

Country: Nicaragua

Background:

Type of body: WTO Negotiations on trade facilitation support group

Official name: National Working Group on Trade Facilitation.

Motivation for its establishment: It aims to ensure the participation of key trade facilitation stakeholders in trade negotiations undertaken at bilateral, regional and multilateral level. It also aims to improve the interaction between governmental agencies, private sector and civil society involved in these negotiations.

Year of establishment: 2007

Other national bodies dealing with WTO issues and/or with Trade Facilitation: There are two other institutions:

The Inter-institutional Commission on Trade Facilitation;

The Presidential Delegation for the Promotion of Investment and Trade Facilitation, within the Directorate of Trade Facilitation in PRONICARAGUA, created by Decree No. 12/2011, approved on 16 March 2011.

Former multi-agency group/committee: The National Working Group on Trade Facilitation was based on the Group and Committee on Negotiation and Customs Procedures Administration, which were previously created for the negotiation and administration of trade agreements.

Current status of the working group (running, pilot phase, not functioning, etc): Currently, the Working Group deals with topics related to the WTO negotiations on trade facilitation.

Institutional Framework:

Degree of institutionalisation:

- Law N° 290, Law of Organisation, Competence and Procedures of the Executive Power, published on 3 June 1998. Article 22 established the Ministry of Public Works, Industry and Trade, which is responsible for promoting access to foreign markets and to better integrate Nicaragua into the international economy through negotiation and implementation of trade and investment international agreements.
 - Decree No. 71-98, Regulation on the Law of Organisation, Competence and Procedures of the Executive Power, approved on 30 October 1998 and published on 30 and 31 October 1998. According to Article 112, the Ministry of Public Works, Industry and Trade, through the Directorate of International Organisations, is responsible for monitoring the implementation, administration and operation of international and multilateral organisations related to foreign trade, according to Nicaragua's commitments under agreements and legal instruments in force.
- Ministerial Agreement No. 055-2007, approved on 1 November 2007 and published on 20

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November 2007, which established the National Working Group on Trade Facilitation. This agreement was adopted at Cabinet level.

Type of organisation (ad hoc group, legal entity/organisation, etc): The Working Group has been set up as an ad hoc group.

Scope/mandate:

To enlarge public participation in the process of negotiation and implementation of international trade agreements; and

To establish a better interaction between governmental agencies, private sector and civil society.

Terms of reference: No

Coordinating agency: The Ministry of Public Works, Industry and Trade, through the Directorate of International Trade Organisations, is the institution in charge of coordinating the work of the Working Group.

Working structure of the group: There is no a specific structure.

Permanent technical secretariat: Directorate of International Trade Organisations is the ad hoc Secretariat of the Working Group.

Funding:

Budget: No. Each public or private institution covers the expenses of its representatives. The Ministry of Public Works, Industry and Trade provides technical staff, its premises and logistic arrangements for the meetings.

Sources of funding: Logistic costs of the Working Group are included in the budget of the Ministry of Public Works, Industry and Trade.

Objectives / Focus:

Objectives:

To participate in the WTO Trade Facilitation negotiations from the capital; and

To send the national negotiating positions to the Permanent Mission in Geneva.

Working plan:

The Working Group's activities are incorporated into the Ministry of Public Works, Industry and Trade's annual plan, including an Annual Operating Plan for the period 2012-2015. The annual plan contributes to the implementation of objectives and guidelines included in the National Human Development Plan.

This plan allows assessing the implementation level of institutional goals and objectives, on the basis of continuity, consolidation and sustainability of the role of the Ministry of Public Works, Industry and Trade.

The Working Group also follows the WTO Working Program, in order to formulate comments and

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recommendations to be sent to the Permanent Mission of Nicaragua in Geneva in timely manner.

Monitoring and evaluation: Through the follow-up and assessment of:

The Annual Operating Plan; and

The Operating Plan of the Directorate of International Trade Organisations.

Reporting form and supervisory authority: The Working Group reports to the highest senior staff of the Ministry of Public Works, Industry and Trade.

Membership / Composition:

Public or quasi-public agencies:

Ministry of Development, Industry and Trade;

Directorate General of Customs;

Directorate General of Revenue;

Ministry of Transport and Infrastructure;

Ministry of Agriculture and Forestry;

Ministry of Finance and Public Credit;

Ministry of International Affairs;

Ministry of Health;

Presidential Delegation for the Promotion of Investment and Trade Facilitation;

Centre for Export Procedures;

Central Bank of Nicaragua;

Directorate General of Immigration;

National Police;

Transport and Logistic Commission;

National Ports Enterprise;

The Working Group may invite other bodies to the meetings as it deems appropriate.

