

Chapter 7

Dealing with Non-tariff Barriers in South Asia

*Jodie Keane, Jane Kennan, Sheila Page and Christopher Stevens*¹

7.1 Introduction

There is considerable heterogeneity across South Asian countries in terms of the extent to which they trade and the relative importance of trade in goods and services. Information on trade in services is simply not available for countries such as Afghanistan and Bhutan. Among others, Pakistan has the lowest level of trade as a share of GDP in the region: exports of goods and services comprise just 13 per cent of GDP. Bangladesh, Sri Lanka and India each have a share of trade in goods and services of around 20 per cent of GDP, with trade in services accounting for 13 per cent of GDP in India compared with just 6 per cent in Bangladesh and 11 per cent in Sri Lanka. The smallest economies of the South Asian region – Afghanistan, Bhutan and Nepal – which are also landlocked, in general have higher shares of trade as a percentage of GDP. This is also the case for the island states of Maldives and Sri Lanka.

Non-tariff barriers (NTBs) constrain intra-regional trade in South Asia. Table 7.1 summarises some of the main regional trade agreements (RTAs) and preferential trade agreements (PTAs) in the region and their definitions of non-tariff measures (NTMs), NTBs and related commitments. Not all agreements explicitly define NTBs or provide for the institutional arrangements to assist members in the harmonisation of NTMs and mutual recognition of standards. In some cases, the distinction between the two is not clear, as in the South Asian Free Trade Area (SAFTA). In other cases, NTBs are not defined but a number of commitments are made to address them, as in the Association of South East Asian Nations (ASEAN)–India Free Trade Agreement (AIFTA). Ambiguity in some of the agreements should be a cause for concern because it obscures the fact that some NTMs may be used for legitimate public policy objectives. Making the distinction between the intent and the impact of an NTM is crucial to determining the extent to which legitimate measures may serve as unnecessarily restrictive barriers to trade. That is, when an NTM serves as an NTB.

In some cases, progress on the reduction and harmonisation of tariff and non-tariff measures appears to have stalled (e.g. the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation, BIMSTEC). In other cases, deeper PTAs have been signed with countries outside the South Asian Association for Regional Cooperation (SAARC) rather than within it, such as the India–Singapore Comprehensive Economic Partnership Arrangement (CEPA), which specifies detailed procedural arrangements related to the mutual recognition of standards, the designation of conformity assessors and apex chambers. There are no binding commitments on the removal of NTBs in SAFTA and much remains to be done to harmonise NTMs

Table 7.1 Definitions of NTB and NTMs used in RTAs and PTAs in the South Asia region

Agreement	Definitions of NTMs and NTBs	Commitments on NTMs and NTBs
SAFTA	NTMs include any measure, regulation or practice other than 'tariffs' and 'para-tariffs'. Para-tariffs mean border charges and fees, other than tariffs, on foreign trade transactions of a tariff-like effect which are levied solely on imports, but not indirect taxes and charges, which are levied in the same manner on like domestic products.	Requires the elimination of tariffs, para-tariffs and non-tariff restrictions on the movement of goods, and any other equivalent measures, in addition to the adoption of trade facilitation and other measures and the progressive harmonisation of legislations by the Contracting States in the relevant areas.
Pakistan–Sri Lanka Free Trade Agreement (PSFTA)	NTM means any measures, regulation, or practice, other than 'tariffs' and 'para-tariffs'; the effect of which is to restrict imports, or to significantly distort trade within the Contracting Parties. 'Para-tariffs' mean border charges and fees, other than 'tariffs', on foreign trade transactions of a tariff-like effect which are levied solely on imports, but not those indirect taxes and charges, which are levied in the same manner on like domestic products.	Article III is on the elimination of para-tariffs and NTBs. The Contracting Parties further agree to eliminate from the date the Agreement enters into force, all NTBs, and any other equivalent measures on the movement of goods and services, other than those imposed in accordance with Article IV of the Agreement. The Contracting Parties also agree not to make any increase in the existing para-tariffs, if any, or introduce new or additional para-tariffs without mutual consent.
India–Sri Lanka Free Trade Agreement (ISFTA)	In this Agreement there is no specific reference to NTBs beyond general agreement to remove barriers that inhibit trade. Only tariffs are defined – there is no mention of para-tariffs.	The objectives of the Agreement include the removal of barriers to trade, harmonious development and expansion of world trade.

(continued)

Table 7.1 Definitions of NTB and NTMs used in RTAs and PTAs in the South Asia region (continued)

Agreement	Definitions of NTMs and NTBs	Commitments on NTMs and NTBs
AIFTA	Not defined	Article 8 on non-tariff measures states that Parties shall not institute or maintain any NTM on the importation of goods from the other parties or on the exportation or sale for export of goods destined for the territory of the other Parties, except in accordance with its WTO rights and obligations or other provisions in this Agreement. Each party will ensure the transparency of its NTMs allowed under subparagraph (a) and their full compliance with its obligations under the WTO Agreement with a view to minimising possible distortions to trade to the maximum extent possible.
BIMSTEC	Not defined	Under Article 2, Measures for a Comprehensive Free Trade Agreement, the parties agree to the progressive elimination of tariffs and NTBs substantially in all trade in goods, as well as to the establishing of facilitative measures including, but not limited to, the simplification of customs procedures and the development of mutual recognition arrangements.
India–Singapore Comprehensive Economic Partnership Agreement (ISCEPA)	Not defined	Article 2.5 on non-tariff measures states that neither party shall adopt or maintain any non-tariff measure on the importation of any goods of the other party or on the exportation of any goods destined for the territory of the other party, except in accordance with its WTO rights and obligations or in accordance with other provisions of the Agreement. Moreover, that each party shall ensure that such measures are not prepared, adopted or applied with a view to, or with the effect of, creating unnecessary obstacles to trade between Parties.

in the region so as to ensure that legitimate measures are implemented in the least trade-restrictive manner, as well as to supervise the removal of para-tariffs.

By drawing on the experiences in other regions, this chapter discusses how South Asia can alleviate NTBs in the region. Section 7.2 provides an overview of these barriers to trade in the region. Section 7.3 presents the models for monitoring and surveillance of NTBs. Section 7.4 discusses issues relating to conforming to regulations and standards. Section 7.5 draws on examples to discuss measures to upgrade producers to meet standards. Section 7.6 discusses the interrelationship between monitoring NTBs and dispute settlement mechanisms. Section 7.7 concludes the chapter by highlighting the key issues.

