conclusions emerging from the overall pilot exercise. These are reflected and explored in some detail in the Overview Paper. Suffice it thus to recall here that

- There is a need for, and a space for, a move towards more attentive, generous and creative preferences to address – through realistic, feasible but targeted measures – the specific challenges encountered by Senegalese and other LDC services exporters.
- There is a need and space for broader geographical coverage. The LDC Services Waiver is a tool that is available to all WTO Members. All countries could and should embrace the opportunities offered by the LDC Services Waiver and consider granting preferences to services and service providers from LDCs.
- There is a case for moving towards a more holistic process of support to LDC services exports, including on the institutional level. Better data collection will help understand current and future services trade options; better research, analysis and information dissemination could help improve the design and implementation of trade preferences in services; capacity building and technical assistance to support LDCs in the design of coherent and development oriented domestic policies and regulations in the area of services will contribute greatly to the goal – where UNCTAD's Services Policy Reviews (SPRs) could provide key benchmarks of significance and viability to feed preferential treatment initiatives; and establishing and empowering a forum for dialogue, exchange of experiences and continuous monitoring, peer review and mutual inspiration will be very useful. Given its longstanding and comprehensive experience in this area, UNCTAD would be ideally placed to provide such a forum.

REFERENCES

- African Development Bank. *Migrant Remittances: A Development Challenge*. Tunis, 2007. Available from https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/70000012_EN_Transfert%20des%20fonds%20ANG.pdf.
- Awases, M. et al. (2004). *Migration of health professionals in six countries: A synthesis report*. Brazzaville, Congo: World Health Organization.
- Bator, Amadou Dieng (2015). Recording, performing and royalties in Senegal. *Music Africa*. Available from <https://www.musicinafrica.net/magazine/recording-performing-and-royalties-senegal>.
- Brunner, Bettina et al. (2016). *Senegal Private Health Sector Assessment: Selected Health Products and Services*. Bethesda, Maryland: Abt Associates. Available from: https://www.shopsplusproject.org/sites/default/files/resources/Senegal%20Private%20Health%20Sector%20Assessment_Selected%20Products%20and%20Services.pdf.
- Clemens, Michael A. and Gunilla Pettersson (2006). Medical Leave: Database of Health Professional Emigration from Africa. Working Paper, No. 95. Center for Global Development. Available from https://www.cgdev.org/files/9267_file_WP95.pdf.
- Devillard, Alexandre, Alessia Bacchi and Marion Noack (2015). *A Survey on Migration Policies in West Africa*. Vienna: ICMPD; Dakar: IOM. Available from http://www.un.org/en/development/desa/population/migration/events/other/workshop/2015/docs/Workshop2015_Senegal_Migration_Fact_Sheet.pdf.
- Dumong, Jean-Christophe and Pascal Zurn (2007). Immigrant health workers in OECD countries in the broader context of highly skilled migration. In *International Migration Outlook*, Sopemi eds. OECD. Available from: http://www.who.int/hrh/migration/2007_annual_report_international_migration.pdf?ua=1.
- Ebiri, Bilge (2015). The Story of *Sembene!*: How Ousmane Sembene Invented African Cinema. *Vulture*. Available from <http://www.vulture.com/2015/02/how-ousmane-sembene-invented-african-cinema.html>.
- English, E. Philip (2016). Senegal – a service economy in need of an export boost. WIDER working paper 2016/150. Helsinki: UNU-WIDER. Available from <https://www.wider.unu.edu/sites/default/files/wp2016-150.pdf>.
- Fallou, Ngom (2012). Popular Culture in Senegal: Blending the Secular and the Religious. In *Music, Performance and African Identities*, Toyin Falola and Tyler Fleming, eds. New York: Routledge African Studies.
- International Trade Centre. Senegal: Export development of IT and IT enabled services. Available from <http://www.intracen.org/NTF4/IT-Senegal/>.
- ITU (2016). *Measuring the Information Society Report 2016*. Geneva.
- Maillard, Matteo and Amadou Ndiaye (2016). Les étudiants africains doivent pouvoir obtenir un bon master sur le continent. *Le Monde Africa*. Available from http://www.lemonde.fr/afrique/article/2016/03/08/nous-voulons-que-les-etudiants-africains-n-aient-plus-besoin-d-aller-a-paris-pour-un-bon-master_4878639_3212.html.
- Mendoza, Miguel Rodriguez et al. (2016). The LDC Services Waiver – Operationalized? A first look at preferences granted, constraints persisting, and early conclusions to be drawn”, paper prepared for UNCTAD, Geneva, Switzerland.
- Ndiaye, Abdoulaye (2009). Les Teleservices en Africa de L’ouest: l’Afrique à la conquête du marché mondial de l’externalisation. ILEAP paper. Available from http://www.ileap-jeicp.org/downloads/abidjan_nov09/papers/ndyaie_lafrique_a_la_conqua_te_du_marcha_mondial_de_lexternalisaiton_v0909.pdf.
- Pratt, Andy C (2008). The music industry and its potential role in local economic development: the case of Senegal. In *Creative Industries in Developing Countries: Voice, Choice and Economic Growth*, Diana Barrowclough and Zeljka Kozul-Wright, eds. New York: Routledge.
- Schelin, Lisa (2010). Senegal worried about growing ‘Brain Drain’. VOA.. Available from <https://www.voanews.com/a/senegal-worried-about-growing-brain-drain--89835807/153977.html>.
- Schwab, Klaus (2017). *Global Competitiveness Report 2017-2018*. Geneva: World Economic Forum.
- Schloemann, H. (2012). The LDC Services Waiver – Making it Work. In *BRIDGES Africa*, Vol. 1 No. 4.

