



Southern Africa and the trading relationship with the European Union (EU)

By

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Introduction and scene-setting

The trading relationship between the Southern African region and the EU is at a crossroads, where there are two major directions possible for the region plus numerous side roads that may or may not lead anywhere. Those two major roads are for (a) a consolidation within the Southern African Customs Union (SACU) behind South Africa and the Trade and Development Cooperation Agreement (TDCA) and (b) for South Africa and the non-South African members of SACU (Botswana, Lesotho, Namibia and Swaziland, the so-called 'BLNS' countries) to continue on somewhat parallel pathways both within the TDCA but with the BLNS negotiating as a team that includes Mozambique, Angola and Tanzania (MAT) along with South Africa as an observer partner for the best possible deal with the EU under the wider Economic Partnership Agreements (EPA).

This note will argue that SACU, as the world's oldest and one of the most efficiently functioning customs unions, should consider an enhanced Customs Union-to-Customs Union bilateral deal. The stark realities are (1) on imports, all of SACU are intertwined and bound by the common tariff, (b) the enhanced export preferential opportunities that the BLNS enjoy to the EU are firstly probably able to be cemented by negotiations within a SACU agreement and secondly, as this note will show, are not as significant as perceptions of their value..

This leaves MAT in limbo. Again, this note will argue that Tanzania's future lies far to the north as part of the East African Community, that Mozambique could and possibly should seriously discuss with SACU the option of full membership of SACU, and that Angola has a way to go along the road to stable governance but could then also discuss membership of SACU if it considered that to be beneficial later. Meanwhile, some sort of interim arrangement for at least Mozambique and possibly also Angola could be considered as co-members of SACU for the purpose of the EU/TDCA arrangement. Reverting to Tanzania, it is just not possible for a country to be part of two Customs Unions -- end of story.

Mozambique: to join or not to join (that is the question)

Although no new states have joined the customs union since its inception, the SACU Agreement makes provision for the accession of new members. Art 6 states that any state not mentioned in the Preamble, and therefore not a member of the customs union, may become a member upon being admitted by the existing Member States and acceding to the Agreement. The responsibility of approving any state's prospective membership is borne by the Council.¹ Art 6.2 of the Agreement requires a unanimous Council decision for a new Member State to be admitted. Art 6.3 of the Agreement gives the Council the power to determine the procedures and criteria for the admission of new members. These procedures have yet to be determined, as no state has made a formal application to join the customs union.

The key issue for Mozambique is the issue of the merging of Mozambique's tariff schedule into that of SACU and the differences to revenues that this would make relative to the potential sharing from the resultant enlarged SACU revenue pool. The answer is therefore a balance between what Mozambique would gain by its participation in the SACU revenue pool versus collecting tariffs on its 'own account'. This depends upon a range of factors including differences in the general tariff schedules, imports from SADC as they would become duty-free under SACU, and the size of the imports from SACU to lay claim to its revenue pool share. The latter dictates the new replacement 'tariff revenue'² to Mozambique, whose formula has virtually no relationship to current imports outside of SACU. The key sequential points essential to obtaining this answer are outlined below.

During 2005 the trade data reveals that Mozambique imported a total of over US\$ 2.4 billion worth of goods from the world. Nearly half (\$1.1 billion or 47%) of the imports came from SADC, and in turn some 91 percent (\$1.0 billion) of these imports came from South Africa³. Imports from the EU were recorded at \$266 million or 11 percent of Mozambique's total imports. These facts point to several issues for the future. The

¹ The 'Council' denotes the Council of Ministers which constitutes the 'supreme decision making authority' of SACU. This institution is composed of at least one Minister from each Member State

² Note that 'tariff revenues' are in inverted commas, as the new tariff revenues are firstly sent to the SACU pool and then secondly returned to Mozambique using a formula based upon intra-SACU imports only.

³ We would note that South Africa's share of the Mozambique market for 2003, the most recent year for direct comparison from the TIPS data, was 36%. This is less than half of the BLNS values of between 80 – 87% in the same year.

main one is that imports from South Africa (and indeed all of SADC) will now become duty-free, thus lowering the price of these goods but increasing competition in the domestic production sectors. Another is that for all practical purposes the imports from the EU will be subject to the TDCA tariffs.

