



ANNEX 1: NTBs MATRIX OF ACTION 2022

	<i>Challenges</i>	<i>Recommendation/ Solution</i>	<i>Proposed</i>	<i>Outcome</i>	<i>Activities</i>	<i>Milestones</i>	<i>Proposed Timeframe</i>
Improving Effectiveness of National Monitoring Committees							
1	<p>SADC National Monitoring Committees (NMCs) have not been effective in performing their main function of identifying NTBs and monitoring their elimination:</p> <ul style="list-style-type: none"> - Many NMCs operate in an <i>ad hoc</i> fashion, with no properly defined process for dealing with the elimination of NTBs; - Some Member States do not hold regular NMCs meetings. 	<p>Support NMCs to conduct regular meetings.</p> <p>Support NMCs to fulfil their functions in relation to monitoring progress with elimination of NTBs in the region.</p> <p>Technical support and capacity building, in the form of:</p> <ul style="list-style-type: none"> - assistance with defining their functions, processes; and/ or - assistance with developing terms of reference. <p>Support to Member States in implementing their respective NTBs elimination plans and action plans, at the level of NMCs.</p>	<p>NMCs in all Member States are effective in their overall function of identifying and monitoring NTBs.</p> <p>NMCs conduct regular meetings to discuss and report on NTBs; and consider their elimination.</p> <p>All NMCs fulfil their functions in other core areas, such as:</p> <ul style="list-style-type: none"> - defining the process of elimination of NTBs; - confirming deadlines for action; and - outlining the mandates and responsibilities of national NTB institutional structures. 	<p>Facilitation of meetings at the respective national levels</p> <p><i>i) Organise and convene supported NMC meetings, at national level.</i></p> <p><i>ii) Support for Member States that require assistance to develop framework terms of reference for their NMCs.</i></p> <p>Facilitation of meetings at the regional level</p> <p><i>iii) Organise and convene supported NMCs meetings, at regional level. Endeavour to hold up to 2 meetings each year.</i></p> <p>Both national and regional supported* meetings will include:</p> <ul style="list-style-type: none"> - capacity building (including understanding and defining their functions); - overall design and facilitation of meetings; - facilitation of discussions and producing meeting reports; and - technical and financial assistance. 	<p>Supported regional NMCs' meetings to take place twice a year (1 virtual and one physical meeting) through SADC Secretariat coordination.</p> <p>Regular NMC meetings take place in all Member States.</p> <p>Completed terms of reference for NMC to guide constitution, functions and operation.</p>	<p>Supported NMCs' meetings, and set up of related structures, to take place between January 2023 – December 2024.</p> <p>Regular meetings of NMCs take place on an ongoing basis.</p>	

	Challenges	Recommendation/ Solution	Proposed	Outcome	Activities	Milestones	Proposed Timeframe
					* <i>Supported meetings refers to those meetings that have the financial and/or technical support of SADC or development partners.</i>		
SADC Compliance Mechanism on NTBs							
2	Absence of NTB mechanism at SADC level: - Low compliance levels in the area of NTBs; - Weak NTBs enforcement mechanism - No defined process pathway for escalating concerns relating to long outstanding NTBs to dispute resolution.	Complete benchmarking with other regions. (e.g. EAC and COMESA). Develop Specialised Annex to support implementation of Article 6 of the SADC Protocol on Trade (an NTBs Annex).		Benchmarking. Study undertaken of African and other regions will inform process to develop a SADC NTB Annex. Draft NTBs Annex. A draft prepared, with Memorandum outlining objectives, outline of benefits, and action plan. Dispute Resolution. Considering NTBs dispute resolution processes in the other tripartite regions and at the Tripartite Free Trade Area (TFTA); a comprehensive plan that can be applied to SADC for escalation of NTB concerns.	<i>i) Benchmarking exercise against other regions.</i> <i>ii) Validate the study with a technical team from Member States.</i> <i>iii) Technical team makes recommendations to the Sub-committee on Customs Cooperation (meeting annually in May)</i> <i>iv) Sub-committee on Customs Cooperation makes a recommendation to the Sub-committee on Trade Facilitation (CTF).</i> <i>v) The CTF then makes a recommendation to the SADC Trade Negotiating Forum.</i> <i>vi) Finally, this issue is recommended to the SADC Committee of Ministers for Trade CMT).</i>	Benchmarking study (which is already in process) completed, with results taken into account. Legal analysis to complement benchmarking study. These complementary studies presented for validation to a Technical Committee selected from Member States. Process introduced to SADC processes. CMT makes decision about the Specialised Annex.	Between January 2023 – December 2024.
Need for Structured Regional Implementation Process and Accompanying Monitoring Mechanism							
3	Absence of a structured NTB monitoring mechanism at the SADC level	Structured NTB monitoring mechanism to facilitate monitoring (for compliance and		A built-in, systemic, process of ongoing NTB resolution monitoring and oversight at	<i>i) SADC Secretariat to hire an NTB Officer to coordinate work relating to NTBs in the region.</i>	TNF to develop framework for implementation	January 2023 – December 2023.