7.2 Significant barriers to trade

Analysis of reported NTBs to the United Nations Conference on Trade and Development (UNCTAD) Trade Analysis and Information System (TRAINS) database across countries within South Asia suggests that most measures fall into the category of price and quantity control measures, which would include such practices as non-automatic licensing, as well as price setting and interventions in food and commodity markets. These main categories are followed by monopolistic measures and technical measures, more broadly.² The difference in exposure to product specific NTBs will depend on the export basket of each trading partner. However, there may also be differences in the ability of producers in each country to adapt to the measure imposed.

Qualitative analysis of NTB peaks and troughs across the Harmonized System (HS) six-digit level for India's imports suggest that many more South Asian countries are subject to a low rather than a high number of NTBs when importing into India. Nepal is the only South Asian import partner to feature as a top import partner across those products most susceptible to NTBs (up to 12) for the following product lines: wheat and meslin products (HS 1001.90) and soya beans (HS 1201.00). Analysis of all imports, from other South Asian partners, that fall within a HS six-digit category subject to between 8 and 12 NTBs shows that Pakistan is the largest source of imports, in terms of value, followed by Afghanistan, Bhutan and Nepal. The products most susceptible to NTB peaks appear to fall within HS Chapters 70, 80 and 90. In the case of Sri Lanka, only India features as a top five import partner for those products most susceptible to NTBs at the HS six-digit level (up to ten). The results from this type of qualitative analysis suggest that, the higher the number of NTBs, the more challenging it is to enter the Indian and Sri Lankan market for exporters from South Asia.

7.2.1 Choosing priorities

There is a clear need for improvements in monitoring, reporting and notifying mechanisms of NTBs. Knowledge of, and the ability to conform to, mandatory standards on trade in goods by producers within the region are important barriers; these include agricultural goods as well as industrial products such as cement.³ There appear to be fewer reported difficulties within the region regarding adherence to private voluntary standards.⁴ Mandatory standards seem to be particularly

Table 7.2 Most restrictive NTBs and challenging NTMs

Barrier or measure	Type			Govern-ment control	Resolution		
	Regulatory	Admini-strative	Procedural		Capacity constraint	Short term	Long term
Mandatory market access requirements Sanitary and phytosanitary measures (SPS)/Technical barriers to trade (TBT)	No MRAs in place	Checking at borders, systematic and random	No testing facilities available at borders, which mean procedural delays.	Yes	✓	Invest in testing facilities at borders	Agree MRAs across products of interest
Lack of harmonisation of customs classifications Infrastructure	No memorandums of understanding between customs authorities		Revaluation common at the border		✓	Invest in updated harmonised and electronic systems	
Visa requirements	No agreement on free movement of labour	Length of time taken to obtain visa	Detailed procedures to be followed for Pakistani nationals into India	Lack of storage/loading facilities are borders	✓	Invest in storage and loading facilities at borders	Invest in transportation corridors
Ad hoc export and import restrictions	Yes	Yes	Yes		✓	Addressing procedural and administrative barriers (Pakistan-India)	Reach agreement on services
					✓	Improved notification systems	Enhanced enforcement and dispute settlement mechanisms

challenging because there are currently no mutual recognition agreements (MRAs) in operation within the region, which means 100 per cent testing at borders. Testing facilities are not always located close to borders, which results in procedural delays for traders within the region. Table 7.2 summarises some of the most restrictive NTBs and challenging NTMs in the region identified through key informant interviews.

Poor customs procedures and other logistical constraints are formidable barriers to intra-regional trade. These barriers include, for example, lack of cold storage facilities at borders and limited space for loading bays. Tariff harmonisation is ongoing within the region, which means that revaluation at borders is reported to be common. This suggests a need for better and more co-ordinated information systems across customs authorities.

In addition to regulatory barriers, such as those related to the lack of MRAs within the region, there are other types of NTBs that are in widespread use within the region and remain undisciplined at the regional level. This includes the use of export restrictions to deal with seasonal shortages of goods, such as onions, cotton and rice.

There are mixed views on the potential role of dispute settlement mechanisms at the regional level. It is fair to say that at the current time, negotiations on barriers to trade mainly take place on a bilateral basis, even where these are in direct contradiction to the rules agreed under SAFTA (as well as other bilateral agreements).

There are similarly concerns that, however implemented, enhanced trade surveillance of the reduction of reported NTBs and harmonisation of other NTMs needs to be depoliticised politicised; the process of monitoring NTBs needs to remain outside government control, but to feed into policy processes, which suggests the need for an enhanced role of national and regional chambers of commerce in order to perform this function. The following section introduces the other components of the feasibility study and, where applicable, discusses what the results of the fieldwork suggest for their future development.

7.3 Models of non-trade barrier monitoring and trade surveillance

Only one of the approaches adopted by different regional economic communities (RECs) towards NTB monitoring and trade surveillance intends to have a fully functioning online and publicly available NTB monitoring mechanism, tracking complaints in real-time. That is, the tripartite region which comprises the East African Community (EAC), the Southern African Development Community (SADC) and the Common Market for Eastern and Southern Africa (COMESA). The EAC and SADC were planning to develop an online mechanism, but these plans have been superseded to some extent by the establishment of the tripartite NTB monitoring mechanism between EAC, COMESA and SADC (which are yet to sign a free trade agreement (FTA)).

However, in the case of the EAC, even though the tripartite monitoring mechanism is in place there remain concerns that this is not sufficient and that a regional

mechanism between EAC members may still be required. This is an important point to note since an NTB monitoring mechanism between members of a planned, but not yet implemented, FTA cannot substitute for one within a customs union (CU), where many more barriers are supposed to have been removed. No CU exists in South East Asia at present (although ASEAN has one planned), nor in South Asia.

The EU, which has moved beyond the formation of a CU towards a monetary union, provides different websites on which traders can register a trade-related complaint regarding intra- or extra-regional markets. In contrast, ASEAN has no publicly available information source on which to register: for either an NTB- or a trade-related complaint. Efforts to address NTBs remain primarily driven by economic objectives and the demands of regional priority products. This section identifies three different models of NTB monitoring and trade surveillance. Within these three models there are potentially replicable elements for South Asia.

7.3.1 EU approach

This approach can be summarised as being two-pronged in the sense that separate mechanisms exist for different types of trade barriers experienced in the internal market compared with external markets. And within these there are different mechanisms to respond to reported barriers. Clearly this type of mechanism is well advanced and designed for a deep form of integration, over and above that which exists in other RECs, but what it serves to highlight is how monitoring mechanisms have evolved in two ways, depending on the market and rules in place for each, as well as whether or not the reported barrier is perceived to be legal or illegal.