- _____ (2017). Trade preferences for services from developing countries: why, what and how?. In *Trade in Services and Economic Transformation*, Bernard Hoekman and Dirk Willem te Velde, eds. London: ODI.
- Schloemann, Hannes, Hadil Hijazi and Clementine Pitard (2016). Now the Real Thing: Getting Creative to Make the LDC Services Waiver Work. ILEAP, CUTS International Geneva and University of Sussex.
- Schloemann, Hannes, Hadil Hijazi and Jennifer Hawkins (2014). Operationalising the LDC services waiver, the catalogue of challenges and potential preferences – an introductory narrative. WTI Advisors.
- Sénégal, Agence Nationale de la Statistique et de la Démographie (2016). Chapitre XIV: Tourisme. In *Situation Economique et Sociale du Senegal en 2013*. Dakar: Ministère de L'economie, des Finances et du Plan.
- _____ (2014). Migration et Urbanisation. In *Rapport definitive RGPHAE 2013*. Dakar, Ministère de l'Economie, des Finance et du Plan.
- _____ (2013). Migration Internationale. In *Situation Economique et Sociale du Senegal en 2011*. Dakar: Ministère de L'economie et des Finances.
- _____ (2010). Direction des Ressources Humaines. *Plan National de Developpement des Ressources Humaines en Sante (PNDRHS)*. Ministère de la Sante et de la Prevention. Available from <http://www.sante.gouv.sn/ckfinder/userfiles/files/41.pndrh.pdf>.
- _____ (2016). Fonds de Promotion de l'Industrie Cinématographique et Audiovisuelle. *Presentation des projects selectionnes gestion 2016*. Dakar: Ministère de la Culture et de la Comunnication. Available from http://www.culture.gouv.sn/sites/default/files/dossier_de_presse_fopica_-_gestion_2016.pdf.
- _____ (2016). Ministère de L'enseignement Superieur, de la recherche et de l'innovation. Entretien du Ministre avec la rédaction de l'APS: Le Sénégal compte plus de 10 000 étudiants étrangers. Available from <http://www.mesr.gouv.sn/entretien-du-ministre-avec-la-redaction-de-laps-le-senegal-compte-plus-de-10-000-etudiants-etrangers/>.
- Sherwood, Seth (2009). The Songs of Senegal. *New York Times*. Available from <http://www.nytimes.com/2009/12/06/travel/06senegalmusic.html>.
- Sud Quotidien (2016). Tableau des praticiens inscrits à l'ordre des medecins: Seuls 1007 medecins sur la liste. *Dakar.com*. Available from <http://news.adakar.com/h/82847.html>.
- Toma, Sorana (2014). Policy and Institutional Frameworks - Senegal Country Report. INTERACT RR, 2014/16. European University Institute.. Available from http://cadmus.eui.eu/bitstream/handle/1814/33213/INTERACT_RR_2014%20_16_.pdf;sequence=1.
- UNCTAD (2015). *Creative Economy Outlook and Country Profiles: Trends in international trade in creative industries*. United Nations. Available from http://unctad.org/en/PublicationsLibrary/webditcted2016d5_en.pdf.
- _____ (2017). Trade, Migration and Development, *Handbook for Improving the Production and Use of Migration Data for Development*, Global Migration Group.
- _____ (2018). Services and Structural Transformation for Development, UNCTAD/DITC/TNCD/2017/2.
- UNCTAD and UNDP (2008). The Challenge of Assessing the Creative Economy: towards Informed Policy-making. Creative Ecoomy Report, 2008. Geneva and New York..
- _____ (2008). The Challenge of Assessing the Creative Economy: towards Informed Policy-making. Creative Economy Report, 2008. Geneva and New York: United Nations.
- United Nations Statistics Division (2010). Manual on Statistics on International Trade in Services (MSITS).
- Williams, Brock (2013). Trans-Pacific Partnership Countries: Comparative Trade and Economic Analysis. Report for Congress. United States Congressional Research Service, 2013. Available from <https://fas.org/sgp/crs/row/R42344.pdf>
- Workpermit.com. Spain to issue 2,700 work permits for Senegal migrants. 11 December 2007. Available from <http://workpermit.com/news/spain-issue-2700-work-permits-senegal-migrants-20071112>.
- World Bank (2011). *Migration and Remittances Factbook 2011 Second Edition*. Washington D.C..
- _____ (2016). *Migration and Remittances Factbook 2016 Third Edition*. Washington D.C..
- World Trade Organization. Document WT/TPR/S/362, Annex 7 – Senegal. Available from <http://docsonline.wto.org>.

