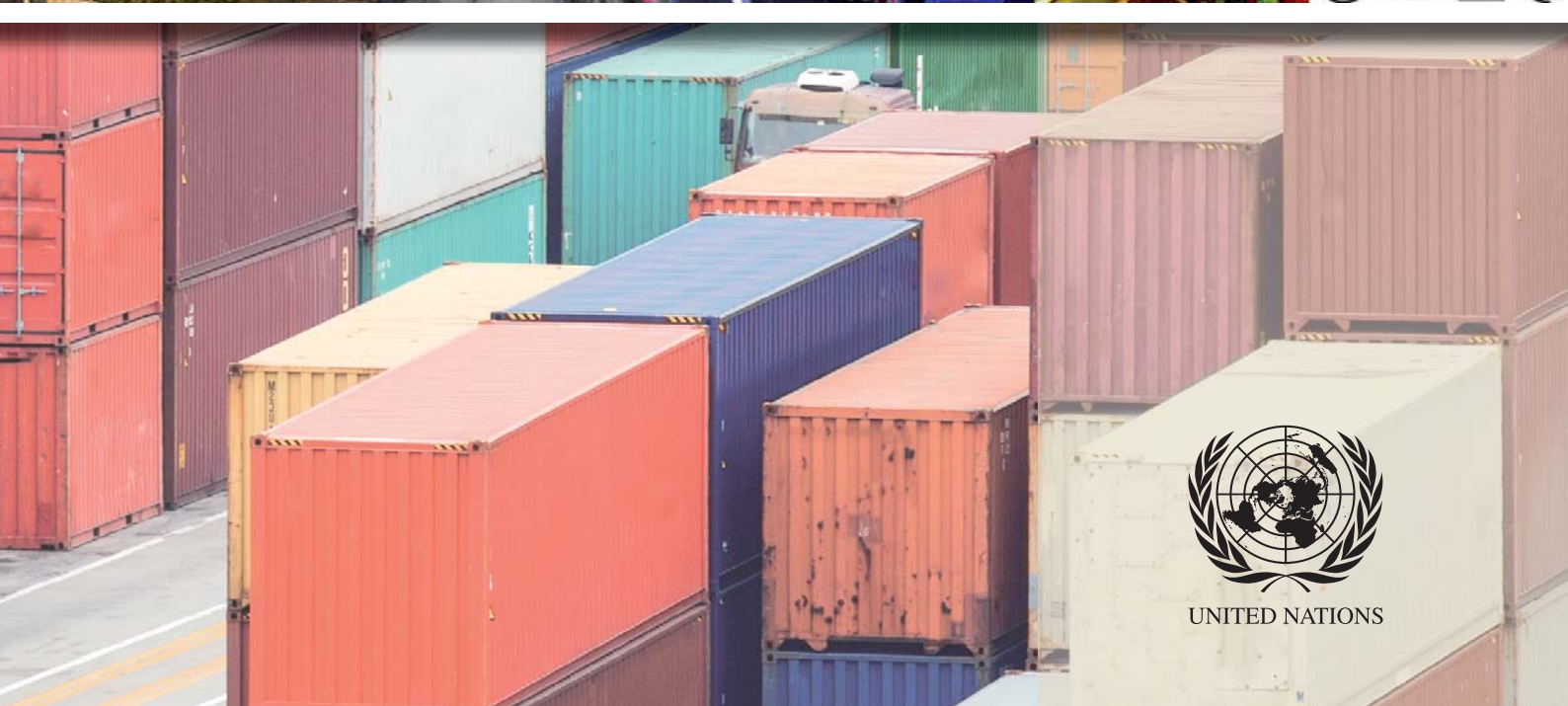
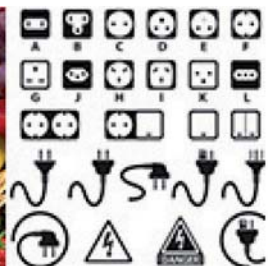




# Non-Tariff Measures and Regional Integration in the Southern African Development Community





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## ABSTRACT

This note provides an overview of the state of play of the political process on non-tariff measure (NTM) policies in the Southern African Development Community (SADC). We analyse the legal setup and respective challenges affecting the implementation of SADC agreements with respect to NTMs. On the one hand, we look at systematic and coherent policy design regarding sanitary and phytosanitary (SPS) measures, technical barriers to trade (TBT), harmonization and mutual recognition. On the other hand, we analyse commitments, institutional structures, mechanisms and support needed to eliminate policies and procedures that economic operators report as non-tariff barriers.