By products, the main imports into Mozambique at the HS 4 digit lines were in HS 9999 'Commodities not elsewhere specified' that comprise 19 percent of the total (and as there is neither a better definition nor a tariff code associated with these imports, analysis is complicated and will most likely lead to an underestimate of the duties), oil products (11%), rice (5%), cars (4%), electricity (3%), buses and trucks (2%) and wheat (2%). The main imports from South Africa were oil, electricity and vehicles, while from the EU the main imports were telephone equipment, books, fishing and fish processing vessels, medicants and wheat. From non-South Africa/SADC the main imports were fish, tobacco and sugar-based drink flavourings.

There are five tariff bands into Mozambique: 0%, 2.5%, 5%, 7.5% and 25%, with the latter applying to consumer goods and scheduled to reduce to 20% in 2007. The main products here were:

- 25%, motor vehicles, electrical equipment, fish, powdered milk, tyres and used clothing
- 7.5%, oil, cement, radios and computers
- 5%, trucks, tractors, mine machinery, fishing vessels and railway rolling stock
- 2.5%, agricultural products of rice, wheat and palm oil
- 0%, electricity, books and medicants.

The average duty on all imports was 11.5 percent with a lower 10.5 percent applied to South African imports. This indicates that a high percentage of the goods are concentrated in the upper band (25%), a band that will reduce to 20 percent in 2007. The tariff-take (ignoring the HS 9999 goods) was some \$182 million based upon these trade flows and the Mozambique tariffs.

Under SACU rates, the overall take would decline to \$155 million or an average rate of 7.2 percent. For the South African and 'rest of SADC' imports the rate is zero, while for the EU it reduces to 4.3 percent. In terms of revenue implications, by

accepting to join the SACU, Mozambique will forgo a total of \$15 million in revenue from goods that will now enter duty-free. By origin \$5.6 million is from EU while \$10.4 million from rest of the world. The top five product lines (from rest of world) with a combined revenue of \$4.7 million (45%) are – rice; cement; motorcycles or bicycles; computers; and machinery for sorting, screening, washing mineral products.

The revenue forgone is significant compared to \$1 million generated from products that previously entered Mozambique duty-free. Here 70% of the new revenue originates from rest of the world with an average duty of 20%. EU revenue is only \$300 thousand and the average rate is 12%. These products (only six) and their new respective duties are:

- H1901: Malt extract, flour, dairy preparations, low cocoa (17%);
- H4014: Hygienic or pharmaceutical articles of rubber (15%);
- H9609: Pencils (ordinary), pencil leads, chalks, pastels etc. (2%);
- H4015: Rubber clothing and accessories, except hard rubber(15%);
- H2815: Hydroxides and peroxides of sodium and potassium (9%); and
- H3005: Medical wadding, gauze, dressings etc. (3%).

By switching to the SACU schedule, a total of 88 lines from rest of the world increase revenue by 100% or more. This amounts to \$27 million or 17% of total new revenue. The top five product lines by value and their respective percentage increases are:

- H0402: Milk and cream, concentrated or sweetened (284%);
- H6309: Worn clothing and other worn articles (140%);
- H8704: Motor vehicles for the transport of goods (269%);
- H1511: Palm oil and its fractions, not chemically modified (300%); and
- H8708: Parts and accessories for motor vehicles (142%)

Thus, Mozambique contributes \$155 million to the SACU pool, while what it collects from that same pool funds would be based upon the intra-SACU imports and the size of the total pool, as the SACU Agreement states that the tariff revenue share accruing to each member state is to be divided into three components: a customs pool (net of industrial policy rebates), an excise pool, and a development component (funded from the excise pool prior to any distribution of the main body of that pool).

The customs component is allocated according to each country's share of total intra-SACU trade, excluding re-exports, and is calculated on the basis of an agreed forecast of the Customs and Excise Pools with any deviation between the forecast and the actual collections adjusted later.

Given that a large degree of the distribution is in effect an aid grant from South Africa it is likely that Mozambique would be better off, at least initially⁴. Flatters and Stern (2006)⁵ concisely outline both the operational aspects of the SACU revenue pool and the myriad of problems that it is facing. These problems include the poor quality of the trade data that revenue shares are based upon and the excessive costs of collecting that data; the high transfers from South African taxpayers to the BLNS that are embedded in the formula; the vulnerability of the BLNS to reductions in the revenue pool from what are essentially South African tariff and industrial policies and the vulnerabilities of the BLNS to these policies; and the perverse manner in which natural coalition-building partnerships for reform are being distracted. Other tralac research supports these conclusions that will inevitably lead to another change in the ill-conceived SACU revenue-sharing formula.