In relation to barriers that continue to exist within the European market, there are alternative channels that may be pursued in order to address these and there is a formidable legal structure in place to enforce common rules and standards. A regional legal structure and regional court exist with the jurisdiction to enforce rules, regulations and to resolve disputes.

The approach to addressing unnecessarily trade restrictive NTMs within the internal market was, and remains, based on the principle of minimum harmonisation, whereby existing national standards are expected to adhere by general principles, as opposed to the creation of product-specific standards and a regional catalogue to this effect. However, where regional standards have been created (for technical or other reasons), member states have to prove to the European Commission why they have decided not to implement the rule. A clear distinction continues to be made between harmonised and non-harmonised sectors; in the latter the principle of mutual recognition applies.

Efforts to maintain momentum for the further deepening of the EU's single market remain very much ongoing; an online complaints mechanism to report NTBs is just one tool that is used in this process. Reporting mechanisms at an institutional level between the Commission and the Council also continue to develop, as trade barrier reports have been updated to also include barriers related to investment trade and investment.⁵

For external markets, it is possible to submit a complaint directly to the Directorate-General for Trade for investigation using the trade barriers reporting (TBR) mechanism. Alternatively, complaints about barriers to trade in external markets which relate to existing NTMs perceived to be unnecessarily trade restrictive may be raised during market access partnership meetings. Over time these services have been combined to some extent in the form of the market access database (MADB), which includes relevant information on tariffs, product requirements, relevant documentation as well as other reported trade barriers in external markets.

7.3.2 ASEAN approach

The ASEAN approach is similar to that of the EU in a number of respects – the crucial difference, however, is in terms of the stage and level of economic integration (e.g. ASEAN is not yet a CU), which means that enforcement and automatic implementation mechanisms differ. The approach towards the reduction of NTBs and harmonisation of other NTMs was initially based on the principle of self-assessment by members and dialogue with the private sector beginning in the 1990s. The implementation of the common effective preferential tariff (CEPT) meant that each member was expected to get its own house in order, with longer time periods in which to do so granted for the least developed members of the ASEAN (the CLMV countries – Cambodia, Laos, Myanmar and Vietnam). A working definition of NTBs was adopted and technical working groups established at the ASEAN Secretariat level were charged with overseeing the process of their reduction, in addition to the reduction of tariffs between members more generally.

As the regional integration process gathered pace, a more strategic approach was adopted at the regional level, through the identification of specific products of economic interest and their related trade barriers. That is, the approach adopted has been driven by a reactive approach, on the one hand, towards addressing those barriers most frequently reported and assessed as being trade restrictive, and, on the other hand, by a more proactive approach towards the facilitation of trade in priority products, mapping regional production networks and their related trade constraints.

This approach subsequently provided the impetus for the harmonisation of standards first for priority products and then for others considered important, though not necessarily for economic reasons. This has meant that the development of regional standards remains a work in progress for priority agricultural products, which range from livestock to onions (and this process has resulted in the creation of other technical working groups). More general trade facilitation measures have also been implemented, such as the single window for customs procedures.

Only in the late 2000s have efforts to reduce NTBs between members been underpinned by a dispute settlement mechanism. The legal architecture of ASEAN has only very recently proceeded to strengthen, not least in the light of the recent wave of ASEAN+1 agreements signed with such partners as China, Japan and India. And it is only very recently that the ASEAN Free Trade Agreement (AFTA) council has endorsed the modality and plan for NTB elimination across all members, which remains an ongoing process. There are no online reporting mechanisms on which

to log complaints about NTBs; instead all communication remains by traditional means, such as dialogue between member states and business associations within each country. Information on the process of elimination of identified NTBs and the extent to which non-compliance is actually enforced is limited. This means it is not possible really to assess the extent to which objectives to remove NTBs have actually been met.

However, the general approach of ASEAN does exhibit some similar tendencies to the EU in that a sector- and product-specific approach was first adopted in order to address NTBs, harmonise NTMs and, therefore, facilitate trade, with a strong emphasis on internal market development within a broader context of open regionalism, so as to facilitate the development of regional production networks and achieve economic objectives. The regional architecture surrounding this process is still in the development phase, remaining focused on internal market development with no mechanism available, to the best of our knowledge, on reporting trade barriers in external markets as is available in the EU.

7.3.3 Potential models of trade surveillance and NTB monitoring mechanisms in South Asia

Based on the current level of economic integration within South Asia, there remain a number of outstanding questions as to who could undertake trade surveillance and NTB monitoring mechanisms within the region, for example, the SAARC Secretariat (based in Nepal) or the SAARC Chamber of Commerce and Industry (based in Pakistan). At the time of writing, there is no dedicated technical working group within SAARC to address NTBs, or an executive body which could be charged to oversee reductions in reported barriers (or robust dispute settlement mechanisms to enforce decisions).

The approach towards identifying specific sectors and products of interest at the regional level and their related trade barriers has not yet begun at the regional level. This is reflective of the relatively loose organisational structure of SAARC: its existing commitments on goods are not enforced, which suggests that the potential for the further deepening of commitments at the regional level may be limited. Members have so far found it more effective to seek bilateral channels and negotiations in order to achieve their objectives on enhanced market access, in addition to addressing NTBs (e.g. recent dialogue between India and Pakistan). This means that the approach towards addressing NTBs and trade surveillance more generally remains rather un-co-ordinated, being undertaken primarily through bilateral channels.

What does this suggest in terms of the potentially replicable elements of other models of trade surveillance and NTB monitoring mechanisms for South Asia? It suggests that if internal market development through the removal of NTBs and harmonisation of other NTMs is desirable, particularly for the least developed and landlocked members (and the small and medium enterprises (SMEs) within them), there is a need for better information systems so as to identify priorities. The adoption of a working definition of NTBs, as in other regions, such as ASEAN, might help to get this process started, as could the formalisation of an approach towards NTMs, as adopted within the EU.

Could the platforms and investments already made by India for the provision of market access information be further built on in terms of trade surveillance and NTB monitoring? Potentially, but there remain strong concerns within the region in relation to the need to depoliticise the process of NTB reduction and NTM harmonisation, in order to achieve buy-in from the private sector. National and Regional Chambers of Commerce are already performing the role of NTB monitoring of a sort by responding to private sector concerns, as and when they arise. However, this process is not yet systematic and consistent, in terms of disentangling what has already been agreed at the regional level and not yet implemented and what has not yet been agreed but which needs to be.