Databases

ITC, Trade Map. Available from <https://www.trademap.org/> (accessed 9 February 2018).

United States, Nonimmigrant visa statistics, TravelStats. Available from <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics.html> (accessed 27 December 2017).

World Bank, World Development Indicators, Data Bank Available from <http://databank.worldbank.org/data/> (accessed 12 February 2018).

World Trade Organization, i-Tip Services trade database, 2017. Available from <http://i-tip.wto.org/services/> (accessed 8 December 2017).

Agreements, Protocols and Laws

France, Accord relatif à la gestion concertée des flux migratoires entre le Gouvernement de la République Française et le Gouvernement de la République du Sénégal (2009).

Sénégal, Loi N° 2008-07 du 24 Janvier 2008 organisant la profession et la pharmacie vétérinaires au Sénégal.

World Trade Organization, LDC Collective Request, doc S/C/W/356. Available from <http://docsonline.wto.org>.

_____, General Agreement on Trade and Services [GATS], 1995. Available from <http://docsonline.wto.org>.

_____, MTN.GNS/W/120. Available from <http://docsonline.wto.org>.

_____, WT/MIN(13)/43. Available from <http://docsonline.wto.org>

Webpages

Berlin International Film Festival (Berlinale), <https://www.berlinale.de/en/HomePage.html>.

Cannes film festival, <http://www.festival-cannes.com/en/>.

Carthage film festival, <https://www.jcctunisie.org/eng/jccArchives.php>.

Ecole Inter-Etats des Sciences et Medicine Veterinaires de Dakar, <http://www.eismv.org/?p=13807>.

Gestionnaire Hôpital Principal, <http://www.hopitalprincipal.sn/hopital.htm>.

Groupe IAM, <http://www.groupeiam.com/>.

Groupe SUP de Co Dakar, <http://www.supdeco.sn/>.

RFI, <http://en.rfi.fr/>.

Université Cheikh Anta Diop de Dakar, <https://www.ucad.sn/>.

