

JITAP

Joint Integrated Technical Assistance Programme
Programme Intégré Conjoint d'Assistance Technique



UNCTAD XI JITAP EVENT

JITAP: CAPACITY BUILDING IN ASSURING DEVELOPMENTAL GAINS
FROM THE MULTILATERAL TRADING SYSTEM

DISCUSSION PAPER: KENYA

Anhembi Convention Centre
Room D
São Paulo, Brazil
18 June 2004

KENYA'S EXPERIENCE IN THE IMPLEMENTATION OF JITAP PROGRAMME

By Mr. I.M. Njoroge Consultant, Kenya

1.0 Introduction

Upon the formation of the WTO, the Kenyan government constituted an Interministerial Committee on WTO named the Permanent Interministerial Committee on WTO with the key role of coordinating all WTO related issues in the country. The Committee, as the name suggests was composed of government Ministries and Public Institutions and the Secretariat was provided by the Ministry of Trade and Industry.

The main characteristics of this committee were:

- i) The Committee was wholly government which denied it the contribution of the private sector and the Civil Society on MTS issues.
- ii) The knowledge base on MTS by the Members of this Committee was very limited and members depended entirely on dispatches from the Geneva Mission which were also not deep and comprehensive enough.
- iii) The resources available to the Committee were very constrained and therefore their scope was very limited
- iv) The Committee handled MTS issues on an adhoc basis and their meetings were few and far in between.
- v) Information on MTS within the private sector was generally lacking.

2.0 The JITAP Programme

JITAP introduced a new and integrated approach to the management of MTS issues in Kenya. The following are the key features of the programme:

- i) A National Steering Committee (NSC) was constituted with the overall responsibility of overseeing the implementation of the programme. The Committee drew membership from the Government, Private Sector, Academia and the Civil Society. The Ministry of Trade and Industry provided the secretariat and the Director of External Trade was the Committee's Chairman. The Committee met once every month to review the status of project implementation and provide guidance on future activities. The Committee was provided with logistical and technical support by a National Facilitator, who was a private sector institution contracted by the project.
- ii) In place of the Permanent Interministerial Committee on WTO, a National Committee on WTO, in short NCWTO, was constituted. As the name suggests, the membership of this committee is national drawing members from the Public sector, Private sector, Academia and the Civil Society. The Ministry of Trade and Industry provides the

Secretariat and the Permanent Secretary in the Ministry is the Committee's Chairman.

- iii) Once the NCWTO was constituted, terms of reference were drawn to provide guidance on the following:
 - To work on modalities for implementation of the WTO agreements by Kenya such as would ensure maximum gains to the country and to monitor the implementation by other WTO members.
 - To provide government and the private sector with the necessary analysis of market access conditions and potential trading opportunities created by the MTS while at the same time creating awareness regarding the institutional and legislative means required to achieve this including how to take advantage of special and more favourable treatment provisions in the WTO.
- iv) Eleven subcommittees were then formed covering Trade in Goods; Trade in Services; General Council Committees; Committees on Plurilateral Agreements and Working Parties. Focal Points for these subcommittees were also identified. These subcommittees informed the main NCWTO. They met once monthly or as necessary and provided written reports to the Secretariat.
- v) The Jitap Programme, through the NSC formulated annual implementation plans on cluster basis, identifying clearly the executing organizations, the national counterparts, time frames and the linkages existing between the various clusters. A mechanism to ensure regular flow of information on technical inputs requirements from the executing organizations and the programme impact was embedded in the Implementation Plans.

3.0 **JITAP Successes in Kenya**

- a) The Main JITAP Successes in Kenya are as follows:
 - i) It has been an important instrument in familiarizing and developing capacities on MTS issues in Kenya. It has networked trainers and Experts trained by JITAP and by other organizations such as WCO and World Bank into an NGO which continue to address the MTS agenda in Kenya.
 - ii) Because of Jitap, MTS issues are now widely discussed not only in government but also in the Private Sector and Civil Society. Discussions on MTS in both Print and Electronic Media are frequent.
 - iii) Kenya owes her very active participation in the third, fourth, and fifth WTO Ministerial Conferences to JITAP. JITAP has helped the country in preparing for these Conferences by providing technical support.
 - iv) In addition to enhancing the country's capacity to negotiate, JITAP has assisted Kenya in creating opportunities for export

expansion through the formulation of Export Strategies for high potential sectors.