This suggests that a more systematic approach towards documenting the barriers reported by businesses at the national and regional levels could be adopted. Governments within the region could undertake their own assessments as to where barriers exist that are not in line with regional commitments, so as to provide the foundations for further dialogue at the regional level, with a view to designing interventions to overcome these, as in the case of ASEAN.

India is already acting as the regional standard setter with regards to the harmonisation of mandatory market access requirements, such as sanitary and phytosanitary measures (SPS). Moreover, as well as other South Asian members, it has invested in making information on its market access requirements publicly available. However, the links between these systems with others in neighbouring countries have not yet been formalised in terms of being updated regularly. Knowledge of these systems by business generally seems to be limited.

Related technical assistance provided by India on standards seems to be focused on those products where it has direct interest and where its constituent business community has voiced its concerns. It is not known to what extent the support provided actually matches the demands of, for example, the least developed members of SAARC. A more objective approach towards identifying capacity constraints and targeting support may be necessary, which requires the current lack of information on real and perceived barriers to intra-regional trade, definitions of NTBs and NTMs, and understanding and adherence of regional commitments to be addressed within the region.

7.4 Conforming to regulations and standards

Not all NTMs are NTBs: many are important regulations designed to protect human health and safety and to ensure that buyers are accurately informed about the goods on offer. These are often referred to generically as 'standards' or, more explicitly, technical barriers to trade (TBT) or SPS measures. This terminology (which is mirrored, for example, in the WTO) underlines how these measures can restrict trade even if this is not their primary (or even an intended) objective.

However successful the countries of South Asia are in reducing undesired NTBs, there will always remain a host of NTMs which – if not well understood by traders – could act as unintended NTBs to regional trade. There is evidence reported in the scoping and diagnostics report, which includes information obtained from key informant

interviews, that traders within the region are generally poorly informed about regional NTMs. This being the case, in some instances, it is also highly probable that they are also not as well informed about NTMs in extra-regional markets as is desirable.

NTMs are constantly changing. For example, the International Organization for Standardization (ISO) sets new standards through a system that brings together experts, and every working day of the year an average of eight ISO meetings are taking place somewhere in the world. Moreover, between meetings, the experts continue the standards development work by correspondence and through electronic communication, with some ISO technical bodies having already gone over entirely to working electronically, which speeds up the development of standards.

To cope with this, firms and standards bureaux in South Asia need to keep abreast of the developments of standards in their field and to understand where and how new standards are formulated. It is especially important for SMEs to be kept informed and for domestic standards bureaux to be aware of their needs both when setting domestic standards and (if they are different) when participating in international standards setting exercises. Several of the regional groupings to which South Asian states belong are aiming to harmonise their domestic standards around international norms. These include those produced by the ISO, the International Electrotechnical Commission (IEC), and the Codex Alimentarius hosted by the Food and Agriculture Organization (FAO). Since the standards set through these bodies are also widely used in extra-regional trade, they form an obvious first place for South Asian firms to start (and on which training and information resources made available to South Asian SMEs should initially focus).

In the concept note drafted for this feasibility study we said that we would focus on the potential for regulation in SAFTA related to the harmonisation and mutual recognition of public mandatory standards. The results of the scoping and diagnostics exercise, in addition to key informant interviews during fieldwork, has revealed that this potential is currently extremely limited. The development of the regional regulatory architecture is progressing slowly, cautiously and in a rather piecemeal fashion (for example, with the Council of Europe intervening regarding specific cases on an 'as and when' basis rather than in any systematic way). There are no mutual recognition arrangements currently in place within the South Asian region. Negotiations continue on unregulated areas such as services.

This suggests that training needs actually relate more to sensitising the private sector, national governments, chambers of commerce and regional chambers of commerce to the economic objectives of regional integration and how these might be better met within the region.

7.5 Upgrading producers in meeting standards: Lessons from regional economic communities

Many richer and some middle-income states provide significant support to their producers (often focused on SMEs) to help them understand and meet standards

in their domestic market and, sometimes, in foreign markets as well. It appears that there are few explicitly *regional* initiatives in this specific direction.

For the fast-growing economies of South Asia, the middle-income states of Latin America may offer relevant lessons. Here, though, despite strong regional organisations, such as Mercosur, the Andean Community and the Central America Common Market, most action is taken at a national level. Despite the fact that international recognition is critical for access to markets, it is fair to say that Latin American states, whilst they have been making progress, have much more to do to support the aggressive export strategies that most regions embrace. The lesson is that South Asia is not alone in being at a relatively early stage in removing unnecessary intra-regional NTMs by helping producers to upgrade to meet standards in neighbouring (and international) markets.

7.5.1 The experience of Latin America

Analysis undertaken by the World Bank suggests that investing in accreditation bodies leads to increased private sector representation as well as autonomy, enabling them to quickly respond to sectoral needs and firms' demands (Guasch et al. 2007). However, it still takes 50 per cent to 150 per cent longer to accredit a laboratory in most of Latin America than it does in the United Kingdom. With mutual recognition being an important element in assisting national producers in meeting standards in foreign (and regional) markets, some Latin American accreditation bodies are fully co-operating with regional and international organisations to establish MRAs. Argentina, Brazil and Mexico, for example, are extremely well connected and internationally recognised, having secured intra-regional, extra-regional, and international MRAs covering most of their trade partners. But others remain isolated (Guasch et al. 2007: Table 9.6). For example, Colombia's accreditation body, the Superintendency of Industry and Commerce (SIC), is not a member of a single international or regional accreditation organisation. As a member of the Inter American Accreditation Cooperation (IAAC), Peru's National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI) remains slightly less isolated than the SIC, but it is not a member of either the International Accreditation Forum or the International Laboratory Accreditation Co-operation. Colombia, Peru and Ecuador are only parties to the Andean Community's incipient MRA, which itself is limited to product certifications.

7.5.2 The EU

The EU is one of the most fully developed RECs and for several years the European Commission and the European Parliament have recognised the need to get SMEs more involved in standardisation (as well as helping them in many other ways such as providing practical information on market opportunities and European legislation; helping to find suitable business partners using its business and technology co-operation database; providing information on tender opportunities and international networking; developing research and innovation capacities by helping to create synergies with other research actors; and helping SMEs to share research results and participate in research programmes). Among the specific

standards-focused activities undertaken by the Commission in this area, one activity has been to support the creation of the European Office of Crafts, Trades and Small and Medium sized Enterprises for Standardisation (NORMAPME). It was created to improve the participation of SMEs in European standardisation, to increase the influence of small enterprises in standards writing and to help SMEs understand and implement standards.

