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Implementing the TFA: Trade Facilitation Activities in Zambia

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African perspectives
Global insights

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Abstract

This paper examines the implementation of the Trade Facilitation Agreement (TFA) in Africa. It gives a macro view of the overall benefits that improved trade facilitation holds for Africa, and highlights some of the benefits that implementing the TFA has brought to the continent. It unpacks the notification process and African countries' concerns during the negotiation period, and details the special and differential requirements that set the TFA apart from other multilateral trade agreements. It looks at existing constraints to the system, particularly in relation to donor-led trade facilitation assistance and the financing of trade facilitation projects in developing countries. The second part of the paper examines Zambia's efforts at trade facilitation reforms. Zambia is an ideal case study for examining the political and economic challenges that landlocked lower-middle-income African countries face in driving trade facilitation reforms and improving their overall trade performance. The Zambian case study provides a snapshot of the challenges and status quo of trade facilitation reforms at four critical border posts. The paper concludes by highlighting potential best practices that have emerged from Zambia as takeaways for the broader Southern African region.

Introduction

The World Trade Organization's (WTO) Trade Facilitation Agreement (TFA) officially entered into force in February 2017. The TFA aims to expedite the movement, release and clearance of goods, sets out measures for effective cooperation between customs and other relevant authorities, and provides for technical assistance and capacity building in this area.[1] The TFA was adopted as a Ministerial Decision at the ninth WTO Ministerial Conference in Bali in 2013, and is considered a much-needed step to restore the WTO's credibility and relevance. The TFA entered into force on 22 February 2017 after being ratified by two-thirds (110 of 164) of WTO members, and sent an important signal of cooperation and a willingness to work towards achieving multilateral trade reforms within the WTO architecture. This was no small feat considering the growing global questions around the relevance of the WTO.

Trade facilitation operates across three key areas.[2]

- Simplification: the number of documents and procedures associated with the clearance of goods is reduced.
- Harmonisation: customs procedures are improved so that they are compatible with international standards. Typical actions include consultations between national

1 Urata S, 'Mega-FTAs and the WTO: Competing or complementary?', *International Economic Journal*, 30, 2, 2016.

2 Amoako-Tuffor J *et al.*, 'Trade Facilitation and Economic Transformation in Africa', Paper presented at the African Transformation Forum, Kigali, 14–15 March 2016.

customs agencies, international exchange of data, and alignment of procedures with international standards.

- Transparency: trade costs are minimised if customs procedures and regulations are transparent and clear in their application across ports of entry, ensuring that enforcement is fair and consistent.

Figure 1 Trade facilitation and broader policy initiatives

Source: WTO (World Trade Organization), *World Trade Report 2015: Speeding Up Trade: Benefits and Challenges of Implementing the WTO Trade Facilitation Agreement*. Geneva: WTO, 2015

However, African countries require additional reforms. To this end, the TFA contains specific provisions relating to Special and Differential Treatment (SDT), including the creation of a TFA Facility. These provisions are designed to enable developing countries and least developed countries (LDCs) to implement the TFA over a prolonged period.

The TFA Facility faces various challenges in providing financial and technical resources to developing countries and LDCs to assist with TFA implementation. As a landlocked lower-middle-income country (LMIC), Zambia provides an ideal case study for examining the political and economic challenges that low-income African countries encounter in driving trade facilitation reforms and improving their overall trade performance. Four critical Zambian border posts give a snapshot of the challenges in – and status quo of – trade facilitation reforms at these border crossings. Potential best practices that have emerged from Zambia in TFA implementation, as well as potential improvements, can serve as takeaways for the broader Southern African region.

Trade facilitation in Africa: benefits and challenges

Trade facilitation is a broad term used to encapsulate several processes related to importing and exporting. It can incorporate streamlining import/export procedures and improving the policies (soft infrastructure) needed to make cross-border trade faster, cheaper and more predictable, while ensuring cross-border safety and security.[3] Within the WTO, it usually refers to reforming customs processes in line with articles V, VIII and X of the General Agreement on Tariffs and Trade, and is designed to improve import and export transactions and reduce the cost of trade. Trade facilitation thus encompasses reforms to both hard and soft infrastructure in four focal areas: physical infrastructure; information and communications technology (ITC); business environment; and border and transport efficiency.[4]

Existing research highlights the massive opportunities and advantages of improved trade facilitation, including significant boosts to bilateral trade, export diversification, and greater economic welfare.[5] If successfully implemented, trade facilitation can increase competition in the domestic market, thereby boosting the competitiveness of exports, facilitating the integration of domestic firms into global value chains, and enabling higher levels of productivity through the export of new, higher value products.[6] Political commitment to improved trade facilitation helps to create the necessary impetus to advance various trade reforms that ultimately benefit developing countries and LDCs, such as:

Trade facilitation can increase competition in the domestic market, thereby boosting the competitiveness of exports, facilitating the integration of domestic firms into global value chains, and enabling higher levels of productivity

- enabling smaller and informal traders to enter the formal sector by streamlining customs procedures, and making them easier to understand;
- promoting legal reforms and strengthening ICT infrastructure;
- combatting corruption at borders, including smuggling and undervaluation;[7] and

3 Sakyi D *et al.*, 'The effects of trade and trade facilitation on economic growth in Africa', *African Development Review*, 29, 2, 2017.
4 *Ibid*.
5 Hoekman B & B Shepard, *Who Profits from Trade Facilitation Initiatives?*. Florence: European University Institute, 2013.
6 Amoako-Tuffor J *et al.*, *op. cit*.
7 Hoffman J, Reaping Benefits from Trade Facilitation, Policy Brief, 42. Geneva: UNCTAD (UN Commission on Trade and Development), 2015.

- implementing control systems that improve efficiency, reduce corruption and enhance customs revenue generation.

Trade facilitation reforms can also contribute to improved trading conditions via deepened regional integration. This is because addressing border administration challenges and procedural obstacles to commerce can facilitate such reforms, ultimately deepening regional integration.[8] Improved regional integration widens markets and diversifies trade linkages, generates economies of scale, attracts foreign direct investment, and ultimately contributes to overall economic development.[9] It also plays a critical role in improving the overall business environment for traders by reducing their transaction costs and harmonising the necessary standards and documentation throughout African regional economic communities (RECs).[10]

For African countries the benefits could be even greater. A 2015 WTO study found that LDCs, the majority of which are African, could experience an increase in exports of up to 35% upon implementing the TFA, while the TFA could boost economic growth in developing countries by increasing exports by 3.5% and diversifying exports by as much as 20%.[11]

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In Africa, simpler and harmonised customs procedures will enable landlocked countries to reach more destinations and export a greater number of products by reducing both transit times and costs. In the context of regional value chains, this will also aid transit countries by allowing them to provide more goods and services associated with transit trade.[12]

Nevertheless, successfully implementing trade facilitation reforms relies on addressing larger, cross-cutting issues. African countries are still at a disadvantage when compared with their global counterparts: document preparation can be significantly more time-

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8 Viohl B *et al.*, *Charting a Roadmap to Regional Integration with the WTO Trade Facilitation Agreement*. Geneva: ITC (International Trade Centre), 2017.

9 Karingi S & RT Lisinge, 'A look at the interplay between the WTO's Trade Facilitation Agreement and regional integration in Africa', *Bridges Africa*, 6, 3, 2017.

10 Viohl B *et al.*, *op. cit.*

11 WTO (World Trade Organization), *World Trade Report 2015: Speeding Up Trade – Benefits and Challenges of Implementing the WTO Trade Facilitation Agreement*. Geneva: WTO, 2015; Skype interview, ITC staff, 22 February 2019.

12 Amoako-Tuffor J *et al.*, *op. cit.*

consuming than in the rest of the world (25% longer for the average African country),[13] and many landlocked LDCs are particularly disadvantaged owing to inefficient procedures at their own borders and those of transit countries. Statistics show that for 16 landlocked African countries, the average customs transactions involve 20 to 30 steps, 40 documents, 200 data elements and re-keying 60% to 70% of all data at least once.[14]

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In order to reap the full benefits of trade facilitation efforts, African countries must also tackle parallel development challenges such as inadequate infrastructure; supply constraints associated with low levels of productivity, economic diversification and investment; and under-developed and under-regulated services. Bringing about the necessary changes will require significant investments in setting up regulatory frameworks, capacitating government officials, and implementing extensive soft and hard infrastructure projects to address the current bottlenecks.[15] As highlighted by Dube and Kanyimbo, improving intra-African trade also requires trade facilitation efforts to go beyond the TFA and include trade in services, trade finance, and improved hard infrastructure.[16]

Despite these hurdles there are strong signs of reform across the continent. African countries are moving forward on implementing trade facilitation reforms domestically and bilaterally. According to UN Economic Commission for Africa (UNECA) data from 2013, eleven countries reduced the number of documents required for import and export between 2007 and 2013 – even before the TFA had entered into force.[17]

African countries have also been moving forward on implementing risk assessment systems that allow for, inter alia, pre-arrival processing, post-clearance audits, separation of release from final determination of customs duties, taxes, fees and charges, trade facilitation measures for authorised operators, expedited shipments, and similar activities.[18] Even small changes, such as extending working hours between Kenya and Rwanda and introducing

13 Valensisi G, Lisinge R & S Karingi, 'The Trade Facilitation Agreement and Africa's regional integration', *Canadian Journal of Development Studies*, 37, 2, 2016.

14 Kanyimbo P, 'Trade Facilitation in the Bali Package: What's in it for Africa?', Briefing Note, 61. Maastricht: ECDPM (European Centre for Development Policy Management), 2013.

15 Perera S, *Trade Facilitation Agreement – Implementing Implication*. Emerging Issues Briefing Note, 5. London: The Commonwealth Secretariat, 2016.

16 Dube M & P Kanyimbo, 'Leveraging trade facilitation to drive Africa's regional integration agenda', *Bridges Africa*, 6, 3, 2017.