ENDNOTES

- ¹ WTO, "Market Access for products and services of export interest to least developed countries", WT/COMTD/LDC/W/65/Rev.1, Note by the Secretariat, 24 October 2017, p. 19.
- ² Ibid.
- ³ Ibid., p. 21.
- ⁴ Ibid.
- ⁵ Ibid., p. 22.
- ⁶ Ibid., p. 21.
- ⁷ Ibid., p. 22.
- ⁸ Ibid.
- ⁹ Ibid, p. 23.
- ¹⁰ UNCTAD, 2018, Services and Structural Transformation for Development, UNCTAD/DITC/TNCD/2017/2.
- ¹¹ See <http://i-tip.wto.org/services/>.
- ¹² During 4-day in country consultations, the authors held 20 consultative sessions in Senegal in the form of bilateral or small group meetings with services stakeholders between 27 November and 1 December 2017. In addition to the findings generated as a result of the in-country consultations held in the context of this paper, the authors built on findings generated from their previous work on the LDC Services Waiver in the run up to the 2014 Collective Request.
- ¹³ United Nations Statistics Division, Manual on Statistics on International Trade in Services (MSITS), 2010.
- ¹⁴ Brock Williams, "Trans-Pacific Partnership (TPP) Countries: Comparative Trade and Economic Analysis", Report for Congress, 10 June 2013 (n.p., United States Congressional Research Service, 2013), p. 17. Available from <https://fas.org/sgp/crs/row/R42344.pdf>.
- ¹⁵ Ministère du commerce, du secteur informel, de la consommation, de la promotion des produits locaux et des PME.
- ¹⁶ World Bank, "Senegal: Country Overview", 10 October 2017. Available from <http://www.worldbank.org/en/country/senegal/overview>.
- ¹⁷ Toussaint Houeninvo, Khadidiatou Gassama, Isiyaka Sabo, African Development Outlook: Sénégal (n.p., AfDB, OECD, UNDP, 2017), p. 4.
- ¹⁸ World Trade Organization, Senegal: Trade Profile. Available from <http://stat.wto.org/CountryProfile/WSDBCountryPFView.aspx?Country=SN&Language=F> (accessed 9 February 2018).
- ¹⁹ International Monetary Fund, "Senegal: Selected Issues", IMF Country Report, No. 17/2 (Washington D.C., 2017). p. 23.
- ²⁰ Toussaint Houeninvo, Khadidiatou Gassama, Isiyaka Sabo, *African Development Outlook: Sénégal*, p. 4.
- ²¹ International Monetary Fund, p. 7.
- ²² World Bank, Trade in services (%of GDP), World Development Indicators. Available from <https://data.worldbank.org/indicator/BG.GSR.NFSV.GD.ZS?end=2014&locations=ZG&start=1977> (accessed 12 February 2018).
- ²³ UNCTAD, *Statistical Tables on Least Developed Countries* (n.p., 2016), p. 19. Available from http://unctad.org/en/PublicationsLibrary/Ldc2016_Stats_en.pdf.
- ²⁴ World Bank, Commercial services exports (current \$), Data Bank. Available from <http://databank.worldbank.org/data/reports.aspx?source=2&country=SEN> (accessed 9 February 2018).
- ²⁵ ITC, Trade Map. Available from [https://www.trademap.org/\(X\(1\)S\(jg5crf55u5ulyk3a1opdhny\)\)/lci/Service_SelCountry_TS.aspx?nvpm=1|686|||||S00|1|3|1|3|2|1|5|1|1](https://www.trademap.org/(X(1)S(jg5crf55u5ulyk3a1opdhny))/lci/Service_SelCountry_TS.aspx?nvpm=1|686|||||S00|1|3|1|3|2|1|5|1|1) (accessed 9 February 2018).
- ²⁶ Information provided during the in-country consultations based on OECD-WTO Balanced Trade in Services Dataset (Ba Tis).
- ²⁷ Namely construction, insurance, banking, computer and informatoion, royalties and fees and other business services.
- ²⁸ World Bank, Employment in Services (%of total employment), Data Bank. Available from <https://data.worldbank.org/indicator/SL.SRV.EMPL.ZS?locations=SN> (accessed 9 February 2018).
- ²⁹ World Bank, Employment in Services (%of total employment), Data Bank. Available from <https://data.worldbank.org/indicator/SL.SRV.EMPL.ZS?locations=SN> (accessed 9 February 2018).
- ³⁰ Be that as it may, there are positive linkages between trade in services and migration which are relevant for development. For more details on the trade-migration-development nexus, please see UNCTAD, 2017, Trade, Migration and Development, *Handbook for Improving the Production and Use of Migration Data for Development*, Global Migration Group.
- ³¹ Alexandre Devillard, Alessia Bacchi and Marion Noack, "Country Chapters - Senegal" in *A Survey on Migration Policies in West Africa*, Alexandre Devillard, Alessia Bacchi and Marion Noack, eds. (Vienna, ICMPD; Dakar, IOM, 2015), p. 276. Available from http://www.un.org/en/development/desa/population/migration/events/other/workshop/2015/docs/Workshop2015_Senegal_Migration_Fact_Sheet.pdf.
- ³² Ibid.

