A PUBLIC POLICY REVIEW OF TECHNICAL REGULATORY REFORM: THE CASE FOR THE AFRICAN CONTINENT

by

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Declaration

I hereby declare that this is my original work both in form and content and that wherever I have referred to the work of other authors, that has been duly acknowledge.

EJ Steyn
85614352
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I acknowledge with gratitude the support of my family and friends during my Philosophiae Doctor studies.

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ABSTRACT

Tariff and non-tariff barriers to trade are measures that are put in place in a country to which an exporter wants to export to. These barriers make it difficult for a new manufacturer to export their products. These measures may be considered undesirable in the context of world trade, because they restrict the flow of goods and are detrimental to the consumer because they drive prices up.

The Uruguay Round of multilateral trade negotiations significantly reduced tariff barriers to trade. During the same round, the World Trade Organisation Agreement on Technical Barriers to Trade was negotiated with a view to ensure that countries use technical regulations (non-tariff barriers) for no other purpose than to protect the health and safety of the public and the environment. Many of the developing countries have not yet been able to take full advantage of this agreement.

It is often difficult and costly for exporters from developing countries to meet the technical requirements of standards and technical regulations and to provide evidence of compliance. This stems from a lack of resources available to developing countries to participate and influence the work of international standards-setting bodies serving as a basis for technical regulation. The absence of internationally recognised national infrastructure for standardisation, accreditation and metrology also prevents acceptance of African products in export markets.

Various regions such as Asia and Europe have initiated technical regulatory reforms to align their technical regulations with the requirements of the World Trade Organisation requirements and to establish appropriate technical institutions. These reforms are also expected to assist member countries to gain a competitive edge in global trade ensuring increased gains from trade liberalisation initiatives which provide fair market access for goods and services.
Africa appears to be lagging behind the abovementioned regions. The current technical regulatory system in Africa is still too inefficient and ineffective to position African countries competitively. The technical institutions are underdeveloped and under funded and can not support market assess and thus economic development.

It is in this context that this study is conducted to explore the technical regulatory framework in Africa against the background of reforms in Asia and Europe with a view of providing public policy recommendations for the establishment of an African technical regulatory system supported by appropriate institutional capacity that may expedite economic recovery for the continent.
Table of contents

Declaration ii
Acknowledgements iii
Abstract iv
List of tables xiv
List of figures xvi
List of abbreviations xvii
Terminology xix

Chapter 1: Introductory perspectives on policy and state institutional reform on the African continent

1.1 Introduction 1
1.2 Doing business in Africa 2
1.3 Policy on reform in Africa 4
  1.3.1 Structural reform 5
  1.3.2 Capacity reform 6
  1.3.3 Service delivery reform 6
  1.3.4 African peer review mechanism 7
1.4 State institutional capacity in Africa 10
1.5 Public policy reform and its impact on state institutions 11
1.6 Technical regulatory reform 14
1.7 African economic strategies that are relevant to technical infrastructure reform 16
1.8 Compliance cost for African entrepreneurs 18
1.9 Technical infrastructure institutional capacity to support African trade 21
1.10 Conclusion 24
Chapter 2: Research Methodology

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1 Introduction</td>
<td>26</td>
</tr>
<tr>
<td>2.2 The research problem</td>
<td>26</td>
</tr>
<tr>
<td>2.3 The use of research</td>
<td>28</td>
</tr>
<tr>
<td>2.4 Types of research approaches</td>
<td>28</td>
</tr>
<tr>
<td>2.5 Qualitative research design</td>
<td>30</td>
</tr>
<tr>
<td>2.5.1 Content analysis method</td>
<td>30</td>
</tr>
<tr>
<td>2.5.2 Grounded theory study method</td>
<td>31</td>
</tr>
<tr>
<td>2.5.3 Phenomenological study method</td>
<td>31</td>
</tr>
<tr>
<td>2.5.4 Ethnography study method</td>
<td>31</td>
</tr>
<tr>
<td>2.5.5 Case study method</td>
<td>32</td>
</tr>
<tr>
<td>2.6 Qualitative research sources</td>
<td>34</td>
</tr>
<tr>
<td>2.7 Need for the study</td>
<td>35</td>
</tr>
<tr>
<td>2.8 Nature of the study</td>
<td>38</td>
</tr>
<tr>
<td>2.9 The problem statement and the objectives of the study</td>
<td>39</td>
</tr>
<tr>
<td>2.9.1 The research questions</td>
<td>41</td>
</tr>
<tr>
<td>2.10 Methodology</td>
<td>44</td>
</tr>
<tr>
<td>2.11 Limitations on the scope of the study</td>
<td>45</td>
</tr>
<tr>
<td>2.12 Conclusion</td>
<td>46</td>
</tr>
</tbody>
</table>