Flatters et al. (2004) examine the issue of Mozambique's revenue pool share based upon 2002 data. At that time they calculated that had Mozambique been in SACU and assuming the trade flows of the time, there would have been an increase of revenues from the pool (and from excise duties) of around 12 percent of what they otherwise would have been. Note however that there is a decrease in tariff revenues prior to this point of a similar relative magnitude (43%) as was calculated above, but that overall this is mostly restored by a combination of the effective transfers from the revenue pool and an increase in excise duties that is, in turn, funnelled through the revenue pool before being returned with a nine percent increase from South African taxpayers/drinkers/smokers. Other BLNS counties were partially funding these transfers to the tune of around four percent of their pool revenues each. This analysis was undertaken on 2002 estimates; in order to update the estimates several pieces of data are needed, most of which are difficult to obtain. We would, however,

⁴ In November 2006 the Treasury indicated that South Africa's obligations to its four partners in SACU 'have rocketed from R19.7 billion in February to R29.2 billion' as South African imports grow. The Director-General is calling for a review of this formula as the realisation of the size of the transfers is being registered, and this can only be bad news for the BLNS and potentially Mozambique should it decide to join SACU.

⁵ Flatters and Stern (2006).

note that Mozambique's imports from South Africa have increased relative to the SACU members' data reported in the TIPS database by around 50 percent, thus indicating that their relative shares would be increasing at similar rates accentuating both the effective transfer grants from South Africa on the one hand and revenues shares at the expense of BLNS on the other.

There are, of course, several political-economic implications for this rather visionary approach to materialise. One is that a sea-change in the attitude of the EU may be required, but the EU has clearly indicated that it is willing to make similar sea-changes with respect to its own enlargements over time. Another is the dominant economic and political role of South Africa, a country that still has residual effects of its previously 'troubled period' and associated policies and attitudes remembered in the region. These will need to be addressed as part of the political landscape regardless of whatever pathway is chosen. Another major issue facing SACU is that the pool revenue-sharing formula will have to be revisited sooner rather than later, and any expansion to include Mozambique will accentuate the pressures for this to happen.

The common good for the region is clearly enhanced by a prosperous and politically stable neighbourhood, and a well functioning regional integration framework is the best foundation of this. Such a framework is not likely from SADC in the medium-term future despite all the blinkered-vision pronouncements about an FTA and more closely working monetary policies operating within SADC. Concentrating upon an enlargement process for SACU if and when others are willing and, more importantly, able to join, is the best way to circumvent the political economy wastage of a SADC FTA. It is, after all, the way in which the EU has expanded over the last half a century, and few visionaries would have anticipated the current EU following the 1960 Treaty of Rome that started that process.

Current trading regimes

The defensive interests

On imports, currently (and historically) around 40 percent of South Africa's imports are sourced from the EU, and given the free transfer of these imports through SACU

this means that BLNS countries are tied to the TDCA. Although they have the authority to charge duties that relate to the difference between the Most Favoured Nation (MFN) rates and TDCA preferences, it is entirely impractical to do so. An examination of the TDCA preferences shows these preferences to be significant and still declining to the extent that by the end of the TDCA implementation period in perhaps four or five years' time, imports from the EU into SACU will be almost duty-free excepting for meat and dairy products in agriculture and clothing, but, more significantly, for motor vehicles and their parts. This has implications for the BLNS in that it is almost impossible for them to formulate sensible industrial policies given the limited degrees of freedom in tariff policies and the dominance of South African industrial policies within the region. It also, of course, has implications for the BLNS revenues, and highlights the need (from a BLNS perspective) to isolate the 'aid' component from South Africa of the revenues shares and to stop these retreating in the face of declining tariffs.

The defensive interests of Mozambique have been alluded to above, with a key defence consideration that nearly half of its current imports would arrive duty-free from South Africa. On the question of defensive or special products put forward by the BLNS there seems to be limited sensible or practical opportunities outside the SACU tariff schedule for assembling any protective battlements against outside imports in the absence of any competition policies within the BLNS themselves.