- v) JITAP has enabled Kenya to blend much more with Uganda and Tanzania on MTS issues through subregional programme activities. Through this, other regional trading arrangements and specifically the East Africa Community arrangements have been strengthened.
- vi) Training on MTS issues in Kenyan Institutions of higher learning has been stimulated by JITAP. This ensures there is a growing source of human resource on MTS issues in the country.
- vii) The engagement of the Public sector, the Private sector, the Academia and the Civil Society on MTS issues in Kenya has resulted to focused and widely endorsed country positions on various MTS issues.
- viii) Equipment provided under JITAP has played a key role in enabling all the sectors of the economy to access the appropriate MTS information and has therefore enhanced the knowledge base in the country.
- ix) JITAP strengthened the linkages between the capital based officers and the Country Trade Negotiators based in Geneva through regular exchange of information.
- x) JITAP has strengthened the public-private sector partnership in Kenya; first on MTS issues and subsequently on other issues affecting the whole economy.

There are several factors that have contributed to the success of JITAP in Kenya:

a) The National Committee on WTO

- i) The expansion of NCWTO Membership to include all key players; Public sector, Private sector, Academia and the Civil Society contributed to substantial expansion of the knowledge base on MTS at the disposal of the NCWTO.
- ii) The formulation of workplans and the provision of a National Consultant to provide the necessary technical back-up to the NCWTO in executing the workplans ensured that there was continuous monitoring of work of the NCWTO.
- iii) The creation of 11 Subcommittees to handle specific MTS Issues ensured that the work on MTS in Kenya remained focused and was handled by people with expertise in these areas.
- iv) With the support of the NCWTO, the 11 Subcommittees were encouraged to undertake training workshops and seminars for

the wider stakeholders in their respective areas and these fora provided very invaluable information on the position to be taken in the respective areas.

- v) With time, the scope of the NCWTO expanded to include non-MTS issues such as EU-ACP, COMESA and EAC albeit at a lower level of approach meant that the NCWTO membership was kept informed of the key happenings in other trade issues outside WTO and hence were able to respond to the MTS issues from a rather broader and informed perspective.
- vi) The inclusion of Universities in the NCWTO provided a very important instrument of analysis which was very useful to the wider NCWTO membership.
- vii) The inclusion of the Civil Society in the NCWTO membership provided a moderating mechanism to the positions taken by the public sector in one hand and the private sector on the other hand.
- viii) The accessing of national resources to support the work of the NCWTO had a substantial effect on the impact of the NCWTO. Such resources were accessed from the national budget as well as from local and international organizations that support multilateral trading system through the support of workshops, seminars and even supporting a number of delegates attending MTS meeting outside the country.
- ix) The Private Sector supported training sessions on such areas as Agreement on Customs Valuation, TRIPS etc by paying fees that covered the costs of hosting such workshops.

b) Sector Strategies Formulation

JITAP in Kenya helped the formulation of strategies for two key sectors; Horticulture and Fish and Fish Products. Both strategies are now in the first phase of implementation .

The lessons that were learnt from the formulation of sector strategies are:

- i) The endorsement of the sector strategies by both the public and the private sectors was the starting point in the process.
- ii) A National Symposium was held to select priority sectors that were based on a survey that had earlier been undertaken and produced in a Matrix Report.
- iii) A Sector Strategy Stakeholders Group (SSSG) was thereafter formed to provide the entire process of sector strategy formulation.

- iv) Two Sector Counterpart Teams (SCT) were created, one representing the Horticulture and the other the Fish Sector. Both teams comprised professionals from both the public and private sectors who had been closely involved in export activities. These teams had the following responsibilities:
- Formulating sector export strategies.
 - Devising action plans for the implementation of the sector export strategies.
- v) The specific tasks that the SCT's undertook included:
- Participating in Market Orientation tours to develop understanding of target market conditions.
 - Diagnose export enterprise supply capacities and needs
 - Preparation of draft sectors strategies
 - Organising a National Symposium to adopt sector strategies.
- vi) The challenges that Kenya experienced can be summarised as follows:
- SCT members must consistently attend to assignments as any breaks in representation costs the process highly in terms of time.
 - Sector Strategy formulation should be undertaken within a short time frame as members lose focus and get absorbed in other exercises if the strategy development drags on for too long.
 - As agreed during the National Symposium, each member must be prepared to play his part in full including providing own resources to support SCT work.
 - It is important that successor programmes/activities be designed to utilize the capacities built in sector strategy formulation.