Chapter 3: A review of the relevant literature on public administration

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1 Introduction</td>
<td>47</td>
</tr>
<tr>
<td>3.2 The boundaries of Public Administration</td>
<td>48</td>
</tr>
<tr>
<td>3.3 Public Administration</td>
<td>48</td>
</tr>
<tr>
<td>3.2.1 The generic functions of Public Administration</td>
<td>49</td>
</tr>
<tr>
<td>3.2.1 (a) Policy-making</td>
<td>50</td>
</tr>
<tr>
<td>3.2.1 (b) Organising</td>
<td>50</td>
</tr>
<tr>
<td>3.2.1 (c) Staffing</td>
<td>51</td>
</tr>
</tbody>
</table>
3.1.2 (d) Directing and co-ordinating 51
3.1.2 (e) Reporting 51
3.1.2 (f) Budgeting 52
3.2.2 The historical development of Public Administration 52
3.2.3 Summary paragraph 55
3.4 Understanding public policy 56
3.5 Policy types and policy levels 59
3.6 Public policy-making models 61
3.6.1 The rational comprehensive model 61
3.6.2 The incrementalist model 61
3.6.3 The mixed scanning model 62
3.7 Setting policy agendas 64
3.8 Policy-making processes 65
3.7.1 Internal factor 66
3.7.2 External factors 66
3.9 Models for analysing policy-making processes 67
3.9.1 The elite/mass model 67
3.9.2 The group model 67
3.9.3 The institutional model 68
3.9.4 The systems model 68
3.10 Approaches to policy analysis 69
3.10.1 Policy content analysis 70
3.10.2 Policy system analysis 71
3.10.3 Policy issue analysis 71
3.10.4 Policy outcome analysis 71
3.10.5 Policy value analysis 71
3.11 Reasons for and advantages of public policy analysis 72
3.12 The public policy analysis process 80
3.12.1 Formulation 80
3.12.2 Search 84
3.12.3 Forecasting 85
Chapter 4: A case study review of international and regional trends in technical regulatory reform

4.1 Introduction 109

4.2 International technical regulatory reform 110
  4.2.1 The World Trade Organisation Agreement on Technical Barriers to Trade 110
  4.2.2 Committee on Technical Barriers to Trade 118
  4.2.3 Tri annual reviews of the World Trade Organisation Agreement on Technical Barriers to Trade 119
  4.2.4 The relationship between standards and technical regulations 121
  4.2.5 Influencing standards development and technical regulations 123
  4.2.6 Technical regulations from country to country 126
  4.2.7 Equivalence of national standards 127
  4.2.8 More international standards for technical regulations 128
  4.2.9 Conformity assessment requirements for technical regulations and standards 129
    4.2.9 (a) Quality management systems 131
    4.2.9 (b) Product certification 132
4.2.9 (c) Testing reports 137
4.2.9 (d) Inspections 138

4.3 Regional technical regulatory reform 140

4.3.1 Organisation for Economic Cooperation and Development 141
4.3.1 (a) Defining the problem correctly 145
4.3.1 (b) Justifying government action 146
4.3.1 (c) Ways of intervening 147
4.3.1 (d) Legal base for regulation 147
4.3.1 (e) Appropriate levels of government action 148
4.3.1 (f) Assessing the costs and benefits of regulations 148
4.3.1 (g) The distribution of effects of technical regulations across society 149
4.3.1 (h) Clarity, consistency and accessibility to users 149
4.3.1 (i) Consulting all interested parties 150
4.3.1 (j) Achieving compliance 151