- ³³ Senegal, Agence Nationale de la Statistique et de la Démographie, "Migration et Urbanisation" in *Rapport définitive RGPHAE 2013* (Dakar, Ministère de l'Économie, des Finances et du Plan, 2014), p. 248.
- ³⁴ Alexandre Devillard, Alessia Bacchi and Marion Noack, "Country Chapters - Senegal", p. 283.
- ³⁵ France, Accord relatif à la gestion concertée des flux migratoires entre le Gouvernement de la République Française et le Gouvernement de la République du Sénégal (2009), arts. 2 and 3.32.
- ³⁶ Ibid., Avenant, art. 2.1.
- ³⁷ Workpermit.com, "Spain to issue 2,700 work permits for Senegal migrants", 11 December 2007. Available from <http://workpermit.com/news/spain-issue-2700-work-permits-senegal-migrants-20071112>.
- ³⁸ Sorana Toma, "Policy and Institutional Frameworks - Senegal Country Report", INTERACT RR, 2014/16, (n.p., European University Institute, 2014), p. 9. Available from http://cadmus.eui.eu/bitstream/handle/1814/33213/INTERACT_RR_2014%20_16_.pdf;sequence=1.
- ³⁹ Alexandre Devillard, Alessia Bacchi and Marion Noack, "Country Chapters - Senegal", p. 284.
- ⁴⁰ Senegal, Agence Nationale de la Statistique et de la Démographie, "Migration Internationale" in *Situation Économique et Sociale du Sénégal en 2011* (Dakar, Ministère de l'Économie et des Finances, 2013), p. 50.
- ⁴¹ Data from Circa 2000 in Jean-Christophe Dumong and Pascal Zurn, "Immigrant health workers in OECD countries in the broader context of highly skilled migration" in *International Migration Outlook*, Sopemi eds. (n.p., OECD, 2007), p. 214. Available from: http://www.who.int/hrh/migration/2007_annual_report_international_migration.pdf?ua=1.
- ⁴² See Lisa Schelin, "Senegal worried about growing 'Brain Drain'", VOA, 2 April 2010. Available from <https://www.voanews.com/a/senegal-worried-about-growing-brain-drain--89835807/153977.html>.
- ⁴³ UNCTAD and UNDP, "The Challenge of Assessing the Creative Economy: towards Informed Policy-making", Creative Economy Report, 2008 (Geneva and New York, United Nations, 2008), p. iv.
- ⁴⁴ UNCTAD, *Creative Economy Outlook and Country Profiles: Trends in international trade in creative industries* (n.p., United Nations 2015), p. 128. Available from http://unctad.org/en/PublicationsLibrary/webditcted2016d5_en.pdf.
- ⁴⁵ Ibid.
- ⁴⁶ Ibid.
- ⁴⁷ Senegal, Ministère de la Culture Du Sénégal, 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expression: Quadrennial Periodic Report (Dakar, 2016), p. 66.
- ⁴⁸ Fallou Ngom, "Popular Culture in Senegal: Blending the Secular and the Religious" in *Music, Performance and African identities*, Toyin Falola and Tyler Fleming, eds. (New York, Routledge African Studies, 2012), pp. 103–107.
- ⁴⁹ Compilation of data based on online search.
- ⁵⁰ Ibid.
- ⁵¹ Ibid.
- ⁵² United States, Bureau of Consular Affairs, Nonimmigrant visa statistics, TravelStats. Available from <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics.html>.
- ⁵³ Amadou Dieng Bator, "Recording, performing and royalties in Senegal", *Music Africa*, 17 February 2015. Available from <https://www.musicinfrica.net/magazine/recording-performing-and-royalties-senegal>.
- ⁵⁴ Andy C. Pratt, "The music industry and its potential role in local economic development: the case of Senegal" in *Creative Industries in Developing countries: Voice, Choice and Economic Growth*, Diana Barrowclough and Zeljka Kozul-Wright, eds. (New York, Routledge, 2008), p. 134.
- ⁵⁵ Ibid.
- ⁵⁶ RFI website, available from <http://en.rfi.fr/culture/20170511-soul-bangs-RFI-discovery-prize-winner>.
- ⁵⁷ Author's compilation of data based on Internet research.
- ⁵⁸ Colours of the Nile, "Spotlight on the African Nation: CNIFF Tribute to Senegal_The Pioneer of African Cinema", 24 March 2014. Available from: <http://www.coloursofthenile.net/about/14-site-functional-page/34-spotlight-on-the-african-nation>.
- ⁵⁹ Bilge Ebiri, "The Story of Sembene!": How Ousmane Sembene Invented African Cinema", *Vulture*, 5 November 2015. Available from <http://www.vulture.com/2015/02/how-ousmane-sem-bene-invented-african-cinema.html>.
- ⁶⁰ The film is internationally known as "News from My Village" or "Letter from my Village". It was awarded FIPRESCI Prize in Belgium and the OCIC Award. "Samaba Tali" received the Best Short Film Prize at the Festival International du Film de l'Ensemble Francophone in Geneva in 1975.
- ⁶¹ Compilation of data based on the information available at Carthage film festival website, <https://www.jcctunis.org/eng/jccArchives.php>.
- ⁶² Compilation of data based on the information available at Cannes film festival website, <http://www.festival-cannes.com/en/>.
- ⁶³ Compilation of data based on the information available at Berlinale's website, <https://www.berlinale.de/en/HomePage.html>.
- ⁶⁴ It is worth recalling that GATS Article XXVIII defines 'supply of a service' to include marketing and sale activities, i.e. 'business visits' of various types, which for filmmakers etc. logically includes presence at festivals.