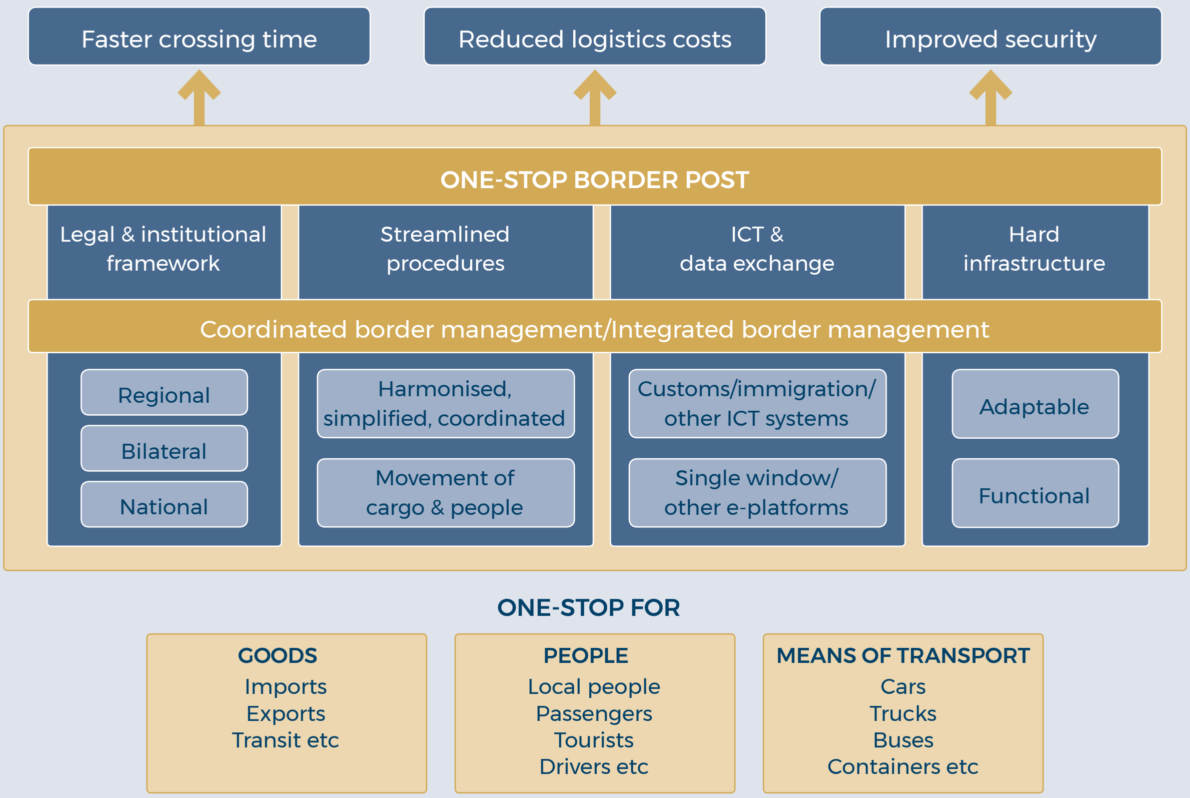
17 Valensisi G & Lisinge R, *Trade Facilitation from an African Perspective, 2013*. Addis Ababa: UNECA (UN Economic Commission for Africa), 2013.

18 Skype interview, international organisation (IO) representative C, 15 March 2019.

inland customs operations, have made significant improvements in facilitating cross-border trade across Africa.[19]

SADC countries began implementing One-Stop Border Posts (OSBPs) prior to the creation of the TFA (they are now provided for in Article 8 of the TFA).[20] OSBPs lie at the heart of border cooperation and aim to reduce the time and costs associated with clearing both goods into countries and goods in transit.[21] Through a 'whole of government' approach, OSBPs call for the application of joint controls to minimise routine activities and duplications.[22]

Figure 2 The OSBP concept



Source: NEPAD (New Partnership for Africa's Development) *et al.*, *One Stop Border Post Sourcebook*, 2nd edition. Midrand: NEPAD, May 2016

Single Windows are defined as 'facilities that allow parties involved in trade and transport to lodge standardised information and documents with a single entry point to fulfil all

19 UNECA, *Trade Facilitation from an African Perspective*. Addis Ababa: UNECA, 2013.
20 Valensisi G, Lisinge R & S Karingi, *op. cit.*
21 Amoako-Tuffor J *et al.*, *op. cit.*
22 NEPAD (New Partnership for Africa's Development) *et al.*, *One Stop Border Post Sourcebook*, 2nd edition. Midrand: NEPAD, May 2016.

import, export and transit-related regulatory requirements'.[23] Recognised as the most comprehensive and ambitious border reforms thus far, OSBPs and Single Windows can play a major role in improving trade facilitation across Africa. For example, South Africa is currently in discussions with Zimbabwe and Mozambique to establish OSBPs, while Botswana, the Comoros and Malawi have implemented automated customs data management systems.[24] Single Window systems have been rolled out in countries ranging from Tunisia and Senegal to Cameroon, Kenya and Mauritius.[25] As implementing OSBPs and Single Windows requires significant infrastructure investment and high levels of cooperation and trust among border agencies,[26] progress on this front highlights the successful efforts within Africa to cooperate on cross-border trade facilitation.

These developments must be positioned against efforts by the AU's Trade Facilitation Strategy (currently being developed) and the African Continental Free Trade Area (AfCFTA). The AU Trade Facilitation Strategy focuses on a wide array of trade facilitation measures, including multimodal transport systems, design and implementation of non-tariff barrier measures, institutional coordination and capacity building. It is intended to assist AU members with implementing the wide array of AU trade facilitation measures.[27] The AfCFTA aims to deepen intra-African trade by focusing on the cross-border movement of goods, people and services, as well as investment and increased connectivity for Africa's 1.3 billion citizens.[28] Once established, the AfCFTA is expected to contribute to improving intra-African trade and removing high tariff barriers among RECs. UNECA estimates that implementing the TFA together with the AfCFTA could almost double intra-African trade from approximately 12% in 2012 to 22% in 2022, compared to an increase of about 15% at most in a scenario without trade facilitation measures.[29]

The AfCFTA's provisions on trade facilitation are largely aligned with those of the WTO, and some trade facilitation provisions are lifted verbatim from the TFA. Nevertheless, the AfCFTA recognises both the hard and soft infrastructure challenges facing widespread trade facilitation reforms in Africa. The language used in the AfCFTA ensures that commitments at the AfCFTA level do not go beyond commitments at the WTO level for those countries that are members of both the AU and the WTO.[30] The AfCFTA's trade facilitation provisions

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23 Moise E *et al.*, *Trade Facilitation and the Global Economy*. Paris: OECD (Organisation for Economic Co-operation and Development), 2018. See also UN/CEFACT (UN Centre for Trade Facilitation and Electronic Business), 'Recommendation 33: Recommendation and Guidelines on Establishing a Single Window', https://www.unece.org/fileadmin/DAM/cefact/recommendations/rec33/rec33_trd352e.pdf, accessed 11 June 2019. This is the best-known definition of the Single Window concept.

24 Chidede T, *An Update on the WTO Trade Facilitation Agreement and African Countries*. Trade Brief, S19TB01/2019. Stellenbosch: Tralac (Trade Law Centre), 2019.

25 Karingi S & RT Lisinge, *op. cit.*

26 Moise E *et al.*, *op. cit.* The OECD identifies them as being among the measures heavily identified by developing countries and LDCs under the Category C implementation of the TFA.

27 Chidede T, *op. cit.*

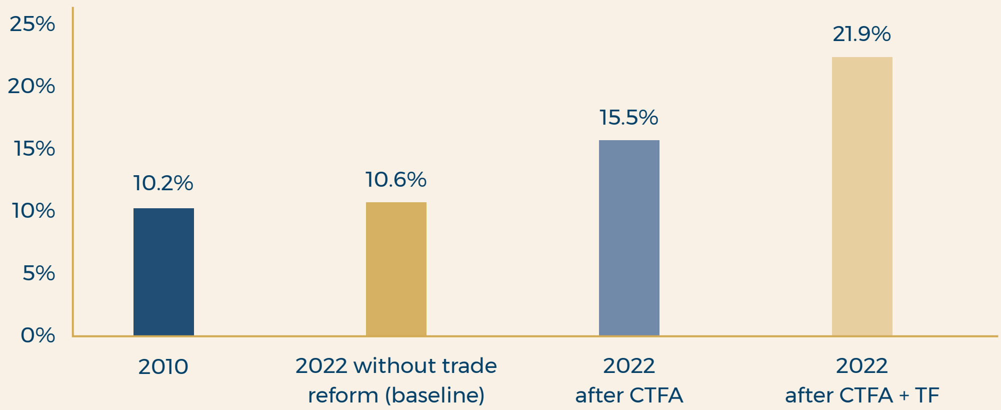
28 Parshotam A, 'Can the African Continental Free Trade Area Offer a New Beginning for Trade in Africa?', Occasional Paper, 280. Johannesburg: SAIIA (South African Institute of International Affairs), 2018.

29 Dube M & P Kanyimbo, *op. cit.*

30 Aggarwal R, *A Business Guide to the African Continental Free Trade Area Agreement*. Geneva: ITC, 2018.

and the TFA should be viewed as complementary, with similar outcomes that do not require governments to duplicate efforts.[31]

Figure 3 Intra-African trade in different simulated scenarios



Source: Valensisi G, Lisinge R & S Karingi, 'The Trade Facilitation Agreement and Africa's regional integration', *Canadian Journal of Development Studies*, 37, 2, 2016

Although significant reforms are already underway across many parts of Africa, the discussion above illustrates that there is still room for improvement. The next section looks at the TFA against the background of ongoing trade facilitation reforms in Africa, and examines the successes and challenges facing the TFA Facility in fulfilling its core mandate of aiding developing WTO member states.

Unpacking the TFA and the TFA facility

Understanding the TFA and related institutional structures

One of the advantages of having a multilateral agreement such as the TFA is its ability to ensure that reforms are 'locked in' at a global level, particularly among key government agencies that would otherwise be reluctant to implement such changes. Another advantage is that implementing a global, standardised trade facilitation agenda contributes to trade liberalisation without requiring formal trade negotiations, as it allows countries to participate in multiple initiatives simultaneously without creating overlapping or contradictory rules, as often happens when countries are party to multiple FTAs.[32]

31 Skype interview, IO representative B, 11 March 2019.

32 Estevadeordal A, *Why Trade Facilitation Matters More than Ever*, Global-CERES Economic and Social Policy in Latin America, Policy Brief. Washington DC: Brookings Institute, 2017.

TABLE 1	THE MAIN PROVISIONS OF THE TFA	
Article	**Provisions**	**Concerned authorities**
Article 1	Publication and availability of information (includes enquiry points and providing notifications)	Executive authority All border agencies Trade authority Revenue authority Agency responsible for information management
Article 2	Opportunity to comment and information [sic] before entry into force (ie, affording traders and other interested parties an opportunity to provide comments on proposed amendments and/or introducing new laws and regulations)	All border agencies Trade authority Executive authority Legislative authority
Article 3	Advance rulings	Customs
Article 4	Procedures for appeal or review	Customs Other border agencies
Article 5	Other measures to enhance impartiality, on discrimination and transparency	All border agencies
Article 6	General disciplines on fees and charges imposed on or in connection with importation and exportation	Customs Other border agencies
Article 7	Release and clearance of goods (includes, inter alia, release and clearance of goods, electronic payments, risk management and expedited shipments)	Customs Other border agencies
Article 8	Border agency cooperation	All border agencies
Article 9	Movement of goods intended for import under customs control	Customs
Article 10	Formalities connected with importation, exportation and transit	All border agencies
Article 11	Freedom of transit	All border agencies
Article 12	Customs cooperation	Customs

Source: Perera S, *Trade Facilitation Agreement – Implementing Implication*, Emerging Issues Briefing Note, 5. London: The Commonwealth Secretariat, 2016

The TFA provides that Section I (articles 1 to 12) is to be implemented in accordance with Section II, which contains SDT provisions directly applicable and designed to meet the implementation needs of developing countries and LDCs. In general, stakeholder interviews confirmed that the signing and ratification of the TFA has vastly improved political attitudes and commitment to trade facilitation reforms across Africa.