Private associations or entities:

Higher Council for Private Enterprise;

International Airports Management Company;

Nicaraguan Chamber of Industry;

Chamber of Customs and Warehouse Agents of Nicaragua;

Nicaraguan Chamber of Commerce;

Nicaraguan Micro, Small and Medium-Sized Enterprise Council; and

Chamber of Customs Agents, Warehousemen and Shippers.

The Working Group may invite other entities to the meetings as it deems appropriate

Level of seniority of participants: Public-private sector representatives have:

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Extensive knowledge and experience in foreign trade, Customs procedures and international trade negotiations;

High positions as trade advisors, sub-managers, directors, section managers, and Customs, tax and trade experts; and

Over five years of experience in the areas of trade facilitation.

Participation:

Frequency of meetings:

The Working Group meets one or two times per month.

In the meantime, the Working Group coordinates electronically.

Level of participation: Satisfactory. Most of the institutions participate in each meeting.

Meetings format:

The meetings are face-to-face to discuss and to review the proposal submitted during the WTO negotiations on trade facilitation in Geneva. It aims to formulate national negotiating position for the negotiations.

The Working Group also exchanges ideas and reach consensus on negotiating positions by email.

Promotion / Communication:

Communication channels to keep stakeholders informed of TF meetings: All information sent by the Permanent Mission of Nicaragua in Geneva or the Secretariat of the WTO is circulated to the Working Group by post or electronic mail.

Interface with other working groups/committees on similar issues: Through inter-institutional coordination with other agencies involved in trade facilitation matters.

Undertake information sessions to stakeholders or general public: There are no special information sessions. Each Working Group member is responsible to keep updated its institution.

Benefits:

Impact: The impact has been very positive and useful, which is confirmed by:

The level of participation in the WTO negotiations on trade facilitation;

The submission of Nicaragua's negotiating position on trade facilitation during the WTO Doha Development Round;

The permanent contact with relevant institutions involved in trade facilitation;

The support to activities on trade facilitation carried out by international organisations such as UNCTAD and WTO.

Benefits for the country's responsiveness to the WTO negotiation process: The Working Group has performed an important role in the proposals formulation for the WTO negotiations on

trade facilitation.

Concrete operational outcomes: The submission of national negotiating position agreed at public and private level.

Lessons learned:

Success factors:

Active coordination of Ministry of Public Works, Industry and Trade with other members;
Constant and effective coordination with the Permanent Mission of Nicaragua in Geneva;
Active participation of key institutions in the process;
Preparation of negotiating proposals, based on agreed national position; and
Protection of national interests in the WTO negotiations on trade facilitation.

Greatest obstacles:

Low motivation of some institutions to participate in the meetings, particularly in matters which are not under their competences. This is an obstacle for the holistic review of proposals.
Low attention to communications on group coordination, proposals, comments and observations.
Delays in submitting comments or observations by group members. Thus, Working Group's positions are sent extemporaneously to the Permanent Mission of Nicaragua in Geneva.
Greater involvement of higher authorities in backing decisions of their representatives participating in the Working Group.
Lack of a detailed working plan for the Working Group's activities.
Lack of a budget for the implementation of the future WTO Agreement on Trade Facilitation.
Weak legal basis for the creation of the Working Group.
Lack of staff attending multilateral negotiations in Geneva.

Lessons learned from your experience:

The establishment of a working group is crucial for formulating negotiating proposals and implementing agreements.
Greater coordination is necessary.
It is necessary to count with more representatives in the Permanent Mission of Nicaragua in Geneva.
To set up timeframe for the submission of comments or observations.
To elaborate a working plan setting down goals, activities and outcome indicators of the group's work.
To elaborate a Ministerial Agreement providing a structure, functions, and membership for the Working Group on Trade Facilitation. This will help to the implementation of the WTO Agreement on Trade Facilitation.

Future plans:

Plans for further development:

To consolidate the Working Group in order to improve technical support to negotiators based in Geneva;

To facilitate communication and provide knowledge for analysing proposals;

To establish better communication with the public and private sectors in order to improve policy coordination, to reach coherence at national level and in multilateral negotiations;

To provide inputs to facilitate the development of strategic and operational solutions as well as an implementation plan;

To provide a mandate to Working Groups allowing them to operate with the governmental support or carry out their work in an informal, advisory and sporadic way;

To determine the competence and functions of each institution regarding trade facilitation measures;

To set timeframe for answering requests for information, comments and / or observations.

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