Where REC-wide action may be helpful is in establishing visibility. One of the important results of the NORMAPME operation is the establishment of greater visibility of small- and medium-sized enterprises in the standardisation process. The Euro Info Centres (EICs) Network also plays a role in standardisation and as a more general provider of international information to enterprises. There are now nearly 300 EICs, which have developed information products and seminars to raise awareness of, and the level of knowledge on, standardisation with enterprises.

7.5.3 Donor-funded efforts

Regional support for producer upgrading is often linked to aid-funded assistance. The USA, for example, has a range of programmes aimed at making producers more competitive, partly by helping them upgrade and meet the standards imposed in export markets. The African Global Competitiveness Initiative (AGCI) is aimed at promoting the export competitiveness of enterprises in Sub-Saharan Africa in order to expand African trade with the United States, other international trading partners and regionally within Africa. The overall objective of promoting export competitiveness of enterprises in Sub-Saharan Africa is to be achieved through two main strategies: the provision of technical assistance that advances export competitiveness and support for complementary activities.

A central element of the strategy has been the creation of three African Global Competitiveness (or Trade) Hubs for West Africa, Southern Africa, and East and Central Africa. They provide information and technical assistance to African organisations, USA government agencies, donor and civil society organisations, and the private sector on trade, investment and business activities in the region, including training opportunities. They also play a key role in the knowledge sharing and analysis elements of the programme. This strategy identifies and disseminates evidence on best practice for trade-led economic growth through knowledge sharing and analysis briefs, summaries of applied best practices, conferences, trainings and presentations.

Many SMEs lack the technical skills to comply with international market requirements and this hurts their competitiveness when they evaluate and enter new markets (AGCI 2009). Poor capacity and skills in product development, business planning, fund management procurement of products and services, formulation of export plans and bankable projects (access to credit) impede success in the export market. Many SMEs do not consider critical items, such as laboratory analysis, quality certifications for organic products, knowledge of consumer tastes and preferences, and other marketing and international trade practices, when evaluating new markets and planning entry into those markets.

The Southern Africa Trade Hub, for example, aims to increase international competitiveness, intra-regional trade and food security in the Southern African Development Community (SADC) region, including SMEs. It delivers targeted technical assistance to governments, the private sector and civil society organisations in support of advancing regional integration and increasing the trade capacity of selected value chains within Southern Africa. A particular focus is to promote increased private sector competitiveness along specific value chains within the region by harmonising standards with international standards and helping private firms to understand and comply with regional and international market standards. It concentrates in particular on textiles and clothing, legumes and staple crops.

The ASEAN Competitiveness Enhancement (ACE) project is also funded from the US-supported ASEAN Development Vision to Advance National Co-operation for Economic Integration (Nathan Associates 2008). The project provides technical assistance in fostering the competitiveness of ASEAN value chains and supply chains. The expectation is that by focusing on the growth and productivity of regional value chains and supply chains (those that organise production and value-adding activities across ASEAN borders before selling to markets inside or outside the region) this will help increase intra-ASEAN trade and reinforce regional economic integration among ASEAN member states.

7.5.4 Upgrading conformity infrastructure in South Asia

There is considerable scope for upgrading existing conformity infrastructure in South Asia. Contrary to expectations, the major barriers relate to mandatory market access requirements in other South Asian partners and not other standards, such as private voluntary ones in extra-regional markets. Countries such as India have already begun to compile information sources on the mandatory market access requirements of South Asian countries. However, there is a general lack of awareness among national chambers of commerce of this information source.⁶

There are also other concerns related to the reliability of this information source, given that a full and comprehensive stocktake of existing rules and procedures related to mandatory market access requirements (such as SPS) has yet to be undertaken. The demand expressed for technical assistance in the area of SPS standards so as to fortify trade capacity in Sri Lanka currently remains unmet, although efforts had begun to address it beginning in 2005.⁷ This suggests that there are considerable knowledge and information gaps related to existing regulations, let alone any new ones that might be adopted at the regional level in the future. Organisational constraints within countries play some role in contributing to this deficit.⁸

This suggests that a stock take of existing mandatory market access requirements, which are related on a national level to SPS-TBT and health and hygiene standards, and how these are currently communicated to private sector actors, revised and updated, etc., is urgently required prior to development of harmonised regional standards, so as to ascertain in what ways existing standards conform to international requirements, where they go beyond these requirements and how standards within the region should be harmonised. For example, at the current time is not known to what extent India's

mandatory market access requirements actually go beyond what is required at the international level, although there are anecdotal reports that the standards that it applies are more stringent compared with extra-regional markets, which constitutes a barrier because of the additional investments necessary to meet India-specific standards.

Regional priorities related to upgrading producers to mandatory standards should therefore include investments in conformity infrastructure, such as building the capacity of accrediting bodies within the region, serving to reduce the need for testing at borders over time. The provision of technical assistance to particular types of producers, such as SMEs, is likely to be more a national priority, at least in the short term and until regional priority products have been identified.

7.6 Linking non-trade barrier monitoring and surveillance mechanisms to dispute resolution mechanisms: Lessons from regional economic communities

Countries do not enter into regional trade agreements with a view to launching disputes. They enter them in the expectation that the commitments made will be mutually beneficial and lead to increased regional economic activity and that any joint institutions will offer an additional channel of communication. Nonetheless, it is important to remember that the dispute settlement provisions underpin the enforceability of any agreement. If they are weak or lacking, the agreement is no more than the expression of good intentions. Even if never activated, the combination of measurable obligations and a system for imposing penalties for non-compliance is likely to have an impact at least on the extent of commitments made in the agreement.

Whilst an expression of good intentions may have an intrinsic value, it also has its limitations. An agreement with weak dispute settlement may reflect an absence not only of commitment but also of trust. Rigorous dispute settlement is as much an expression of the mutual trust between the partners as it is of a commitment to a particular theory of trade. For two or more governments to pass to a body that is at least partially independent of them the final judgement over whether or not their national policies are consistent with their regional commitments – and to impose penalties for a failure to remove inconsistencies – demonstrates not only a substantial commitment to the terms of the agreement but also considerable trust in the other parties. The absence of binding dispute settlement may well reflect not so much an oversight as the absence of this high level of trust.