National trade facilitation committees (NTFCs) support the implementation of the TFA. Established in terms of Article 23.2 of the TFA, the NTFCs are platforms that allow institutional coordination and stakeholder consultation with private and public sector participation. They are tasked with monitoring and implementing the TFA and technical assistance programmes, and identifying financial partnerships with donors and other implementing agencies.[33] The continent has shown a high level of compliance with the TFA's provisions: approximately 35 to 40 African countries have established NTFCs either de facto or formally.[34] The ministry responsible for trade is the designated coordinating agency in almost all African countries (90%). As of 2017, 63% of all WTO members have an established NTFC.[35]

Despite good intentions, a lack of funding and resources and irregular meetings are the largest global constraints to the functionality of the NTFCs. Technically, a request to establish an NTFC is not formally categorised under Category A, B or C of the TFA (see section below); however, many African countries have requested and received assistance from donors to establish their NTFCs and to keep them functional.[36] While this might appear as a way for African countries to improve their human resource and technical skills on trade facilitation issues, others have cautioned against over-reliance on donor funding for bodies that should actually be financed through government budgets, as it can impact the long-term sustainability of NTFCs.[37]

In order to deepen the capacity of NTFCs, the WTO and its partner institutes have played a major role in organising a series of events for the NTFCs in Geneva and at an REC level. Regional and continental workshops allow NTFCs to share best practices with each other and to understand existing challenges. They also help to build inclusivity on trade facilitation issues by including various other agencies.[38] Similarly, the standing Trade Facilitation Committee at the WTO offers members an opportunity to raise concerns and discuss challenges, as well as share best practices.[39] These engagements work towards building trust and cooperation between government and business through the involvement of the private sector in the NTFCs. However, trust between the private and public sector remains an ongoing challenge. In many countries, the private sector is relatively unorganised and/or weak, which means it is not necessarily able to identify its own challenges or priorities.[40]

SDT provision and submitting notifications

In terms of the SDT provisions, developing countries and LDCs can allocate and notify their trade facilitation commitments based on three different categories – A, B and C. Section II sets the TFA apart from other WTO agreements, as it goes beyond non-reciprocity arrangements by providing for donor–recipient country support (technical, financial or otherwise) for trade facilitation reforms based on individual technical and financial

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33 Belastegui A, *National Trade Facilitation Committees: Beyond Compliance with the WTO Trade Facilitation Agreement?*, Transport and Trade Facilitation Series, 8. Geneva: UNCTAD, 2017.

34 Hoffmann P, Presentation at the Forum for National Trade Facilitation Committees, Addis Ababa, 27–28 November 2018.

35 Belastegui A, *op. cit*.

36 Skype interview, IO representative A, 21 February 2019; Skype interview, IO representative B, 19 February 2019.

37 Skype interview, IO representative B, 19 February 2019.

38 Skype interview, IO representative A, 21 February 2019.

39 *Ibid*.

40 *Ibid*.

Section II sets the TFA apart from other WTO agreements, as it goes beyond non-reciprocity arrangements by providing for donor–recipient country support (technical, financial or otherwise) for trade facilitation reforms

implementation capacities.[41] For both Category B and C, countries are required to give notification of the provisions, the indicated dates of implementation and the nature of technical assistance and/or capacity building required to implement such provisions:[42]

- Category A: commitments to be implemented upon the agreement's entry into force.
- Category B: commitments that are implemented after a transitional period.
- Category C: commitments that are implemented after a transitional period and that also require 'the acquisition of implementation capacity through the provision of assistance and support for capacity building' – ie, donor support.[43] This means that Category C measures are implemented only once technical and financial aid has been provided by a donor to a developing country to build the requisite implementation capacity.[44]

The first step in the notification process is a needs assessment. During the TFA negotiation period the UN Conference on Trade and Development (UNCTAD) assisted 40 LDCs and developing countries with needs assessments in order to better understand the areas in which trade facilitation reforms were most required at a domestic level.[45] In order to further capacitate the NTFCs and other government officials, UNCTAD rolled out its Empowerment Programme in 2016 – a modular training programme offering in-country training to developing countries and LDCs. Under the Empowerment Programme the NTFCs attend a series of training workshops (three to five), after which they should have a basic understanding of trade facilitation issues, the purpose of the TFA and how to monitor trade facilitation reforms using international indexes. They should also have developed a three-to-five year roadmap designed to implement trade facilitation reforms.[46] The roadmap is spearheaded by the NTFC in collaboration with relevant government agencies and is based on each country's national priorities and needs.[47]

41 WTO, *op. cit.*; Skype interview, ITC staff, 22 February 2019.

42 Chidede T, *op. cit.* Article 17 permits delays in Category B and C implementation and provides for an early warning system in cases where members experience difficulties in implementing trade facilitation commitments. Article 17 stipulates that reasons for the delay, new date of implementation, assistance, and support for capacity building in order to implement the provision should also be provided.

43 Valensisi G, Lisinge R & S Karingi, *op. cit.*

44 Batibonak P, 'Africa and the implementation of the Trade Facilitation Agreement', *Bridges Africa*, 6, 3, 2017.

45 Skype interview, IO representative B, 19 February 2019.

46 *Ibid.*

47 *Ibid.*

As of April 2019, the TFA had been ratified by 142 countries (ie, 86.6% of WTO members), 32 of which are African. Eleven African countries with WTO membership are yet to ratify the TFA, including the Democratic Republic of Congo (DRC) and Tanzania. Interestingly, continental heavyweights such as Egypt and Morocco have also not ratified the TFA,[48] although Morocco has submitted its notifications for all categories. While there are no clear-cut answers as to why these countries have not ratified the TFA, the reasons offered range from unstable domestic politics (for example, the absence of a Parliament), prioritisation of natural disasters, and the absence of a functional NTFC to drive and champion the process among domestic institutions. Others, such as Liberia, are at the very starting point of building their trade facilitation capacities.[49]

Section 1 contains 238 notifiable items. African countries have notified 27% as Category A, 12.4% as Category B, and 15.5% as Category C.[50] This means that just under half of all notifications (45.2%) are yet to be categorised and that only 14 African countries have notified under categories B and C respectively. As detailed in Figure 4, most Category C notifications among developing countries and LDCs are yet to be determined. This raises questions about the rate at which African countries are conducting needs assessments, the functionality and establishment of their NTFCs and whether they have a clear roadmap detailing their implementation of trade facilitation reforms.

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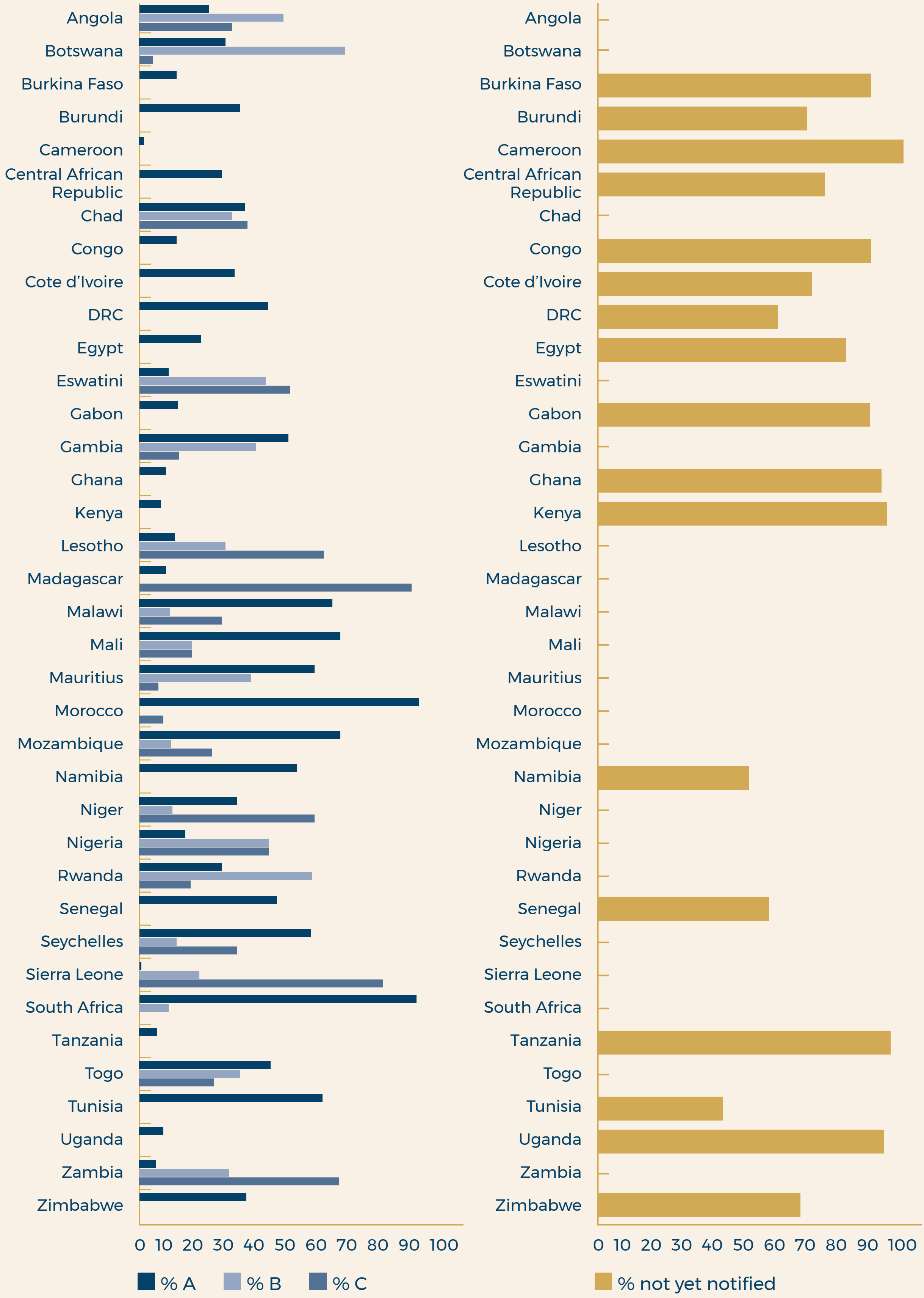
It is also worth noting that the projections and calculations showing the value-add that the TFA can bring to developing countries and LDCs are contingent upon the *complete* implementation of the TFA (ie, including Category B and C implementation). This makes the matchmaking process for technical and financial assistance between donors and recipient countries even more critical. It also requires political will among African leaders to drive changes in processes that will ultimately realise the full TFA implementation.