4.3.2 Asian Pacific Economic Community 151
4.3.2 (a) Performance-based technical regulations 155
4.3.2 (b) Referencing voluntary standards 156
4.3.2 (c) Alignment with international standards 157
4.3.2 (d) Equivalency 157
4.3.2 (e) Conformity assessment requirements 158
4.3.2 (f) Types of conformity assessment 159
4.3.2 (g) Choosing the appropriate conformity assessment requirements 161
4.3.2 (h) Recognising the results of conformity assessment activities 161
4.3.2 (i) Regulatory safety nets 162

4.3.3 Comparison of the Asian Pacific Economic Community and the Organisation for Economic Cooperation and Development principles and guides 163
Chapter 6: Recommendations for an African policy approach to technical regulatory reform

6.1 Introduction
6.2 Recommendations
   6.2.1 Recommendation 1: Develop an African technical regulatory reform policy
      6.2.1 (a) Introductory paragraph
      6.2.1 (b) Recommendation
   6.2.2 Recommendation 2: Establish institutional arrangements for an African technical regulatory framework
      6.2.2 (a) Introductory paragraph
      6.2.2 (b) Recommendation
   6.2.3 Recommendation 3: Establish and strengthen coordination of quality activities in the sub-region
      6.2.3 (a) Introductory paragraph
      6.2.3 (b) Recommendation
   6.2.4 Recommendation 4: Strengthening national institutional capacity in the area of standards, conformity assessment and metrology
      6.2.4 (a) Introductory paragraph
      6.2.4 (b) Recommendation
   6.2.5 Recommendation 5: Provide specific companies with technical assistance
      6.2.5 (a) Introductory paragraph
      6.2.5 (b) Recommendation
6.3 Summary
6.4 Conclusion

References
List of tables

Table 1.1: Interindustry distribution of quality expenditure 19
Table 1.2: Export related quality and compliance expenses 20
Table 1.3: Annual budgets for standards development in 2002 22
Table 3.1: Approaches to policy analysis 70
Table 3.2: Differences between goals and objectives 82
Table 3.3: Checklist for identifying new and relevant goals and objectives 82
Table 3.4: Three approaches to forecasting 87
Table 3.5: Stages in the policy analysis process 90
Table 3.6: Phases for conducting policy analysis 91
Table 4.1: Organisation for Economic Co-operation and Development checklist 144
Table 4.2: Asian Pacific Economic Community technical regulatory checklist 155
Table 4.3: Summary of the metrology infrastructure costs, financing, needs and planning considerations 179
Table 4.4: Summary of the standards infrastructure costs, financing, needs and planning considerations 182
Table 4.5: Summary of the accreditation infrastructure costs, financing, needs and planning considerations 185
Table 4.6: Developmental stages for metrology institutes and current status of SADC countries 189
Table 4.7: Developmental stages for national standards bodies and current status of SADC countries 191
Table 4.8: Estimated costs of compliance on selected farms in South Africa for selected standards 198
Table 4.9: Financial support by the South African government as percentage of turnover 200
Table 4.10: Turnover of the South African technical infrastructure institutions 200
Table 5.1: Notifications of the European Union rapid alert system for food and feeds concerning African exports - January 2005 to December 2006

Table 5.2: United States Food and Drug Administration import refusals from Africa - January 2005 to December 2006

Table 5.3: Overview of the technical infrastructure situation in Africa
List of figures

Figure 4.1: The building blocks of a technical infrastructure system and the linkages between metrology, standardisation and accreditation  217