	Challenges	Recommendation/ Proposed Solution	Outcome	Activities	Milestones	Proposed Timeframe
		<p>implementation) at the SADC level.</p> <p>Support for Member States that do not yet have the mechanism in place to develop time bound NTB implementation and action plans.</p> <p>SADC Member States will oversee implementation process, and TNF will receive progress reports on elimination of NTBs.</p>	<p>the level of the: Trade Negotiating Forum (TNF); and SADC Secretariat / the envisaged NTB Monitoring Unit as provided for in the TFTA.</p> <p>Time-bound NTB implementation and action plans in place in all Member States.</p> <p>Tracking and monitoring NTBs affecting intra-SADC trade, and regularly updating regional and national elimination plans with new entries.</p> <p>Ongoing structured monitoring and oversight, with Member States reporting to the TNF.</p> <p>As part of oversight function, process in place for escalating specific trade concerns raised in the TNF (linked to compliance mechanism process, in Section 2. above).</p>	<p><i>ii) Creation of a framework by SADC Secretariat (in collaboration with SADC BC and Tripartite NTB system administrator) to support Member States to finalise their time-bound action plans/ Implementation plans, including:</i></p> <ul style="list-style-type: none"> - Contents - Action plan (elimination programme) - Discuss resolution of outstanding NTBs - Reporting to Secretariat. <p><i>iii) Workshop with Member States to finalise and discuss implementation plans.</i></p> <p><i>iv) Monitoring mechanism operationalised.</i></p>	<p>format its first meeting of 2023.</p> <p>Framework to be completed by April 2023.</p> <p>Finalisation of implementation plans - completed by approximately April 2023. (Some cross-fertilisation with similar COMESA-supported process.</p> <p>Workshop scheduled between April and June 2023.</p> <p>Structured process for handling and escalating specific trade concerns raised in the Trade Negotiating Forum (linked to compliance mechanism, in Section 2. above).</p>	
Up-to-Date Contact Details for Public and Private National Focal Points						
4	Out-of-date contact details for SADC focal points (both public and private)	Secretariat, in collaboration with Tripartite NTB platform administrator, to embark on systematic update of contact	All contact details and accompanying information cleaned up and up to date.	<i>i) Official outreach by SADC Secretariat to focal point ministries across all Member States requesting updating of notified focal point</i>	Outreach to relevant institutions across all Member States requesting updating	Clean-up process to be completed by end of January

	Challenges	Recommendation/ Proposed Solution	Outcome	Activities	Milestones	Proposed Timeframe
		<p>details of Member State focal points.</p> <p>Rapid response process for Member States to notify changes to focal point contact details and appointed individuals.</p>	<p>Member States all have the requisite number (i.e., one public with alternates, and one private sector) of focal points.</p> <p>All appointed focal points are active and fulfilling their main functions.</p> <p>Regular contact by SADC NTB Officer (or designated staff), as well as the platform administrator, with NMCs and focal points will help all institutions and actors to adequately fulfil roles relating to NTB elimination in the region for the benefit of all stakeholders.</p> <p>Contact details for focal points, are regularly updated to account for changes in personnel.</p>	<p><i>contact details.</i></p> <p><i>ii) SADC Secretariat, in collaboration with NTB platform administrator to set timeframes for Member States to:</i></p> <ul style="list-style-type: none"> - <i>appoint required number of focal persons, or national alternates.</i> - <i>officially notify SADC Secretariat.</i> <p><i>iii) Member States to embark on adequate handover process for focal points, when changes occur; with requests to the Secretariat for assistance, where required.</i></p> <p><i>iv) Member States to notify, without delay, any changes in appointed individuals.</i></p>	<p>of contact details.</p> <p>All focal points details updated on NTB platform, confirmed within 2 months.</p> <p>SADC Secretariat, in collaboration with maintain updated NTB platform administrator, to continue to track and ensure that information on all focal points.</p> <p>Periodic review, with Member States confirming details every 6 months.</p>	<p>2023.</p> <p>Ongoing process of monitoring thereafter, with periodic review every 6 months.</p>
Improved Information-Sharing and Coordination (domestically) amongst NMCs, Focal Points and Stakeholders						
5	<p>Limited information among national stakeholders (such as private sector operators) on the NTB Mechanism</p> <p>Information and coordination gaps across national NTB institutions (public sector focal persons, private sector focal</p>	<p>Continued national sensitisation around the Tripartite NTB Mechanism for all stakeholder groups.</p> <p>Capacity-building (at Member State levels), with training of specifically targeted stakeholder groups</p>	<p>Full coordination across national institutions</p> <p>NMCs and focal points communicate regularly on a peer-to-peer basis and within the framework of NMCs` meetings.</p>	<p>i) <i>Member States to individually request assistance via SADC Secretariat for support with hosting national sensitisation meetings.</i></p> <p>ii) <i>regional media/ journalists` training on NTB Mechanism – with a view to outreach and awareness-</i></p>	<p>SADC BC to support multi-stakeholder national sensitisation meetings on NTB Mechanism, with a focus on:</p> <ul style="list-style-type: none"> - NTB institutions. - institutional coordination, and 	<p>January 2023 – December 2023.</p>