48 TFAD (Trade Facilitation Agreement Database), 'Ratifications', https://www.tfadatabase.org/ratifications, accessed 31 January 2019.

49 Skype interview, IO representative A, 21 February 2019.

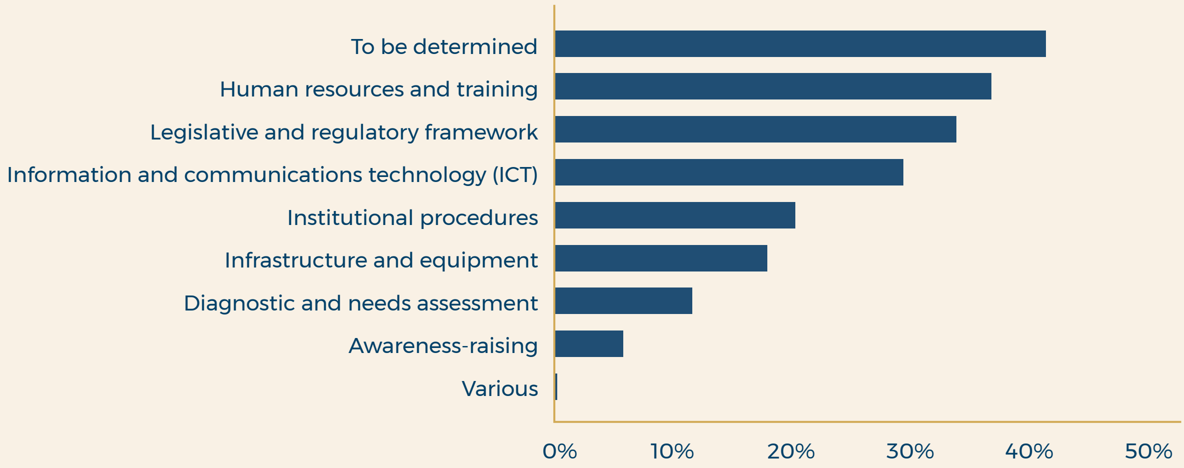
50 Chidede T, *op. cit.*

Figure 4 Implementation of Category A, B and C notification for sub-Saharan African countries



Source: TFAD (Trade Facilitation Agreement Database), 'Implementation', https://www.tfadatabase.org/notifications/implementation, accessed 16 April 2019

Figure 5 Type of technical assistance requested



Source: TFAD, https://www.tfadatabase.org/notifications/category-c, accessed 31 January 2019

The TFA Facility, assistance from donors, and challenges in financing TFA reforms

While trade facilitation reforms can hold multiple benefits in terms of improving overall trade conditions, it is still necessary to mitigate potential immediate and/or short-term negative consequences. This was one of the main concerns of African countries during the TFA negotiations. During the negotiating phase, African governments called for binding commitments from donors regarding the TFA's SDT provisions.[51] The absence of such commitments fuelled fears that the costs associated with trade facilitation reform could outweigh the anticipated benefits of implementing these measures.[52] It also gave rise to concerns among donors' willingness to commit to supporting as-yet undefined reforms at costs that were yet-unknown. Therefore, in order to bridge the gap between donors and developing countries' concerns during the negotiations, the TFA Facility was created.[53]

The TFA Facility was capitalised in 2015 to the value of CHF[54] 6.4 million ($6.1 million),[55] with the largest contributions from Australia, China, Finland, Norway, the EU and the UK. The TFA Facility's primary purpose is assisting developing countries and LDCs with all aspects of TFA reform, including preparing notifications, building capacity, and providing grants for project

51 Batibonak P, *op. cit.*

52 Perera S, *op. cit.*

53 Skype interview, IO representative A, 21 February 2019.

54 Currency code for the Swiss franc.

55 Calculated at an average closing year price for 2015 at CHF 0.96 to $1. https://www.macrotrends.net/2558/us-dollar-swiss-franc-exchange-rate-historical-chart, accessed on 12 June 2019

development and implementation.[56] The TFA Facility also makes case studies and training materials available, and supports developing countries and LDCs to access implementation assistance from appropriately matched multilateral agencies and bilateral donors.[57]

Nevertheless, use of the TFA Facility remains a measure of last resort. While 'orphan countries' can approach the TFA Facility for assistance in financing, it is a gap-bridging facility that does not replace bilateral efforts on trade facilitation reforms between donors and recipient countries.[58] Therefore, in cases where there is no other funding source available, the TFA Facility offers two types of grants to developing countries and LDCs notifying Category C commitments: project preparation grants (where a member has identified a potential donor but has been unable to develop a project for that donor's consideration) up to the value of $30,000; and project implementation grants for soft infrastructure projects to the value of $200,000.[59]

Instead, the primary financial support for trade facilitation projects and activities in developing countries is bilateral in-country assistance from donors. According to the Global Aid for Trade review in 2017, trade facilitation was rated the main priority for donors and recipient countries alike.[60] The WTO Secretariat is also kept abreast of donor support for developing countries and LDCs through donor reports lodged with it under Article 22.[61] The roll-out of bilateral programming can play an important role in bridging in-country financial gaps for trade facilitation programmes, as donors often have their own funding sources and technocrats working on related issues. There are also other multilateral actors enabling the TFA's implementation. Engagement by global regional organisations is extensive and includes the AU and NEPAD among Africa's key partners. Other specialised agencies assisting with trade facilitation implementation include:[62]

- the World Customs Organization, which aids in TFA implementation by providing guiding documents to governments, technical support and capacity building, and sharing national best practices;
- the World Bank (in partnership with the WTO since 2014), which enhances assistance to developing countries and LDCs to better utilise trade facilitation programmes,[63] and which has capitalised a $40 million trust fund for trade facilitation reforms, of which $7 million is dedicated to implementing the TFA;
- the Global Alliance for Trade Facilitation (GATF), which is a public–private partnership (PPP) organised by the World Economic Forum and other donor countries aimed at

56 Christianson D, 'Implementing the WTO Trade Facilitation Agreement in SADC: Promises and Pitfalls', Trade Brief, S16Tb24/2016. Cape Town: Tralac Trade Law Centre, 2016.
57 Perera S, *op. cit.*
58 Skype interview, IO representative A, 21 February 2019.
59 Perera S, *op. cit.*
60 WTO & OECD, *Aid for Trade at a Glance 2017*. Geneva: WTO, 2018; Skype interview, IO representative C, 15 March 2019.
61 Skype interview, IO representative A, 21 February 2019.
62 Estevadeordal A, *op. cit.*
63 WTO, *op. cit.*

engaging the private sector on trade facilitation reforms through technical and financial assistance and supporting capacity-building efforts; and

- the International Trade Centre, which is a joint technical assistance agency of the UN and the WTO that has been working for the past five years to help developing countries implement a wide range of trade facilitation reforms specific to the private sector's needs and improve logistics.[64]

However, bilateral donor assistance is not without its challenges. One interviewee suggested that donor partners underestimated the continuous need for technical assistance and implementation, especially in LDCs, where turnover of staff is high and knowledge retention is low.[65] The relative newness of the TFA and its facility means that there are still gaps in understanding developing countries' needs and whether donors and development finance institutions (DFIs) are responding adequately to challenges on the ground. This is compounded by the fact that the TFA Facility's grant programme was only launched in October 2018 owing to a delay in submissions of Category C notifications, because recipient countries lack the basic technical and institutional capacity to conduct a needs assessment and submit the notifications themselves.[66] These delays have ultimately set back the entire matchmaking process and roll-out of trade facilitation projects.

Dispersing funding is another challenge. Funding provided by DFIs might not always be easily available to LDCs if they are reluctant to accept the attached conditions. Even in instances where funding is available, donors schedule their programming in multi-year cycles based on their own priorities – raising questions around the sustainability of projects and whether countries most in need of assistance are receiving adequate levels of financing and technical assistance.[67]

Funding provided by DFIs might not always be easily available to LDCs if they are reluctant to accept the attached conditions. Even in instances where funding is available, donors schedule their programming in multi-year cycles based on their own priorities

Therefore, it is worth considering whether more innovative forms of financing should be used to disperse financing for trade facilitation projects, and whether developing

64 Skype interview, IO representative D, 22 February 2019.

65 Skype interview, IO representative B, 19 February 2019.

66 *Ibid*.

67 Skype interview, IO representative D, 22 February 2019; Skype interview, IO representative A, 21 February 2019.

countries should explore alternative financing options (such as more PPP projects) in order to kickstart their trade facilitation projects and reform processes. These and other considerations are to be discussed in greater detail at the technical assistance meeting to be held in October 2019 at the WTO Secretariat.

Against this backdrop, the next section provides an in-depth analysis of Zambia's efforts to improve trade facilitation and identifies best practices and potential challenges.

Zambia's efforts at improving trade facilitation

Zambia is a landlocked LMIC with a 2018 human development indicator ranking of 144 (out of 189 countries).[68] Its improved living standards (an increase of 46.7% in Human Development Index value between 1990 and 2017) come against a backdrop of economic growth of 4% in 2018 (higher than other countries in the SADC region), although rising inflation and debt levels have sparked considerable concern about the country's fiscal stability in the near future.[69] South Africa and the DRC are Zambia's largest African trading partners. Europe accounts for almost half of all its exports, while China has a growing share of its export market.[70] Canada, South Africa and the UK are the main investors in the country.[71] Although traditionally reliant on agriculture and copper mining, in recent years Zambia has made efforts to diversify its economy, which now includes manufacturing and industrial sectors, agricultural industries, and transport and construction services. Agricultural industry (19.8%), manufacturing (33.8%) and services (46.5%) are the largest contributors to the Zambian economy.[72]

From landlocked to 'land-linked': Political will and inter-governmental coordination at Zambia's borders

As a landlocked LMIC, Zambia is dependent on regional transportation networks and close relations with its neighbours to ensure well-functioning customs, border control and access to exporting ports. The country straddles Eastern and Southern Africa and has eight neighbours: the DRC to the north, Tanzania to the north-east, Malawi to the east, Angola to the west, and Mozambique, Zimbabwe, Botswana and Namibia to

68 UNDP (UN Development Programme), *Human Development Indices and Indicators: 2018 Statistical Update: Zambia*. New York: UNDP, 2018.