- ⁶⁵ While an agreement was signed on 29 March 1974 between France and Senegal on social security and which ensures the rights acquired under the legislation of one of the States, it only concerns nationals exercising or having exercised, as permanent or seasonal workers, a salaried or similar activity. Artists appear not to be covered.
- ⁶⁶ Plan Sénégal Emergent, paragraphs 328–332.
- ⁶⁷ Services Sectoral Classification List, WTO Doc. MTN.GNS/W/120, 10 July 1991, commonly referred to as ‘W/120.’
- ⁶⁸ Bettina Brunner, *et al.*, *Senegal Private Health Sector Assessment: Selected Health Products and Services* (Bethesda, Maryland, Strengthening Health Outcomes through the Private Sector Project, Abt Associates, 2016), p.12. Available from: https://www.shopsplusproject.org/sites/default/files/resources/Senegal%20Private%20Health%20Sector%20Assessment_Selected%20Products%20and%20Services.pdf.
- ⁶⁹ Senegal, Ordre National des Médecins du Sénégal O.N.M.S., *Tableau de L'Ordre National des Médecins du Sénégal 2016*. Available from: <http://www.ordremedecins.sn/tableau/>.
- ⁷⁰ Cf. WHO, Global Health Observatory, available from <http://www.who.int/gho/en/> (accessed 13 February 2018).
- ⁷¹ Sud Quotidien, “Tableau des praticiens inscrits à l'ordre des médecins: Seuls 1007 médecins sur la liste”, *Dakar.com*, 29 December 2016. Available from <http://news.adakar.com/h/82847.html>.
- ⁷² M. Awases *et al.*, *Migration of health professionals in six countries: A synthesis report* (Brazzaville, Congo, World Health Organization, 2004), p. 38.
- ⁷³ Michael A. Clemens and Gunilla Pettersson, “Medical Leave: Database of Health Professional Emigration from Africa”, Working Paper, No. 95 (n.p., Center for Global Development, 2006), pp. 10–13. Available from https://www.cgdev.org/files/9267_file_WP95.pdf (accessed 24 January 2018). See also World Bank, *Migration and Remittances Factbook 2011 Second Edition* (Washington D.C., World Bank, 2011), p.217.
- ⁷⁴ Data from Circa 2000 in Jean-Christophe Dumong and Pascal Zurn, “Immigrant health workers in OECD countries in the broader context of highly skilled migration” in *International Migration Outlook*, Sopemi eds., (n.p., OECD, 2007), p. 214.
- ⁷⁵ Information available on Hôpital Principal's website, <http://www.hopitalprincipal.sn/hopital.htm>.
- ⁷⁶ Senegal, Direction des Ressources Humaines, *Plan National de Développement des Ressources Humaines en Santé (PNDRHS)* (n.p., Ministère de la Santé et de la Prévention, 2010). Available from <http://www.sante.gouv.sn/ckfinder/userfiles/files/41.pndrh.pdf>.
- ⁷⁷ World Bank Data, Nurses and Midwives, World Development Indicators. Available from <https://data.worldbank.org/indicator/SH.MED.NUMW.P3?locations=SN> (accessed 24 January 2018).
- ⁷⁸ Michael A. Clemens and Gunilla Pettersson, “Medical Leave: Database of Health Professional Emigration from Africa”, pp.10-13. See also World Bank, *Migration and Remittances Factbook 2011 Second Edition*, p. 217.
- ⁷⁹ Data from Circa 2000 in Jean-Christophe Dumong and Pascal Zurn, “Immigrant health workers in OECD countries in the broader context of highly skilled migration”, p. 214.
- ⁸⁰ Information available at EISMV's website, <http://www.eismv.org/?p=13807>.
- ⁸¹ Information available at EISMV's website, <http://www.eismv.org/?p=13807>.
- ⁸² Senegal, Loi N° 2008-07 du 24 Janvier 2008 organisant la profession et la pharmacie vétérinaires au Sénégal, arts. 1-3
- ⁸³ *Ibid.*, arts. 9,12–14.
- ⁸⁴ Klaus Schwab, *Global Competitiveness Report 2017-2018* (Geneva, World Economic Forum, 2017) p. 255.
- ⁸⁵ *Ibid.*
- ⁸⁶ World Economic Forum, “Global Competitiveness Index 2017–2018”. Available from <http://reports.weforum.org/global-competitiveness-index-2017-2018/competitiveness-rankings/#series=GCI.C.12>
- ⁸⁷ Senegal, Ministère de L'enseignement Supérieur, de la recherche et de l'innovation, “Entretien du Ministre avec la rédaction de l'APS: Le Sénégal compte plus de 10 000 étudiants étrangers”, 22 September 2016. Available from <http://www.mesr.gouv.sn/entretien-du-ministre-avec-la-redaction-de-laps-le-senegal-compte-plus-de-10-000-etudiants-etrangers/>.
- ⁸⁸ Matteo Maillard and Amadou Ndiaye, “Les étudiants africains doivent pouvoir obtenir un bon master sur le continent”, *Le Monde Africa*, 8 March 2016. Available from http://www.lemonde.fr/afrique/article/2016/03/08/nous-voulons-que-les-etudiants-africains-n-aient-plus-besoin-d-aller-a-paris-pour-un-bon-master_4878639_3212.html.
- ⁸⁹ In-country consultations and compilation of data based on information available at the IAM's website, <http://www.groupeiam.com/>.
- ⁹⁰ *Ibid.*
- ⁹¹ In-country consultations and compilation of data based on information available at SUPdeCo's group website, <http://www.supdeco.sn/>.
- ⁹² *Ibid.*
- ⁹³ Compilation of data based on information available at University's website, <https://www.ucad.sn/>
- ⁹⁴ In-country consultations.