Figure 5.1: Supporting technical infrastructure  221
List of abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>APEC</td>
<td>Asia Pacific Economic Community</td>
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<tr>
<td>APRM</td>
<td>African Peer Review Mechanism</td>
</tr>
<tr>
<td>BIPM</td>
<td>Bureau International des Poids et Mesures (International Bureau of Weights and Measures)</td>
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<tr>
<td>CIPM</td>
<td>International Committee for Weights and Measures</td>
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<tr>
<td>EAC</td>
<td>East African Community</td>
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<td>ECOWAS</td>
<td>Economic Community of West African States</td>
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<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>GATT</td>
<td>General Agreement on Tariffs and Trade</td>
</tr>
<tr>
<td>IAF</td>
<td>International Accreditation Forum</td>
</tr>
<tr>
<td>IEC</td>
<td>International Electrotechnical Commission</td>
</tr>
<tr>
<td>ILAC</td>
<td>International Laboratory Accreditation Co-operation</td>
</tr>
<tr>
<td>IMF</td>
<td>International Monetary Fund</td>
</tr>
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<td>ISO</td>
<td>International Organisation for Standardisation</td>
</tr>
<tr>
<td>NEPAD</td>
<td>New Partnership for Africa’s Development</td>
</tr>
<tr>
<td>NMISA</td>
<td>National Metrology Institute of South Africa</td>
</tr>
<tr>
<td>UEMOA</td>
<td>West African States</td>
</tr>
<tr>
<td>UNIDO</td>
<td>United Nations Industrial Development Organisation</td>
</tr>
<tr>
<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
</tr>
<tr>
<td>SABS</td>
<td>South African Bureau of Standards</td>
</tr>
</tbody>
</table>
SADC  Southern African Development Community
SADCA  SADC Accreditation Co-operation
SADCMET  SADC Metrology Co-operation
SADCSTAN  SADC Standardisation Co-operation
SANAS  South African National Accreditation System
SI  Systeme International
TBT  Technical barriers to trade
WTO  World Trade Organisation
WB  World Bank
Terminology

Accreditation
Means a procedure by which an authoritative body gives formal recognition that a body or person is competent to carry out specific conformity assessment tasks (ISO/IEC Guide 17000: 2004).

Asia Pacific Economic Community
Means a forum for 21 Pacific Rim countries to cooperate on regional trade and investment liberalisation and facilitation (APEC, 2009).

Conformity assessment
Means any procedure used, directly or indirectly, to determine that relevant requirements in technical regulations or standards are fulfilled (ISO/IEC Guide 17000: 2004).

Cost of transformation
Means the cost associated with a process of profound and radical change that orients an institution or a business in a new direction and takes it to an entirely different level of effectiveness (Business Dictionary, 2009).

Cost of transactions.
Means the cost associated with exchange of goods or services and incurred in overcoming market imperfections. Transaction costs include safety, quality, and durability (Business Dictionary, 2009).

Metrology
Means measurement through the implementation of a harmonised system which comprises the International System of Units adopted by the General Conference on Weights and Measures, which is the international authority on the metric system (ISO Guide 99: 2007).
Non-tariff barriers
Means trade barriers that restrict imports in forms other than tariff (WTO, 2006).

Organisation for Economic Co-operation and Development
Means an international organisation of 30 countries that accept the principles of representative democracy and free-market economy (OECD, 1995).

Public Administration
Means a study of the relationships between government and the society it governs as well as the public policies that government develops and implements to respond to social needs (Shafritz and Russell, 2005:5-22).

Public policy
Means a combination of goals, decisions, commitments and actions directed towards the implementation of particular outcomes that are deemed to be in the public interest (Birkland, 2005:19).

Public policy analysis
Means a social sciences process applied to investigate public policy used by policymakers to resolve public policy problems (Dunn, 1981:35).

Southern African Development Community
Means an inter-governmental organisation headquartered in Gaborone, Botswana with the goal to further socio-economic cooperation and integration as well as political and security cooperation among 15 southern African states (SADC, 2004).

Standard
Means a document approved by a recognised body that provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory. It
may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method (ISO/IEC Guide 2: 2004).

Standardisation
Means the activity of establishing, with regard to actual or potential problems, provisions for common and repeated use, aimed at the achievement of the optimum degree of order in a given context (ISO/IEC Guide 2: 2004).

Tariffs
Means a duty imposed on goods when they are moved across a political boundary (Wikipedia, 2009).

Technical infrastructure
Means the totality of the institutional framework required to formulate, issue and implement standards (e.g. to establish with regard to actual or potential problems, provisions for common and repeated use, aimed at the achievement of the optimum degree of order in a given context) and to provide associated evidence of compliance (e.g. the relevant mix of inspection, testing, certification, metrology and accreditation) in order to improve the suitability of products, processes and services for their intended purposes, prevent barriers to trade and facilitate technological co-operation (ISO/IEC Guide 2: 2004).

Technical regulation
Means a document which lays down product characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method (WTO, 2006).