69 AfDB (African Development Bank), 'Zambia Economic Outlook', 2019, https://www.afdb.org/en/countries/southern-africa/zambia/zambia-economic-outlook/, accessed 14 February 2019; *The Zambian Observer*, 'World Bank warns Zambia's debt my hit distress levels by 2019', 12 October 2018, https://www.zambianobserver.com/world-bank-warns-zambias-debt-may-hit-distress-levels-by-2019/, accessed 14 February 2019.

70 WTO Secretariat, *Trade Policy Review Zambia*, WT/TPR/S/340/Rev.1. Geneva: WTO, 2016.

71 *Ibid*.

72 Zambia Invest, 'Zambia industry', http://www.zambiainvest.com/industry, accessed 20 March 2019.

the south.[73] At a regional level, Zambia is a member of both the Common Market for Eastern and Southern Africa (COMESA) and SADC. Chapter 9 of the COMESA Treaty details commitments to increase and promote intra-regional trade and improved trade facilitation, including simplifying, harmonising and standardising processes.[74] Similarly, the SADC Protocol on Trade (1996) commits to eliminating duties, tariff and-non tariff barriers to trade, and streamlining, simplifying, harmonising and modernising customs procedures. Complementing the Trade Protocol is the SADC Regional Indicative Strategic Development Plan (RISDP) 2015 to 2020, which aims to deepen regional integration, spur industrialisation and promote economic diversification.[75]

Positive attitudes towards improving trade facilitation have also resulted in changes in phraseology among politicians, with Zambia no longer being landlocked but rather 'land-linked'. Interviewees confirmed that part of the government's vision for Zambia is for it to act as a trade hub for SADC and COMESA countries, since it is a conduit for the trade of

Part of the government's vision for Zambia is for it to act as a trade hub for SADC and COMESA countries, since it is a conduit for the trade of South African goods into the rest of the region

South African goods into the rest of the region.[76] Zambia's vision is to have all its border posts operating as OSBPs. This will require implementing transport corridors, improving overall infrastructure and strengthening regional coordination.[77] The government's change in attitude is reflected in improved border cooperation with neighbouring states through various memorandums of understanding,[78] the roll-out of OSBP-related infrastructure at its borders, and the construction of the new Kenneth Kaunda International Airport.

Zambia ratified the TFA in December 2015 and deposited its Category A, B and C commitments in January 2016. Of these, 5.5% are Category A notifications, 29.4% Category B notifications, and 65.1% Category C notifications.[79] Owing to the large number of 'yet to be determined and implemented' interventions, Zambia's trade facilitation reform activities are primarily donor funded and supported. As part of implementing the TFA the NTFC undertook a needs assessment to identify a priority list of trade facilitation interventions

73 UNDP Zambia, 'About Zambia', http://www.zm.undp.org/content/zambia/en/home/countryinfo.html, accessed 13 March 2019.

74 Viohl B *et al.*, *op. cit.*

75 SADC, *Regional Indicative Strategic Development Plan 2015 to 2020*. Gaborone: SADC Secretariat, 2015.

76 Personal interview, academic experts, Lusaka, 5 March 2019.

77 Personal interview, EU Delegation officials, Lusaka, 4 March 2019.

78 Personal interview, Zambia Revenue Authority (ZRA) official, Lusaka, 7 March 2019.

79 TFAD, 'Implementation notifications (categories A, B, C)', https://www.tfadatabase.org/notifications/implementation, accessed 20 March 2019.

required. Thereafter, the NTFC prepared a roadmap with specific programmes and target areas. Gaps in expertise and requests for assistance in implementing the roadmap are identified in the NTFC's donor coordination mechanism, through which donors come on board and help in areas that best suit their expertise.[80] The roadmap also identifies the responsible government agencies leading specific projects/reforms. The World Bank is the primary donor coordinator in Zambia through a donor coordination platform that meets when issues arise, while the permanent secretary of the NTFC calls an annual meeting between the government and donors.[81]

According to interviewees, implementing the TFA has allowed Zambian officials to better coordinate their activities and has also enabled discussions on trade facilitation reforms with other industry members.[82] In addition, it has enabled Zambian officials to receive further capacity building and training.

> Implementing the TFA has allowed Zambian officials to better coordinate their activities and has also enabled discussions on trade facilitation reforms with other industry members

- UNCTAD's Empowerment Programme has helped the various agencies to better understand their roles and responsibilities without fear of losing their respective mandates.[83] The next UNCTAD training module is in May 2019 and will focus on monitoring and evaluation training for the NTFC's various representatives.[84] Although challenges still exist, overall, government interviewees confirmed the positive impact that the TFA's ratification has had on both improving government attitudes to implementing trade facilitation reforms and deepening engagement between various government agencies, the private sector and other industry representatives.
- The GATF is supporting a clearing agent licensing framework focused on creating a qualification process for clearing agents based on a curriculum and exams, as there is no standard process for training and qualifying clearing agents.[85] The programme was launched in February 2019 and should be completed by the end of 2020. Accrediting clearing agents will bring professionalism to the industry and promote an integrated approach that can support and increase efficiency and accuracy. In an effort to promote the participation of women and other traditionally marginalised persons, a scholarship

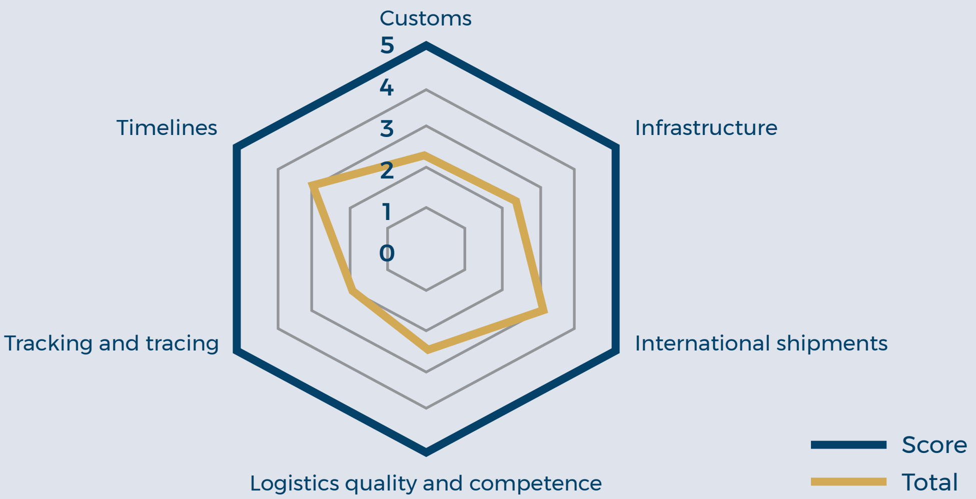
80 Personal interview, ZRA official, Lusaka, 7 March 2019.
81 Personal interview, National Trade Facilitation Committee (NTFC) representatives, Lusaka, 6 March 2019.
82 Personal interview, NTFC representatives, Lusaka, 6 March 2019.
83 Personal interview, ZCSA official Lusaka, 5 March 2019.
84 Personal interview, NTFC representatives, Lusaka, 6 March 2019.
85 Personal interview, independent contractor, Johannesburg, 28 February 2019.

fund will be made available to help agents pay for the new licence, while women will be actively encouraged to become licensed.[86]

Coupled with the TFA ratification, Zambia has also shown impressive improvements over the past decade in removing business barriers and improving its logistics performance, which have contributed to an overall enabling environment for trade facilitation.

- The World Bank's Doing Business 2018 report lists Zambia as among the top 10 reforming countries, while the 2019 report rates it at 87 out of 190 countries overall – only five points below South Africa, and among the best-performing African countries.[87]
- The World Bank's Logistic Performance Index 2018 ranks Zambia at 118 out of 160 countries with a rating of 2.53 out of 5.[88] Zambia's ranking on the Logistics Performance Index should be viewed against a backdrop of incremental improvements in its transportation logistics: up from an overall ranking of 2.43 in 2016 and 2.28 in 2010.[89] Zambia's ranking can be better understood by positioning the country in relation to its peers: by comparison, Rwanda is ranked top among lower-income countries, coming in at 57 with a score of 2.97; Zimbabwe is rated in the bottom 10 with an overall score of 2.12 (152nd country); and South Africa is ranked 33 globally with a rating of 3.38 (down from 20 in 2016).

Figure 6 Zambia's rating on the Logistics Performance Index, 2018



Source: Arvis J-F *et al.*, *Connecting to Compete: Trade Logistics in the Global Economy 2018*. Washington DC: World Bank, 2018

86 Global Alliance for Trade Facilitation, 'New training opportunities for customs clearing agents in Zambia', https://www.tradefacilitation.org/article/new-training-opportunities-customs-clearing-agents-zambia/, accessed 20 March 2019.

87 World Bank, *World Bank Doing Business 2019 Report: Training for Reform*. Washington DC: World Bank, 2019.

88 Arvis J-F *et al.*, *Connecting to Compete: Trade Logistics in the Global Economy 2018*, World Bank, 2018, https://openknowledge.worldbank.org/bitstream/handle/10986/29971/LPI2018.pdf, accessed 24 April 2019.

89 World Bank, 'LPI from 2007 to 2018', https://lpi.worldbank.org/international/global, accessed 6 February 2019.

The trade facilitation reform agenda is strongly embedded in the work plans of several Zambian government departments and agencies. The two foremost government agencies responsible for trade and trade facilitation reforms are the Ministry of Commence, Trade and Industry (MCTI) and the Zambia Revenue Authority (ZRA). The ZRA is tasked with customs administration, including the collection of trade taxes and other payments at the border. The MCTI is responsible for private sector engagement, diversification of the economy and implementation of industrialisation reforms. The MCTI houses several subsidiary bodies engaged in trade facilitation issues, including the Zambian Development Agency, the Bureau of Standards and the Compulsory Standards Agency. Lastly, the NTFC is a collective body representing government agencies, donors and the private sector, and housed within the MCTI.

The NTFC meets every quarter. At the lowest level is the regional committee, which meets on border-related issues as concerns arise; thereafter there are various sub-committees on trade in goods, services, transport and logistics, together with various specialised working groups (for example on time release, Single Window and clearing agents). Technical committees comprising the chief executive officers of various agencies are chaired by the MCTI and the ZRA collectively. At the apex is the Steering Committee, which involves the highest levels of government.[90]

The implementation of the TFA and creation of the NTFC have also improved government and private sector engagement. Meetings between the ZRA and the private sector have historically been erratic and the private sector felt insufficiently consulted.[91] Previous consultative forums such as the Zambian Business Forum no longer exist,[92] and not all trade facilitation working bodies have private sector representation: although the Chirundu OSBP had private sector representation in discussions on operational procedures, the private sector was not consulted prior to negotiations on the Kazungula OSBP.[93] However, the creation of the NTFC has improved bilateral relations. An important step forward has been the inclusion of the private sector, represented by the Zambian Chamber of Commerce and Industry, on the Steering Committee of the NTFC.[94] This enables the private sector to have a direct input in decision-making on trade facilitation issues. Previously the private sector was only represented in the technical committees, which did not always result in their ability to influence decisions.[95]

The government has also made progress towards improving legislative frameworks in Zambia with the dual end-goal of improving the country's trade and economic growth and

90 Personal interview, NTFC representatives, Lusaka, 6 March 2019.

91 Personal interview, donor official, Lusaka, 6 March 2019; personal interview, private freighting company representative, Lusaka, 7 March 2019.