We also present a non-technical summary of methodologies to assess the regulatory distance between members of a free trade agreement and the potential greater economic benefits from reducing NTMs. Our analysis indicates that “deep” regional integration regarding NTMs may bring about significant increases in welfare and employment for all member States.

Considering the member-driven nature of SADC, the note also contains a discussion of the potential way forward in promoting NTM-related integration in SADC in the short- to the long-term.

**Keywords:** Southern African Development Community, non-tariff measures, regional integration

**JEL Classification:** F13, F15

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The study benefited greatly from comments from participants of the UNCTAD-Southern African Development Community-GIZ Workshop on Non-Tariff Measures “Deep” Regional Integration – SADC and Tripartite Dimension, held in Gaborone, Botswana, on 12 August 2014. The SADC secretariat and GIZ also provided in-depth comments on an earlier version of the note.

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## 1. INTRODUCTION

This note provides an overview of the state of play of the political process on NTM policies in the SADC region and presents a non-technical summary of methodologies to assess the regulatory distance between members of a free trade agreement and the potential greater economic benefits from reducing NTMs. The note also contains a discussion of the potential way forward in the SADC region on NTMs. It was prepared under a joint project of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and the United Nations Conference on Trade and Development (UNCTAD), Assessment of NTM's Potential for Regional Integration in SADC Region.

The purpose of the project was to develop a strategy and to conduct preparatory work to support deep regional integration by systematically addressing non-tariff measures (NTMs).

This note is based on three papers that were prepared under the project. Erasmus and Viljoen (2014) provide an analysis of the state of play of the political process on NTM policies in the SADC region and identify stumbling blocks for implementation. Cadot et al. (2015) develop quantitative and qualitative methodologies to assess the regulatory distance between members of a free trade agreement and to identify potential areas of deep regional integration in merchandise trade with respect to NTMs; they also quantify the ad valorem price effects of NTMs and develop a methodology to identify particularly harmful NTBs. Vanzetti et al. (forthcoming) assess the potential greater economic benefits from realizing deep integration.

The UNCTAD-SADC-GIZ Workshop on Non-Tariff Measures "Deep" Regional Integration

### 1.1. NTMS IN GLOBAL TRADE AND REGIONAL INTEGRATION

The ability to gain market access depends increasingly on compliance with trade regulatory measures such as sanitary requirements and goods standards.<sup>1</sup> Tariffs have been substantially reduced unilaterally and in regional and multilateral negotiations in recent decades. The use of NTMs, however, to regulate trade has been increasing, both in terms of countries adopting these measures and in their variety (UNCTAD, 2013).

Many NTMs have primarily non-trade objectives such as the protection of public health or the environment while affecting trade de facto through procedural requirements. Evidence suggests that NTMs have important restrictive and distortionary effects on international trade. They can unintentionally be discriminatory against smaller producers and poorer countries. The average overall trade restrictiveness, which includes both tariffs and NTMs, has been estimated to be two to three times higher than the tariff-only restrictiveness (Kee et al., 2009).

Little progress has been made in addressing NTMs at the multilateral level; at the regional level, however, substantial efforts are made to address them. About 60 per cent and 67 per cent of regional trade agreements include measures on technical barriers to trade (TBT) and sanitary and phytosanitary (SPS) measures, respectively (Baccini et al., 2011). However, few of the respective provisions go beyond the core principles of the World Trade Organization (WTO) TBT and SPS agreements (Peters et al., 2013). Going beyond these principles appears politically and practically difficult. The experience of the European Union (EU) and the Association of

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