	Challenges	Recommendation/ Solution	Proposed	Outcome	Activities	Milestones	Proposed Timeframe
	<p>persons, focal point ministries, and NMCs)</p> <p>Information and coordination gaps between national NTBs institutions and other stakeholders, little to no information provided to Member State stakeholders on the status of reported NTBs.</p>	<p>As part of enhancing coordination, and improving information flow, Member States will also ensure that NMCs hold regular meetings (associated support activities listed in Section 1. above)</p>		<p>Awareness of institutions and actors in the NTB elimination process is heightened.</p> <p>The business challenges caused by NTBs are discussed transparently amongst all national stakeholders and there is a concerted effort to highlight them to the parties able to move these towards resolution.</p>	<p><i>raising at the national levels (1 meeting in online format).</i></p>	<p>the roles and functions of NMCs and focal points; - TFTA NTB Annex.</p> <p>In the margins of SADC-related events, sessions to train journalists for outreach on Tripartite NTB Mechanism (1 session) Hosting of a regional learning seminar, on the margins of high-level SADC events or meetings (1 seminar per year)</p>	
Training and Sensitisation of NMCs and Focal Points (regional level), and Regional Dialogue							
6	<p>NMCs and focal points do not feel sufficiently equipped, from both a practical (including the operation of the NTB Mechanism itself) and institutional perspective, to fully undertake their duties.</p>	<p>There is a need for training of NMCs / focal points, and the orientation of new ones before they take up their roles.</p> <p>There is a need for NMCs and focal points to:</p> <ul style="list-style-type: none"> - have focussed dialogue around understanding their respective roles in relation to each other, and vis-à-vis other actors / stakeholders; - share best practices across NMCs and focal points. 		<p>Individuals in the roles of SADC NMCs and focal points are more effective in fulfilling their roles and functions.</p> <p>Overall institutional and operational improvements at the level of SADC NMCs and focal points.</p>	<p>i) <i>Regional meeting for NMCs and Focal Points (in-person):</i></p> <ul style="list-style-type: none"> - <i>with an emphasis towards orientation; and</i> - <i>a component for dialogue and sharing of experiences.</i> <p>ii) <i>Hosting of regional learning seminars on the NTB Mechanism, and best practices across various regions, at high-level SADC events with the attendance of NMCs and focal points (1 meeting per year – in-person or virtual).</i></p>	<p>Hosting of orientation, and institutional strengthening and dialogue session for Member State NMCs and focal points (1 x yearly in-person)</p> <p>Hosting of side event or seminar in the margins of high-level SADC event (1 x</p>	<p>First set of meetings to take place between January 2024 – December 2025.</p> <p><i>Ongoing, thereafter.</i></p>

	Challenges	Recommendation/ Solution	Proposed	Outcome	Activities	Milestones	Proposed Timeframe
						yearly in in-person or hybrid format)	
Process for Dealing with Longstanding Unresolved NTBs							
7	Despite reporting and processing, some NTBs remain unresolved for an extended period of time.	Continued collaboration between SADC Secretariat, SADC BC and partners in supporting resolution of specific NTBs reported on the NTB Mechanism. Clearing of backlogs: Agenda item to be placed on the next meeting of the TNF to discuss the clearing of long outstanding NTBs and administrative backlogs in the system. NTBs that have taken a long time to resolve may need bilateral interventions. Define escalation process for unresolved NTBs <i>Introduction of timelines / traffic light system for unresolved NTBs to flag those that have been long outstanding.</i>		Eliminating NTBs that have been in the system for an extended period, with a focus on: - those between 90 days – 120 days; - those over 120 days. <i>Defined process for escalating unresolved NTBs (also linked to activities in Section 2).</i>	i) <i>Continuation of facilitated meetings by SADC BC aimed at resolving specific outstanding NTBs.</i> ii) <i>Regarding traffic light system:</i> - <i>Design system with input from SADC Secretariat and relevant Member States` institutions that categorises NTBs into stages of resolution (e.g., new, in process, unresolved despite escalations / resolved).</i> iii) <i>System like the time-bound matrix used by EAC and COMESA (and provided for in the TFTA) set up for SADC TNF to oversee.</i>	Clearing of current backlogs through successful facilitated resolutions of identified NTBs, bilateral interactions, and TNF oversight Becomes a standing agenda item on TNF for Member States to provide feedback on what measures have been adopted to address longstanding unresolved NTBs	January 2023 – December 2024. -
Improving Responsiveness of Focal Points and their Effectiveness in the Processing of Complaints							
8	Non-active and non-responsive focal points Slow processing of complaints	Develop a Guiding Framework on the roles and functions of focal points. This is linked to recommendations and activities		All Focal Points are actively engaged in NTB monitoring and reporting.	i) <i>Focal points to be responsive to weekly reporting to the Secretariat and the NTB platform administrator.</i>	Regular bilateral meetings facilitated by SADC Secretariat and/or SADC BC	November 2022 – November 2023, (with possible review