92 Personal interview, Centre for Trade Policy and Development (CTPD), Lusaka, 7 March 2019; personal interview, private freighting company representative, Lusaka, 7 March 2019; Skype interview, Zambian Chamber of Commerce and Industry (ZACCI) representative, 14 March 2019.

93 Personal interview, independent consultant B, Lusaka, 5 March 2019.

94 Skype interview, ZACCI representative, 14 March 2019.

95 Personal interview, NTFC representatives, Lusaka, 6 March 2019.

The draft Border Management and Trade Facilitation Bill 4 of 2018 is aimed at ensuring coordinated border management; improved efficiency in clearing of goods; the roll-out of OSBPs; and the development and maintenance of border infrastructure

enabling trade facilitation reforms (see Table 2). A major step forward has been the creation of the draft Border Management and Trade Facilitation Bill 4 of 2018, which will replace the existing One Stop Border Control Act of 2009. The bill is aimed at ensuring coordinated border management; improved efficiency in clearing of goods; the roll-out of OSBPs; and the development and maintenance of border infrastructure. It designates the ZRA as the overarching coordinator of all trade facilitation activities in Zambia. The bill also aims to clarify the roles and responsibilities of the various government agencies involved in trade facilitation reforms and to improve inter-governmental coordination.

TABLE 2 AN OVERVIEW OF RELEVANT LEGISLATION IN ZAMBIA

Relevant government authority/ department	Legislation	Description
Ministry of Commerce, Trade and Industry (MCTI)	Commercial, Trade and Industry Policy of 2010	Zambia's trade policy is to develop an enabling economic environment that supports private investment and the development of domestic production. Efforts include diversifying the economy, enabling value-added activities and creating jobs.
	National Industrial Policy, March 2018	Spearheads industrialisation by diversifying production, creating inter-industry linkages and value chains, and shifting towards value-added activities.
Zambian Revenue Authority (ZRA) Since 2009 the ZRA has made efforts to reform Zambia's customs practices, including building a web-based UNCTAD Automated System for Customs Data (ASYCUDA) World System and establishing centralised centres to process import and export documents.*	Customs and Excises Act of 1993 (amended in 2017)	This regulates customs-related issues, including procedures, valuation and non-preferential rules of origin. Internal taxes and fees, such as VAT and excise duties, are collected on imports at the border.

Relevant government authority/ department	Legislation	Description
Zambia Bureau of Standards	Standards Act 4 of 2017	Regulates quality control, assurance, import and export quality inspections and certification. It is not tasked with enforcing all standards, as different sector-specific regulators exist for energy, road transport, etc.
Zambian Compulsory Standards Agency (ZCSA)	Originally part of the Bureau of Standards, the ZCSA was established by the Compulsory Standards Act 3 of 2017	The ZCSA is responsible for monitoring the quality of imports and domestic production and the inspection of local products.
Zambian Development Agency	Zambian Development Agency Act 2006	Responsible for investment and export promotion

* The UNCTAD ASYCUDA system is an automated integrated customs management system for international trade and transport operations design. Advanced software applications are designed and developed for customs administrations and the trade community to comply with international standards when fulfilling import, export and transit related procedures. See UNCTAD, 'Customs automation – ASYCUDA', https://unctad.org/en/Pages/DTL/TTL/ASYCUDA-Programme.aspx, accessed 22 March 2019

Source: WTO Secretariat, *Trade Policy Review Zambia*, WT/TPR/S/340/Rev.1. Geneva: WTO, 2016; Zambia, *National Industrialisation Policy March 2018*, http://www.mcti.gov.zm/?wpfb_dl=51, accessed 18 April 2019; Zambia Compulsory Standards Agency, http://www.zcsa.org.zm/, accessed 13 March 2019

In the run-up to the creation of the bill, concerns were raised over the NTFC's sustainability owing to its funding from the World Bank; the fact that the NTFC's mandate has not been legally operationalised yet; and the absence of sufficient private sector representation on the NTFC Steering Committee.[96] These issues have since been addressed in the bill, which designates the NTFC as a statutory body with the authority to regulate its own procedures; houses the NTFC within the MCTI with a secretariat that will be responsible for its daily activities; and provides that the NTFC will be financed through government budgets. The bill was presented to Parliament at the end of 2018. At the time of writing its status had not been updated yet.

Under COMESA Zambia has also rolled out the Simplified Trade Regime (STR). STRs are designed to assist and improve the overall trading experience for informal cross-border traders (ICBTs, the majority of whom are women) by providing them with information and

96 Personal interview, independent consultant B, Lusaka, 5 March 2019.

training and conducting sensitisation campaigns. To this end, the EU Delegation in Zambia is currently implementing two key projects through the COMESA Secretariat, both of which are funded through the 11th European Development Fund.

- The COMESA programme on small-scale cross-border trade (a four-year, EUR[97] 15 million [approximately $13 million][98] programme) is designed to increase small-scale trade flows, implement effective policy instruments, improve STRs and address gender-based violence and corruption that affect women ICBTs.[99] It will focus on ICBT activities at the Mwami-Mchinji border (Zambia and Malawi), Kasumbalesa (Zambia and the DRC), Chirundu (Zambia and Zimbabwe), Tunduma-Nakone (Zambia and Tanzania) and Moyale (Ethiopia and Kenya). Other stakeholder participants include the ITC and the International Organization for Migration. The programme will support the roll-out of COMESA Green Passes for small-scale traders (with simplified SPS inspection procedures and certificate requirements for informal traders)[100] and will also benefit the Cross Border Traders Association through building capacity and implementing technical assistance programmes.[101] This is important, as Zambia's various informal trader agencies are underfunded and thus often unable to build their capacities/advocacy abilities.
- The COMESA trade facilitation programme agreement, signed in November 2018, (EUR 53 million [$46,640,000])[102] is designed to last for three years. It is focused on increasing intra-regional trade flows, reducing the costs/delays of imports and exports at specific border posts and helping with implementing the TFA. There are five result areas under this project, in terms of which efforts are focused on strengthened and coordinated border management and trade and transport facilitation, which comprises the bulk of the budget at 59% (EUR 28.66 million [approximately $25,220,800]).[103]

Ongoing challenges: Domestic challenges and regional coordination

Despite progress, Zambia's efforts towards institutional reforms that facilitate and deepen trade facilitation efforts are not without their challenges. According to one interviewee, these challenges can be grouped under four key areas:

- the absence of formal evaluation systems that give a complete overview of existing data (clearance times, type of goods, etc.) and trade facilitation activities at the borders;
- the need for institutional reform and enforcement mechanisms that will hold government agencies accountable in terms of implementing trade facilitation reforms and activities;

97 Currency code for the EU's euro.
98 Euro to dollar rate calculated at an exchange rate of EUR 1.13:$1.
99 Personal interview, EU Delegation officials, Lusaka, 4 March 2019.
100 EU Delegation, Presentation for the 11th 'EDF Regional Indicative Programme 2014–2020 Eastern Africa, Southern Africa and the Indian Ocean', COMESA Cross-Border Trade Initiative, 2019.
101 Personal interview, Cross Border Traders Association (CBTA) representative, Lusaka, 5 March 2019.
102 The dollar value is calculated at a historical monthly average for November 2018 at $1:EUR 0.88.
103 EU Delegation presentation, 'Issues for further discussion: FED/2017 039-042: COMESA Trade Facilitation Programme'. The dollar value is calculated at a historical monthly average for November 2018 at $1:EUR 0.88.

- the need for a well-trained body of customs clearing agents; and
- the failure to implement functioning Single Window systems.[104]

Although the ZRA has introduced widespread automation in its systems, upgrades to soft infrastructure have not been equitably distributed among all government agencies. The ZRA is responsible for linking other government agencies to a single payment window. However, not all agencies are linked to this system as yet. Moreover, some agencies still conduct their payments on a manual basis.[105] For example, not all the ZCSA's systems have

> Although the ZRA has introduced widespread automation in its systems, upgrades to soft infrastructure have not been equitably distributed among all government agencies

been fully automated, resulting in manual inspections and payment of testing fees. These payments must then be inputted into the ASYCUDA system, which either authorises the ZRA to release the goods in question or notifies the ZRA if there are other functions to perform. The next step in the process is linking all government agencies to the ASYCUDA system, which will help improve inter-governmental coordination.[106]

The lack of shared ICT infrastructure has fuelled fears of fraudulent activities by importers and exporters. As a result, the ZRA scans trucks that have already obtained pre-clearance at the border, which only further burdens already cumbersome practices.[107] Consequently, the progress of all government agencies will be hindered for as long as they do not get the same ICT infrastructure upgrades or the same level of financial support for reforms.

An additional constraint is Zambia's ability to fund its own trade facilitation programmes. As highlighted previously, donors' dominant role in driving trade facilitation activities presents a significant constraint to the longevity and sustainability of African trade facilitation reforms, and Zambia is no exception.[108] Others have questioned whether the government is acquiring sufficiently trained in-house officials and technocrats to continue implementing trade facilitation best practices once donor assistance ceases, and whether donors have planned for a smooth exit strategy for projects.

104 Personal interview, independent consultant B, Lusaka, 5 March 2019.

105 Personal interview, ZRA official, Lusaka, 7 March 2019. Agencies that are already on the system include the Road Transport & Safety Agency, the Zambezi River Authority, the ZCSA and the Zambia Meteorology Agency.

106 Personal interview, ZRA official, Lusaka, 7 March 2019.

107 Personal interview, independent consultant A, Johannesburg, 28 February 2019; personal interview, academic experts, Lusaka, 5 March 2019; personal interview, ZCSA official, Lusaka, 6 March 2019.

108 Personal interview, EU Delegation officials, Lusaka, 4 March 2019; personal interview, donor official, Lusaka, 6 March 2019.

Another challenge has been the government's approach to revenue generation and customs collection, which seems to be at odds with its trade facilitation goals. This is a problem many other developing countries face as well. At the start of each financial year the Zambian government sets tax-related revenue targets for the ZRA and user-fee revenue targets for other border agencies.[109] Those agencies that meet their targets are rewarded with bonuses.[110] Against a backdrop of rising debt and the government's attempts to collect more revenue, some donors and private sector representatives have queried whether implementing trade facilitation reforms and addressing the country's fiscal deficits by increasing revenue collection targets are compatible strategies. For government interviewees, however, there appears to be little discord between the two end-goals, and interviews suggest that there is no meaningful conflict between implementing trade facilitation reforms and collecting revenue.