This is particularly important in relation to NTBs, since these are often more deeply rooted in a country's 'way of doing things' than tariffs. Reducing the tax on imports from, say, 25 per cent to 10 per cent through tariff reduction merely makes an import cheaper than it otherwise would be. Agreeing mutual recognition of standards may remove an absolute barrier to the import of a good from a neighbour, even if it fails to meet domestic standards. The crucial case that opened the way for the Single European Market, on *Cassis de Dijon*, demonstrates how the effective removal of the most deep-seated NTBs may require there to be an adjudication body that is outside the direct control of any of the participating governments. Binding supranational dispute settlement has

played a central role in the removal of NTBs on goods in the EU, and plays a continuing role in limiting the spread of new measures. The combination of public and private action to curb trade restrictions has also been important. The fact that private actors can seek a judicial review of the actions of governments and public bodies means that stakeholders are not reliant upon the support of their national government when taking cases forward. At the same time, the existence of a supranational executive to monitor the actions of member governments means that action has been less haphazard than it might have been had only the private sector been involved.

Two questions arise for South Asia:

1. How do the dispute settlement provisions in the RTAs signed by the countries of the region measure up to this (pretty demanding) standard?
2. If they fall short, is there still a positive role that effective monitoring and surveillance can play in reducing if not eliminating intra-regional NTBs?

7.6.1 The rigour of regional dispute settlement

The short answer to question 1 is: not very well. All of the agreements provide a forum to which evidence can be brought on the existence of NTBs and their effect on intra-regional trade – but none has binding commitments that go beyond those to which all of the states that are WTO members have already committed multilaterally. This does not mean that the agreements add nothing to the WTO, but the extent to which they add value needs to be carefully explained. As is often the case, dispute settlement in the WTO tends to favour large, powerful countries over small, poor ones, though supporters would argue with justification that the imbalance is less marked than in many other fora. Bringing a dispute is always costly (in terms of time and expertise if not hard cash). And the remedies available following a successful case are asymmetrical, since the suspension of benefits is likely to have a much bigger economic impact if undertaken by a rich plaintiff against a poor defendant than vice versa. Usually, however, remedies are not needed: the losing party voluntarily changes its practice because of a desire not to be seen to be flouting WTO rules. It is moral authority or what might be called ‘pragmatic authority’, a desire not to weaken an institution that is regarded as valuable, that underpins WTO dispute settlement as much as the remedies available.

The question for the dispute settlement provisions of the South Asia regional agreements, then, is whether they can score over the WTO in terms of:

1. the ease with which countries can bring cases (and in this respect, the ease with which the smaller countries can bring cases is primarily of interest); and
2. the availability of appropriate means for resolution either through the existence of remedies that are useful for the smaller countries or the greater moral or pragmatic authority of the regional institutions.

It might be argued that some of the regional agreements score on point 1, simply because they are smaller. Under the AIFTA Agreement on Dispute Settlement, for example, arbitration panel rulings are binding and, if they are not implemented, there are provisions in Article 16 for the compensation and the suspension of concessions

or benefits. Similarly, the India-Singapore Comprehensive Economic Partnership Agreement (ISCEPA) contains positive support for the removal of NTBs and detailed arrangements for dealing with disagreements. It sets out possible compensation and suspension of benefits if tribunal rulings are not applied.

However, until disputes are brought within one of these forums rather than through consultation and mediation in the WTO it is hard to know whether they are actually perceived as superior means to pursue alleged infractions to a country's WTO commitments. Also, neither of these agreements covers any country from South Asia apart from India which is an active participant in the WTO. Only SAFTA and the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) include all the smaller states. The latter currently contains no disciplines on NTBs (though these might be added in future) and critics of SAFTA argue that it has left open ended the enforcement of decisions and procedures for withdrawing and reinstating concessions, and also that it contains a catch-all provision allowing contracting states to opt out of the SAFTA agreement at any time, without due cause or penalty.

7.6.2 Surveillance and monitoring without enforcement

This leads onto question 2: is there a useful role for surveillance and monitoring in a system where an NTB will only be curbed by the consent and active engagement of the country that has imposed it? The answer from the experience of other RECs seems to be that it can be useful. Just as the full range of rules affecting trade can be sub-divided into legitimate NTMs and NTBs, so the latter can be also be divided. One group is of the rules, regulations and procedures that governments wish explicitly or implicitly to retain in order to control trade. The hard core of these are unlikely to be removed short of a fundamental change of heart by the imposing government or by much more muscular dispute settlement than is currently found in the South Asian agreements. But the second group comprises measures of which governments may not be (fully) aware, and to which they may not be firmly committed. By publicising this second group, monitoring and surveillance mechanisms may help to keep them in check. And by offering a negotiating forum the regional agreements may help disciplines to be agreed once the measures have been publicised. The experience of other RECs, though, suggests that one should not be too optimistic.

ASEAN

The experience of ASEAN needs to be watched closely. Because of the range of different reported NTBs in ASEAN, it was recognised that efforts were needed to develop the mutual recognition of standards across members, and that their elimination might require co-ordinated action. The agreed general approach was to:

- verify the available information on NTBs;
- prioritise products and NTBs;
- develop specific work programmes to address identified, verified and prioritised NTBs; and
- mandate interventions to address the highest priorities.

A working group was established to prioritise identified barriers and established the following criteria, in order of importance:

- (a) number of private sector complaints;
- (b) the difference between domestic and world prices; and
- (c) the trade value affected.

However, publicly available information on the total number of complaints raised by the private sector on NTBs is scarce and it is not known how far these have actually been assessed. In October 1997, the ASEAN economic ministers requested that the ASEAN Chamber of Commerce and Industry compile a list of barriers to trade, and, in the same year, the ASEAN Secretariat commissioned a survey on NTBs and customs procedures but no results seem to have been published.

In any event, the ASEAN members have identified 11 priority sectors which include electronics, information technology, health care, wood-based products, automotives, rubber-based products, textiles and apparel, agro-based products, fisheries, air travel and tourism. The ASEAN Secretariat has categorised barriers inhibiting growth of these sectors according to:

- **trade impact:** indicated by the number of private sector complaints, the difference between domestic and world prices, trade values/volumes affected;
- **regulatory objective:** protection of consumers or generation of revenue; and
- **WTO consistency:** in accordance with WTO principles, NTMs must be transparent and non-discriminatory and, in the case of SPS measures, have a scientific basis and have no better alternative.

Measures were subsequently classified by the technical working group charged with implementing the FTA as:

- **red:** to be removed immediately;
- **amber:** not clearly identified as a barrier, continued monitoring required; and
- **green:** can be maintained as justified.

The AFTA Council endorsed the modality for NTB elimination in 2007. This consists of self-assessments by member states, as well as cross-verifications by the technical working group. The effort is ongoing.