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- ⁹⁵ International Trade Centre, “Senegal: Export development of IT and IT enabled services”. Available from <http://www.intracen.org/NTF4/IT-Senegal/>
- ⁹⁶ ITU, Measuring the Information Society Report 2016, p. 48.
- ⁹⁷ ITU, “IDI 2017: LDC Rank”. Available from <https://www.itu.int/net4/ITU-D/idi/2017/#idi2017byregion-tab>.
- ⁹⁸ World Economic Forum, “Availability of latest technologies”. Available from <http://reports.weforum.org/global-competitiveness-index-2017-2018/competitiveness-rankings/#series=EOSQ067>.
- ⁹⁹ World Trade Organization, document WT/TPR/S/362, Annex 7 – Senegal, p. 458, para. 4.82. Available from <http://docsonline.wto.org>.
- ¹⁰⁰ Ibid.
- ¹⁰¹ E. Philip English, “Senegal – a service economy in need of an export boost”, WIDER working paper 2016/150 (Helsinki, UNU-WIDER, 2016), p. 13. Available from <https://www.wider.unu.edu/sites/default/files/wp2016-150.pdf>.
- ¹⁰² Ibid.
- ¹⁰³ Senegal, Agence Sénégalaise de promotion des exportations, “TIC et Téléservices”, 2016. Available from <http://www.senegalexport.com/fr/secteurs-d%27activit%C3%A9/tic-et-t%C3%A9l%C3%A9services>
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