Implementation of the Single Window system is currently spearheaded by the Cabinet Office. Despite Zambia's ambitious targets for border infrastructure, however, none of its borders has functional OSBPs/Single Windows in place. Strong political support, shared ICT systems, and data and border agency coordination are essential for implementing smooth cross-border operations. On-the-ground practitioners believe that while there may be cooperation at higher levels, Zambia's attempts at border reform are undermined by neighbouring states' priorities. Zambia is often willing to make concessions to its neighbours that are not reciprocated: for example, not allowing Zambian transportation

Practitioners believe that while there may be cooperation at higher levels, Zambia's attempts at border reform are undermined by neighbouring states' priorities. Zambia is often willing to make concessions to its neighbours that are not reciprocated

companies entry into neighbouring countries' logistics industry, as is the case in Tanzania,[111] or unequal treatment of ICBTs. At the Kasumbalesa border crossing DRC border officials require Zambian traders to pay $1 each day per crossing, even though Zambia gives DRC traders a free daily pass.[112]

The next section gives a snapshot overview of current developments at some of Zambia's most strategic border points and the impact of regional politics on trade facilitation reforms. It also identifies how, if at all, Zambian authorities have decided to address these challenges.

109 Personal interview, ZRA official, Lusaka, 7 March 2019.

110 Personal interview, donor official, Lusaka, 6 March 2019.

111 Personal interview, private freighting company representative, Lusaka, 7 March 2019.

112 *Ibid.*; personal interview, CBTA representative, Lusaka, 5 March 2019.

Nakonde-Tunduma OSBP

The Nakonde-Tunduma border between Zambia and Tanzania is one of Zambia's busiest crossings, mainly with transit traffic from the DRC and Dar es Salaam. The crossing has historical congestion issues owing to a lack of parking and staging areas for cargo trucks on the Zambian side. Like many other border posts in the region, the Nakonde-Tunduma crossing suffered from inadequate inter-governmental coordination, duplication of checkpoints, and unaligned opening hours.[113] The lack of a scanner and specialised equipment for loading and offloading added to delays when physical examinations were needed.[114]

As a result it was decided to convert the crossing into an OSBP. The governments of Zambia and Tanzania signed a bilateral agreement providing for a legal framework to operationalise all structures of the Tunduma–Nakonde OSBP in June 2010.[115] On the Tanzanian side TradeMark East Africa financed the construction of new buildings in Tunduma to improve border post and IT infrastructure and provided training for border agency staff, traders and freight forwarders.[116] The African Development Bank (AfDB) is supporting road rehabilitation efforts on the Zambian side, which was identified as a priority project under the AU's Programme for Infrastructure Development in Africa.[117]

However, since 1 February 2018 the OSBP has been operationalised on a pilot basis only, owing to incomplete construction on the Tanzanian side. The road on the Zambian side is yet to be worked on.[118] The border crossing has also not been officially opened by the two heads of state.[119] A private sector interviewee seemed to feel that, on the Zambian side, Nakonde's infrastructure is inadequate: the existing road cannot support exports and imports simultaneously and trucks have to take turns in a 12-hour cycle going each way.[120]

> In many ways the Nakonde OSBP is a case of putting the cart before the horse. Questions arise as to why improvements to hard infrastructure were not prioritised ahead of launching the OSBP on a pilot basis

113 Southern African Trade and Investment Hub, *Nakonde Border Operations Assessment*, USAID, November 2011, https://satradehub.org/images/stories/downloads/powerpoint/IBM_Program/Zambia_IBM/ibm%20program%20-%20nakonde%20summary%20of%20findings.pdf, accessed 11 June 2019.

114 *Ibid*.

115 TradeMark Southern Africa, 'Tunduma-Nakonde Border Post Progress Report', 2010, https://www.icafrica.org/fileadmin/documents/Knowledge/DFID/Tunduma-Nakonde_OSBP-Progress_Report_November_2010.pdf, accessed 11 June 2019.

116 TradeMark East Africa, 'One Stop Border Post at Tunduma (Tanzania)', https://www.trademarkea.com/projects/one-stop-border-post-at-tunduma-tanzania/, accessed 15 March 2019.

117 Personal interview, ZRA official, Lusaka, 7 March 2019.

118 *Ibid*.

119 Personal interview, NTFC representatives, Lusaka, 6 March 2019.

120 Personal interview, private freighting company representative, Lusaka, 7 March 2019.

In many ways the Nakonde OSBP is a case of putting the cart before the horse. Questions arise as to why improvements to hard infrastructure were not prioritised ahead of launching the OSBP on a pilot basis; why implementing the trade facilitation reforms have taken so long; if there are shared data and ICT systems between the two countries that would enable the smooth functionality of the OSBP; and the validity and need for an OSBP (which is costly to construct) at a border crossing that primarily services transit traffic.

Kasumbalesa OSBP

The Kasumbalesa border post between Zambia and the DRC is one of the busiest transit borders in Zambia, handling an average of 650 trucks per day. The border post was identified by COMESA, SADC and the North-South Corridor Forum as one of the main obstacles to the flow of regional trade, owing to an absence of adequate border-crossing facilities and poor road infrastructure.[121]

Zambia imports mainly mineral ores and concentrates from the DRC, while many Congolese buy agricultural produce, food supplies and basic manufactured products from Zambia.[122] In 2017 the DRC and Zambia signed an agreement to form a joint border post committee to establish an OSBP at the Kasumbalesa border.[123]

Work on the Kasumbalesa crossing is currently supported by donors and focuses on improving border coordination and cross-border cooperation and improving the framework for ICBTs. Costing approximately EUR 1 million ($1,180,000),[124] the German Development Agency's Kasumbalesa project is designed to last two years and addresses specific points under Zambia's Category C notifications, with the main aim of providing technical assistance to the two countries.

The Kasumbalesa border has been identified as the most problematic and challenging of Zambia's borders by a wide range of stakeholders. Continued infrastructure challenges (badly maintained roads and poor facilities for cross-border traders) and the ad hoc development of informal settlements with poor sanitation facilities compound already-weak infrastructure in the area.[125] The cultural and administrative problems caused by the DRC's political instability have exacerbated difficulties at the border, and language differences pose an additional challenge. The DRC border agencies' enforcement of arbitrary payments (with no real banking systems in place) fuels corruption.[126] There is no shared ICT infrastructure and information is not shared electronically between the two countries. An arbitrary decision by DRC border officials in December 2018 to limit the

121 National Assembly of Zambia, *Report of the Committee on Economic Affairs, Energy and Labour for the First Session of the Twelfth National Assembly*. Lusaka: Government of Zambia, 5 October 2016.

122 Zambia, Ministry of Finance, 'A closer look at the Kasumbalesa border', January 2018, http://www.mof.gov.zm/?p=5379, accessed 14 March 2019.

123 Kangali C, 'Zambia, DRC signs Kasumbalesa trade deal', *All Africa*, 1 July 2017, https://allafrica.com/stories/201707010095.html, accessed 15 March 2019.

124 Dollar to euro value calculated at a historical average rate for 2018 of $1.8:EUR 1.

125 National Assembly of Zambia, *op. cit.*

126 Personal interview, private freighting company representative, Lusaka, 7 March 2019.

number of trucks crossing into the country to 200, down from 500 per day, resulted in truck clearance backlogs of up to 50km or more on either side of the border.[127]

> The cultural and administrative problems caused by the DRC's political instability have exacerbated difficulties at the border, and language differences pose an additional challenge. The DRC border agencies' enforcement of arbitrary payments (with no real banking systems in place) fuels corruption

Despite these challenges Kasumbalesa is an extremely lucrative border post that is managed as a PPP by the Zambian government and the Zambian Integrated Property Border Crossing Company (ZipBCC), which is responsible for collecting border/terminal crossing fees.[128] In 2015 ZipBCC also invested $4 million in rehabilitation and upgrades that have helped to improve traffic flows between the two countries, leading to increased levels of revenue and a boost in trade.[129] However, the Zambian government has not managed relations between donor support and private interests in the project very well. The contract with ZipBCC for a concession period of 25 years was cancelled in 2012 owing to border facility costs, but was reinstated for a seven-year period in 2015.[130] This PPP is now set to expire in 2023. However, the concessionaire's desire to continue operating in Kasumbalesa conflicts with a concession loan the World Bank recently granted Zambia – sparking a conflict of interest in terms of the government's priorities and selection of working partners.[131]

As at Kazungula, the Kasumbalesa OSBP procedures have had little to no private sector engagement. Although donor-led involvement on this project advised the government to seek private sector input, no progress on this issue has been made since August 2018.[132]

An interviewee[133] suggested that while the official political rhetoric continues to emphasise commitment to the implementation of an OSBP at Kasumbalesa, technocrats working on the project are now focused on creating a trade centre within Zambia. It is hoped this will circumvent the lacklustre engagement and political instability that affected the OSBP between the two countries. The World Bank is currently undertaking feasibility

127 Personal interview, donor official, Lusaka, 6 March 2019. See also Goddard E, 'Transporters threaten to pull out of DRC route as Kasumbalesa chaos reigns', FTW online, 7 December 2018, http://www.ftwonline.co.za/article/187925/Transporters-threaten-to-pull-out-of-DRC-route-as-Kasumbalesa-chaos-reigns, accessed 15 March 2019.

128 Zambia, Ministry of Finance, *op. cit*.

129 *Ibid*.

130 National Assembly of Zambia, *op. cit*.

131 Personal interview, donor official, Lusaka, 6 March 2019.

132 *Ibid*.

133 *Ibid*.

studies for the construction of the trade centre, which forms part of its larger Great Lakes Trade Facilitation Programme. Thus far there is no estimate on the starting date for the construction of the trade centre.

Kazungula OSBP

Kazungula is a small town situated close to the point where the borders of Namibia, Zimbabwe, Zambia and Botswana meet. The Kazungula OSBP between Botswana and Zambia is part of an infrastructure programme covering the North–South Corridor and a priority project under the SADC RISDP.[134] The Kazungula Rail and Road Bridge spans 923m and will have a single-line railway track, pavement for pedestrians and international border facilities in the form of two OSBPs (ie, one on either side of the border).[135]

The project has three components. Package 1 is the overall bridge works ($175 million) funded by the Zambian and Botswana governments on a 50–50 cost-sharing model. Package 2 is the Botswana border facilities ($45 million) funded by the Japan International Cooperation Agency, while Package 3 is the Zambian border facilities ($22 million) funded by the AfDB. Construction began in 2014 and is expected to be completed in 2020.