EAC

In East Africa, recognition of the constraints imposed by NTBs on businesses within the region has resulted in the East African Business Council undertaking its own surveys across members in order to highlight the issues to policy-makers. In addition to these efforts, a series of detailed studies has identified specific measures based on surveys undertaken by private sector advocacy organisations in the region. This has resulted in the creation of national-level focal points, which include business associations, and the publicising of specific NTBs to draw them to the attention of

policy-makers, as well as citizens in general, and therefore garner support for their removal.

A more targeted approach was adopted in 2008 following the compilation of an NTB inventory by the EAC in 2005/2006. This identified the following barriers:

- **customs and administrative documentation procedures:** varying systems for imports declaration and payment of applicable duty rates, limited customs working hours, varying interpretations of the rules of origin, application of discriminatory taxes and other charges on EAC-originating imports, cumbersome procedures for verifying containerised imports, unfair competition from counterfeit products, and diversion of transit goods into the region;
- **immigration procedures:** varying application of visa fees and work permits, cumbersome and duplicated immigration procedures, lack of regional East African passport;
- **cumbersome inspection requirements:** including, procedures on gross vehicle mass (GVM) and axle load regulations, costly quality inspection procedures, cases of lack of recognition of inspection certificates issued by accredited laboratories, and lack of mutual recognition of quality certification marks and test certificates issued by EAC standardisation bureaux, as well as ad hoc testing procedures introduced without prior discussions and consensus;
- **police road blocks:** police officers stopping commercial vehicles at various inter-country road blocks and at border crossings;
- **varying trade regulations among the three EAC countries:** different axle loads and specified maximum GVM for commercial vehicles, varying parameters on weights, labelling, and quality tolerance in measurements;
- **varying, cumbersome and costly transiting procedures in the EAC countries:** varying requirements on commercial trucks used in transit traffic, bottlenecks in offloading imports, unrealistic grace period on imports before application of demurrage charges, application of insurance bonds on regional goods;
- **limited conformity infrastructure and duplicated functions of agencies:** numerous agencies are involved in import and export inspection and the certification of compliance, in some cases inspection bodies have not established laboratories at major entry and exit points; and
- **business registration and licensing:** varying business registration procedures, lack of preferential treatment to EAC-originating businesses vs. foreign-originating businesses, multiplicity of licences used in production, distribution and sale of goods.

As part of this process, member states established National Monitoring Committees (NMCs) and adopted a time-bound programme for the elimination of identified NTBs. The NMCs established in 2008 were intended to serve as focal points for the complaints of national and regional business associations regarding NTBs and other problematic NTMs. However, they are not the only focal point – complaints may also

be received by line ministries or other government agencies, with the expectation that information will still be relayed back to the NMCs. All complaints received by the NMCs are then expected to be channelled to the EAC Secretariat, headed by the Secretary General, to be subsequently passed to the EAC Trade Remedies Committee to be handled. This committee essentially serves as a supranational executive body. Finally, approval must be sought by the EAC Council on the proposed remedy and solution. However, it is important to point out that the extent to which any of this actually happens in practice is not known.

It is the responsibility of the NMC to classify identified NTBs into one of four categories based on the level of political and economic complexity and the magnitude of the impact on EAC trade. Those measures perceived as easiest to reduce are placed in Category A, which require immediate action. These are the 'quick win' measures. Things get a bit more difficult, however, as the political and economic complexity of the measure increases, as well as the trade impact. Category B includes high-impact measures on trade for which the EAC council has reached a consensus on the need for action, but agreement on how to implement these actions has not yet been achieved. This is to some extent illogical, since those measures with the least complexity and highest trade impact should be considered most urgent. However, this may reflect capacity and resource constraints related to implementation. Measures included in Category C may be related to food or product safety for which there may be a consensus that an existing NTB should be abolished, but this does not mean that there is agreement on how to meet legitimate regulatory objectives in a less trade-restrictive manner.

This approach has its limitations. It relies heavily on the discretion of the NMCs, which do not have legal standing. The categorisation of measures according to their trade impact is not always backed up by analysis. However, since the EAC Secretariat lacks a legal mandate to enforce trade facilitation and the region lacks a dispute settlement body, the whole process of reducing NTBs remains voluntary. So far this approach has failed to make significant progress. This has led to concerns that the NMCs risk becoming an ineffective talking shop as the same issues are repeatedly referred back to the EAC Council of Ministers for resolution.

SADC

In SADC, too, the day-to-day monitoring and reporting of NTBs depends essentially on member state self-assessment, which has not been effective in all circumstances. But a new NTB monitoring mechanism has been established by TradeMark for COMESA, EAC and SADC, in anticipation of the FTA to be created between them. This includes a reporting mechanism whereby complaints that originate from the private sector are submitted online and are subsequently dealt with by the SADC executive secretary and finally the SADC dispute settlement mechanism, if appropriate. The mechanism has had some teething problems, which include limited capacity and availability of focal points on NTBs in member states. According to a recent tripartite meeting held in November 2010, it was observed that the SADC Secretariat was yet to commission an NTB impact study for the region. Only one member of SADC had established an NMC for NTBs, agreed as part of the tripartite process.

7.7 Conclusions

Regional integration always involves a sequence: legal initiatives leading to trade responses, identification of border or regulatory or standards problems as traders seek to exploit the new opportunities, legal initiatives to remove the newly identified barriers, and then the sequence repeats. The SAFTA countries are just beginning this process. This chapter attempts to analyse what they can learn from other regions about the likely problems and about possible ways to smooth the process. What is clear, however, from both regional and multilateral experience is that the sequence will continue to repeat as integration increases, so it is important to develop robust and sustained mechanisms, not one-off initiatives.

Although the report has focused on barriers among South Asian countries, and these may seem unimportant because intra-regional trade is relatively low (except for Bhutan and Nepal), many of the problems identified as NTMs or NTBs apply to all trade. As other regions, notably the EU, have discovered, removing barriers within the region makes the region more competitive in all its markets.

The most important ‘barrier’ seems to be lack of information: about standards, about official procedures and requirements, and about the way in which regional arrangements, including SAFTA, are implemented. Transparent regulations and consistent application of rules are clear requirements for efficient trade, whether regional or global. There has been so little progress on harmonisation and mutual recognition, that there are few rules on these to implement. Hence, the immediate focus must be on sensitising officials (and policy-makers) to transparency and, in particular, to the ways in which national policies and procedures are perceived in partner countries.

However, there are also examples of the next stage of problems, in applying regional rules. There are concerns about the ways in which the application of national standards at the border obstructs even goods which meet the required standards through costly or burdensome testing procedures or inconsistent application of standards. Such problems may require not only sensitisation but assistance on building the capacity of testing and standard-setting bodies. Building institutional capacity to set standards can, and probably should, occur in parallel with deepening political commitment to regional integration.

