

**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.

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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.

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List of abbreviations

APEC	Asia Pacific Economic Community
APRM	African Peer Review Mechanism
BIPM	Bureau International des Poids et Mesures (International Bureau of Weights and Measures)
CIPM	International Committee for Weights and Measures
EAC	East African Community
ECOWAS	Economic Community of West African States
EU	European Union
GATT	General Agreement on Tariffs and Trade
IAF	International Accreditation Forum
IEC	International Electrotechnical Commission
ILAC	International Laboratory Accreditation Co-operation
IMF	International Monetary Fund
ISO	International Organisation for Standardisation
NEPAD	New Partnership for Africa's Development
NMISA	National Metrology Institute of South Africa
UEMOA	West African States
UNIDO	United Nations Industrial Development Organisation
OECD	Organisation for Economic Co-operation and Development
SABS	South African Bureau of Standards



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).