The successful roll-out of the Kazungula OSBP offers a chance for meaningful trade facilitation reforms that can make a significant contribution by improving existing flows between these countries and helping to alleviate the traffic volumes currently burdening the Chirundu OSBP. It will also further Zambia's ambitions to act as a trade conduit between SADC and COMESA countries.

However, mistrust can creep into relations between countries because of differing priorities, resulting in a lack of data-sharing between Zambia and its neighbours.[136] It is worth noting that, Zimbabwe was initially party to the OSBP plans. However, it later withdrew. This resulted in the bridge being built between Zambia and Botswana only,[137] thereby increasing the length and cost of the design:[138]

> There was a dispute with Zimbabwe, which then was under Robert Mugabe and he refused passage of the bridge through his territory. It was supposed to be 600 metres long, but we had to institute design alterations and have its belly stretch into Namibia, which agreed to the arrangement, before curving into Zambia. The changes to the bridge design saw it stretching to 923 metres.

134 Personal interview, AfDB officials, Centurion, 18 March 2019.

135 AfDB, 'Kazungula Bridge to link, open up markets in eight African countries', 27 December 2018, https://www.afdb.org/en/news-and-events/kazungula-bridge-to-link-open-up-markets-in-eight-african-countries-18904/, accessed 14 March 2019.

136 Personal interview, private freighting company representative, Lusaka, 7 March 2019.

137 Personal interview, academic experts, Lusaka, 5 March 2019.

138 African News Agency, 'Kazungula Bridge set to open corridor between Zambia, Botswana', *Engineering News*, 14 March 2018, http://www.engineeringnews.co.za/article/kazungula-bridge-set-to-open-corridor-between-zambia-botswana-2018-03-14, accessed 14 March 2019.

> The successful roll-out of the Kazungula OSBP offers a chance for meaningful trade facilitation reforms that can make a significant contribution by improving existing flows between these countries

Similarly, Botswana was reluctant to share data in terms of implementing the Kazungula OSBP.[139] However, there have been positive signs of regional cooperation in recent months. Zambia and Botswana engaged in data-sharing discussions in April 2019 and have since come to an agreement on how and what data will be shared with each other. Similarly, Zimbabwe and Namibia have since agreed to join the project, although the modalities are yet to be agreed upon. The Kazungula OSBP is scheduled to open in 2020.[140]

Chirundu OSBP

The Chirundu OSBP has been praised for being a well-functioning, model OSBP, and was championed by the COMESA Secretariat under the tripartite initiative between SADC, COMESA and the East African Community (EAC). Located at the border between Zambia and Zimbabwe, on the North-South Corridor, the OSBP is an important route

> Operational since 2009, the Chirundu OSBP received widespread donor support and is considered to be a successful example of donor coordination in implementing trade facilitation reforms

for transporting copper from Zambia to the Durban and Beira ports.[141] Operational since 2009, the Chirundu OSBP received widespread donor support and is considered to be a successful example of donor coordination in implementing trade facilitation reforms.[142] Before the creation of the OSBP, trucks could wait up to three weeks to cross the border; for commercial vehicles the wait was between two and nine days.[143]

139 Personal interview, independent consultant A, Johannesburg, 28 February 2019; personal interview, independent consultant B, Lusaka, 5 March 2019.

140 Personal interview, AfDB officials, Centurion, 18 March 2019.

141 Matsushita K, 'Cross-border transport infrastructure', in *For Inclusive and Dynamic Development in sub-Saharan Africa*. Tokyo: JICA (Japan International Cooperation Agency), 2013.

142 NEPAD & JICA, 'Part III: OSBP case studies: Chirundu – A pioneering example of a publically managed OSBP (Zambia and Zimbabwe)', in NEPAD *et al.*, *op. cit*. JICA drew up the 2007 bilateral agreement establishing the Chirundu OSBP and financed the OSBP's construction, while the World Bank provided the baseline study.

143 *Ibid*.

After operationalisation, clearance times were reduced to a few hours, saving upwards of $500 per day, and the commercial terminal was clearing 400 trucks a day (compared to 150 trucks).[144] These improvements were dependent on highly functional border clearing processes and border agencies' full commitment to and understanding of the new system.[145]

However, the OSBP's functionalities have since regressed. A major contributory factor has been the lack of connectivity and data-sharing between Zambia and Zimbabwe.[146] Despite both sides' having fibre connectivity to the Internet since 2015, not all agencies have computers and they are therefore not included in the shared system. This has resulted in the duplication of activities across the border and manual recording of entries.[147] Secondly, the border's operating hours cannot accommodate the increased traffic and flow of goods.[148] Despite Zambia's desire to extend operating hours, the primary concern for the Zimbabwean authorities is not to disturb the wildlife in the national park on the Zimbabwean side of the border, resulting in a border closure at 6pm.[149]

Thirdly, the initial infrastructure built has not been able to accommodate actual traffic flows, resulting in severe backlogs of up to two weeks in processing and clearance times.[150] Moreover, the existing physical infrastructure and ICT networks do not cater to small, micro and medium-sized enterprises and cross-border traders.[151]

Lastly, poorly planned donor exit strategies at Chirundu further contributed to the lack of operational sustainability.[152] Corruption is a continued challenge at Chirundu, despite efforts by the ZRA to implement stringent disciplinary proceedings.[153] Because of fraud and an overburdened system the ZRA insists on physically inspecting all consignments, even if they have pre-clearance, which contributes to continued delays at the border.[154]

Best practices in Zambia and lessons learnt

While Zambia continues to face financial and resourcing challenges in rolling out trade facilitation projects, the country has adopted the correct attitude and political response to

144 JICA, 'Innovative Approaches to Accelerating Connectivity in Africa – One Stop Border Post (OSBP) Management', Background paper for high-level side event at the 1st TICAD V Ministerial Meeting, Yaoundé, 29 April 2014.

145 Manyeruke C & S Muqayi, 'The impact of Chirundu One Stop Border Post in addressing border protectionist challenges', *Mediterranean Journal of Social Sciences*, 6, 6, 2015.

146 Personal interview, academic experts, Lusaka, 5 March 2019; personal interview, ZRA official, Lusaka, 7 March 2019.

147 NEPAD & JICA, *op. cit.*

148 Personal interview, donor official, Lusaka, 8 March 2019; personal interview, independent consultant B, Lusaka, 5 March 2019; personal interview, private freighting company representative, Lusaka, 7 March 2019.

149 Personal interview, ZRA official, Lusaka, 7 March 2019.

150 Personal interview, academic experts, Lusaka, 5 March 2019.

151 Banda D, OSBP Presentation at the First Forum for National Trade Facilitation Committees, Geneva, 25 January 2017.

152 Personal interview, donor official, Lusaka, 6 March 2019.

153 Personal interview, ZRA official, Lusaka, 7 March 2019.

154 Personal interview, private freighting company representative, Lusaka, 7 March 2019.

reforming systems and trade practices at its borders. In making the connection between the ratification/implementation of the TFA and other trade facilitation reforms, Zambia offers COMESA and SADC members important ideas and best practices that could help to improve trade facilitation practices in Southern and Eastern Africa.

- The TFA is a useful framework agreement that can guide customs-related improvements, but is insufficient in providing guidance on a wide range of trade facilitation-related challenges facing African countries that extend to non-tariff barriers. It also does not provide guidance on how trade facilitation reforms should be implemented. This can result in countries' struggling to identify priority sectors for trade facilitation reforms and being overly reliant on donor suggestions and donor-led projects, which might not actually address a country's most urgent needs. Implementing the TFA should be secondary to a comprehensive understanding among national technocrats and trade facilitation agencies of domestic challenges and where money and efforts should be best directed to improve trading conditions and deepen regional integration.

- The TFA Facility absolves itself of meaningful responsibility by not spearheading the funding disbursements for assistance under Category C. This paper highlights the crowding-in of donors in the trade facilitation space, which raises questions as to whether efforts and funds are being appropriately used and without overlaps in donor mandates. While a bilateral donor programme is important and necessary for implementing on-the-ground trade facilitation projects and reforms, it is worth examining whether existing disbursement models need an overhaul. The funding/disbursement mechanism should be a collective instrument to which all donors contribute. It should be managed by a board of trustees made up of representatives from DFIs and bilateral donors mandated to review financial requests for Category C projects, with the TFA Facility as the overarching coordinator. The current annual reporting mechanism between donors and recipient countries within the TFA Secretariat does not show where the gaps and challenges are in matchmaking and rolling out trade facilitation-related projects.

- UNCTAD's Empowerment Programme and the GATF's accreditation for clearing agents highlight how important it is to have a well-trained technocratic body of government officials and private sector players that will ultimately be independent of donor-related funding and assistance to spearhead trade facilitation projects domestically.

- Donor-based dependency can only be reduced through domestic financing and budgets for trade facilitation reforms and the inclusion of private sector actors to drive domestic projects. Countries should consider using PPP models to spearhead such reforms and projects. In the absence of long-term financial budgets, current reform efforts across the continent could fall by the wayside as soon as external funding dries up. Therefore, there is a need for innovation and domestic solutions to trade challenges at the border that can be implemented and monitored domestically.

- Policy reform is essential for spearheading trade facilitation projects, clarifying the roles and responsibilities of various government agencies and providing an implementable framework that contextualises a country's goals. Political willingness to cede power and responsibilities for the overall improvement of trade facilitation in a country is the main driving factor behind inter-governmental coordination.
- However, domestic reform in the absence of cooperation and political willingness from neighbouring countries and the support of RECs is challenging. There is also a need for strong institutional frameworks, shared data and shared ICT systems, and enforcement mechanisms that monitor SADC and COMESA members' implementation of trade facilitation reforms. Unfortunately, as highlighted by the Global Aid for Trade review in 2017, cross-border cooperation in Africa is visibly lower in implementation and reform efforts.[155] Therefore, a possible best practice from the EAC is ensuring adequate capacitation of the Secretariat staff to implement trade facilitation projects/reforms on the ground. This requires a common pool for resource mobilisation, which can help improve COMESA and SADC's overall regional integration and implementation of trade facilitation reforms.[156]
- Lastly, general best practices such as well-structured working committees for OSBPs and Single Windows, soft infrastructure that provides for harmonised systems and measures to identify and address corruption expeditiously, continued training and capacity building for private sector and government agencies, successful change management processes, and extended working hours at border crossings will make significant contributions to improving cross-border trade and a country's overall trade facilitation performance.[157]

155 Skype interview, IO representative C, Johannesburg, 15 March 2019.

156 Personal interview, independent consultant B, Lusaka, 5 March 2019.

157 NEPAD & JICA, *op. cit.*

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Cover image

Lorries blocked in Kasumbalesa, a Congolese town at the border between the Democratic Republic of Congo and Zambia, 13 February 2014 (Ucien Kahozi/AFP/Getty Images)

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