	Challenges	Recommendation/ Proposed Solution	Outcome	Activities	Milestones	Proposed Timeframe
	<p>Limited feedback by focal points and / or little detailed updating around status of active complaints</p>	<p>in Section 1. and Section 2., above) .</p> <p>Process to also oversee that:</p> <ul style="list-style-type: none"> - focal points are performing their duties and functions; and - that where they face any challenges, at the level of functioning of their own focal points, Member States report these to the TNF and SADC Secretariat; - Member States that have been affected by slow processing of complaints, or limited feedback on status of active complaints, raise their concerns timeously either through TNF, SADC BC and / or SADC Secretariat. 	<p>Active participation and processing of NTBs by focal points.</p> <p>Focal points cooperate with Secretariat on their weekly reporting and communicate reasons for any challenges or delays.</p>	<p><i>ii) Bilateral meetings for Member States that have raised specific trade concerns around outstanding NTBs in another Member State.</i></p> <p>Remaining activities all overlap with activities already listed elsewhere in the matrix:</p> <p><i>iii) Guidelines on the role and functions of focal points to be drafted (as part of framework for implementation, compliance and oversight processes (discussed in Sections 2. And 3., above), and circulated to all Member States and Focal Point institutions for agreement and implementation</i></p> <p><i>iv) All activities relating to the strengthening NMCs (in Section 1.) also applicable here, as:</i></p> <ul style="list-style-type: none"> - <i>the role and functions of focal points fall under NTB implementation plans; and</i> - <i>it is part of the role of NMCs to define the mandate and responsibilities of NTB institutional structures.</i> 	<p>Member States agree on process to move reported NTBs to the next stages of resolution, in order to create a learning tool for future occurrences of NTBs.</p> <p>Complaints move more quickly through the NTB Mechanism</p>	<p>when related activities elsewhere in the matrix are completed).</p>

	Challenges	Recommendation/ Solution	Proposed	Outcome	Activities	Milestones	Proposed Timeframe
					v) <i>Activities (under Section 4.) related to: the cleaning up and updating focal point details; and request to Member States to appoint requisite numbers of focal points.</i>		
Consideration to be Given to Further Expanding SMS Tool at the SADC Level							
9	<p>Only 4 SADC Members States (who are also Member States of COMESA) currently use the SMS tool.</p> <p>A number of Member States and economic operators are hamstrung by the fact that the SMS tool is not universally in use in the region. EAC is already utilising it, and rollout in COMESA is funded.</p>	Expanding the use of SMS tool to more Member States to enable wider reach of NTB reporting process, and align with other RECs, TFTA, and AfCFTA.		Broader use of SMS tool to more Member States will enable wider reach of NTB reporting process and expand accessibility of reporting tools to economic operators.	<p>i) <i>TNF to consider the request to expand the use of the SMS tool to more SADC Member States.</i></p> <p>ii) <i>SADC BC and SADC Secretariat to:</i></p> <ul style="list-style-type: none"> - <i>identify Member States that are interested in participating in the expanded pilot process;</i> - <i>communicate this to NTB platform administrator and Tripartite Task Force;</i> - <i>identify from which funds the process will be initiated; and</i> - <i>and coordinate with the currently underway COMESA process.</i> 	<p>SADC Secretariat and/ or SADC BC to identify which Member States will participate in the expanded pilot by in the first instance, registering their interest at the next meeting of the TNF..</p> <p>SADC Secretariat with SADC BC , to:</p> <ul style="list-style-type: none"> - conduct analysis of/ receive feedback from Member States already utilising the tool; - activate and define the process for expanding the tool to the additional Member States. 	January 2023 – December 2024.

	<i>Challenges</i>	<i>Recommendation/ Solution</i>	<i>Proposed</i>	<i>Outcome</i>	<i>Activities</i>	<i>Milestones</i>	<i>Proposed Timeframe</i>