At the official level, South Asian countries have shown concern about NTMs in a variety of regional and bilateral negotiations, but there is still no systematic approach to dealing with them in a SAFTA context and, apparently, also no consensus that an official response, rather than an industry-based one, is required. There is certainly an important role for private sector initiatives. The possibility of more regular contacts and discussions among businesses within a region may provide a good alerting mechanism to new or newly important barriers. All the other regions discussed provide various examples of how to use private sector actors to identify and report on obstacles to trade. Private reporting and discussion alone may not be enough, but strong private sector groups may be able to provide some of the information function, and the serious problems identified here suggest that any initiatives

would be valuable. Simply compiling a list of problems which individual exporters have faced, but without further action, will not be complete or sustainable because exporters will have little incentive to participate.

Notes

- 1 The authors would like to acknowledge an earlier Asian Development Bank project (implemented during 2011), which resulted in much of the analytical work forming the basis of this chapter.
- 2 This information is obtained from sources which include WTO TPRs undertaken periodically, but which have not yet been undertaken for Afghanistan, Bhutan or Nepal.
- 3 The Memorandum of Co-operation, India, reportedly receives around four or five complaints from traders every six months or so. Out of these the majority relate to procedural or administrative difficulties and are addressed as appropriate on an 'as and when' basis. In other cases, however, the difficulties arise because of testing procedures.
- 4 In fact, mandatory market access requirements, such as plant quarantine certificates, were reported by some interviewees to be more difficult to obtain than those demanded by private retailers in European markets.
- 5 It has not been possible to discuss the role of the European Council or European Parliament in much more detail at this stage; this includes in relation to other trade defence matters such as anti-dumping.
- 6 FICCI is also a member of the Indian Ocean Rim Network (IORNET), supported by the Ministry of External Affairs India, which includes as its objective the promotion of business linkages and co-operation among members. This web-based system provides links on investment opportunities among members and is already supported by national chambers of commerce (who may submit, modify or remove specific business enquiries, such as export, import, technology, consultancy, investment and joint venture, marketing tie-up offers and requests).
- 7 This information was obtained from discussions with Subhashini Abeysinghe, Economist, Ceylon Chamber of Commerce, May 2011.
- 8 Examples were given during key informant interviews of cases whereby new national legislation would create a direct barrier to trade given limited testing and conformity infrastructure, as well as adding additional burdens to manufacturers (e.g. requiring retail prices to be printed on confectionery).

References

- Afrika, JG (2010), 'Trade facilitation in the EAC', available at: www.mcli.co.za/mcli-web/events/2010/28apr2010/005.pdf.
- Anthony, KL and W Musinguzi (2010), 'The current status of SQMT in the East African community'.
- ASEAN Secretariat (1995), 'Non-tariff barriers', available at: www.aseansec.org/10114.htm.
- Baldwin, R (1989), 'The growth effects of 1992', *Economic Policy*, No. 9, 247–82.
- Carrère, C and J de Melo (2011), 'Non-tariff measures: What do we know, what might be done?', *Journal of Economic Integration*, Vol. 26 No. 1, 169–196.
- Chilala, B (2008), 'SADC trade monitoring and compliance mechanism', available at: www.satradehub.org/assets/_files/Reports/Draft_Trade_Compliance_and_Monitoring.pdf.
- COMESA–EAC–SADC (2010), *Report of the 2nd Meeting of COMESA, EAC and SADC Tripartite Non-Tariff Barrier (NTBs) Focal Points*, 11th–12th November 2010, Nairobi, Kenya, available at: www.tradebarriers.org/documents.

- Crowell and Moring (2005), 'Interim evaluation of the European union's trade barrier regulation (TBR)', available at: http://trade.ec.europa.eu/doclib/docs/2005/october/tradoc_125451.pdf.
- Denner, W (2011), 'Addressing Non Tariff Barriers (NTBs) in the EAC-COMESA-SADC Tripartite', available at: www.tralac.org/cgi-bin/giga.cgi?cmd=cause_dir_news_item&cause_id=1694&news_id=99294&cat_id=0.
- Ewing-Chow, M (2010), 'Translating the design into a bloc: The domestic implementation of the ASEAN charter', in *ASEAN Life after the Charter*, Institute of Southeast Asian Studies, Singapore.
- Guasch, JL, J-L Racine, I Sanchez, and M Diop (2007), 'Quality Systems and Standards for a Competitive Edge', World Bank, Washington, DC.
- Hangi, M (2010), 'The non-tariff barriers in trading within the East African community', CUTS-GTZ Research Paper, available at: www.cuts-grc.org/pdf/BIEAC-RP10-The_Non-Tariff_Barriers_in_Trading_Within_the_EAC.pdf.
- Kirk, R (2010), 'Addressing Trade Restrictive Non Tariff Measures on Goods Trade in the East African Community', World Bank Africa Trade Policy Notes, available at: www.acp-eu-trade.org/library/files/Kirk_EN__01082010_WB_Addressing%20Trade%20Restrictive%20Non%20Tariff%20Measures%20on%20Goods%20Trade%20in%20the%20East%20African%20Community.pdf.
- McCarty, A (1999), 'Vietnam's integration with ASEAN: Survey of non-tariff measures affecting trade', available at: www.arts.uwaterloo.ca/~vecon/download/mccarty/ntb.pdf.
- Meyer, N, T Fenyves, M Breitenbach, and E Idsardi (2010), 'Bilateral and regional trade agreements and technical barriers to trade: An African perspective', OECD Trade Policy Working Papers, No. 96.
- Montgomery, K (2010), 'Case Study: SADC Trade Monitoring and Compliance Mechanism (TMCM)', presentation made at workshop on trade and investment training, programming for greater impact, 15-19 March 2010, Pretoria, South Africa, available at: www.tcbostproject.com/_resources/resource/Day%201%20-%20TCBoost%20-%20Kathleen%20Montgomery%20-%20SADC%20Case%20Study.pdf.
- Naya, S (1992), *AFTA: The Way Ahead*, ASEAN Economic Research Unit, Singapore.
- Omor, M (2008), 'Organisational effectiveness of regional integration institutions: A case study of the East African Community', available at: <http://uir.unisa.ac.za/bitstream/handle/10500/1325/dissertation.pdf?sequence=1>.
- Strikwerda, C (1993), 'The troubled origins of European economic integration: International iron and steel and labor migration in the era of World War I', *The American Historical Review*, Vol. 98 No. 4, 1106-29.