The offensive interests

South Africa

Similarly, around one-third (32.6% in 2005) of South African reported exports are destined for the EU. By the TDCA end point all non-agricultural exports (the dominant products) will for all practical purposes be duty-free into the EU. This leaves agricultural products facing medium to high duties in many cases and some quantitative restraints in these or other sectors. The main agricultural exports by broad categories and their respective duties both currently and at the end period are estimated to be fruit and vegetables, exports of \$819 million and duties of 7.0 percent; beverages (wine), exports of \$489 million and duties of an estimated 13.5 percent; and a catch-all of processed food products that includes processed

fruits with exports of \$306 million and duties of 12.7 percent. Currently, agricultural exports are around 11 percent of the total to the EU. Thus, South Africa does have some potential for negotiations on agricultural access on a few products, with both a lowering of duties on current trade and enhanced access for sugar in particular.

The BLNS

The big issue here is for these countries to preserve their market access conditions into Europe. This note will now sequentially examine the individual BLNS countries for their exports to the EU and place that trade in perspective.

The least developed members

These are currently Lesotho and potentially Mozambique, and the key point here is that both have duty- and quota-free access into the EU (or soon will have when all agricultural products become free) under the Everything but Arms (EBA) regime. It is simply a matter of holding those access conditions. For Lesotho, a minor 1.2 percent of total exports went to the EU during 2003. Of these, some 88.4 percent were diamonds (where some 97% of the diamond exports went to the EU) and effectively all the remainder was clothing as the EU took a minor 0.2 percent of the clothing exports from Lesotho⁶. For Mozambique, a significantly high 64.3 percent of its 2005 exports went to the EU, with some aluminium alloy bars and rods (that went exclusively to the EU) making up 91 percent of these exports to the EU (and shrimps and tobacco comprising most of the remainder). Thus, for these two countries the main issues are preserving access for diamonds and aluminium rods and bars; the first are duty-free, the second face MFN duties of 7.5 percent.

Swaziland

As a developing country Swaziland does not have access under EBA, but does have preferential access under both/either the GSP or the Cotonou Agreement. Again, with Lesotho, only 1.6 percent of exports from Swaziland during 2004 were destined for the EU. These were concentrated in agricultural products (74%), with the next

⁶ We would note that currently clothing exports to the US under the Africa Growth and Opportunity Act (AGOA) are effectively the only 'outside' export from Lesotho to the world, and further note that it is likely that restrictive rules of origin are the factor constraining clothing exports from Lesotho to the EU.

grouping being textiles and clothing. The largest global export from Swaziland is HS 3302, odoriferous substances for industrial use, and these exports comprise 45 percent of the total exports. These are, in fact, sugar-based drink flavourings for Coca-Cola and are largely destined for South Africa, Australasia and Asia. Other agricultural products include processed fruit and nuts, cane sugars, and some fresh vegetables dominate, although there are also fresh/chilled beef exports. As always, these agricultural products generally face difficult market access into the EU, and this situation will only change marginally. Within any expanded TDCA, Swaziland will need to be vigilant that any preferences are maintained, with sugar and beef probably the main individual products of concern here.

Botswana

This is truly a case of diamonds being a country's best friend, as 74.9 percent of all recorded exports from Botswana are diamonds and 99 percent of these are destined for the EU. These exports in turn represent 96.9 percent of Botswana's exports to the EU, with textiles and clothing (1.5%) and beef (1.1%) almost completing the entire portfolio. As mentioned above (and this is also relevant to Namibia) diamonds are duty-free from all sources. The beef exports of \$38.9 million or 52 percent of the total beef exports from Botswana enter the EU under a preferential arrangement, and this arrangement along with the textiles and clothing trade access that currently represent Botswana's interests into the EU is important.

Namibia

As with Botswana, diamonds are again important, this time making up 13 percent of Namibia's global exports with 79 percent of these destined for the EU. In turn, these were 34 percent of Namibia's exports to the EU during 2003, the latest data available. Similarly as for Botswana, beef exports to the EU are of strategic and symbolic interest to Namibia, but the data shows exports of only \$1,072,993 in the entire HS 02 Meat Chapter as being exported to the EU during 2003. As a percentage of Namibian global exports totalling \$1.3 billion these are insignificant⁷. Fish products with 24 percent of the total exports, are, however, crucial for Namibia,

⁷ These export figures do not reconcile with the much higher EU import data that shows beef imports into the EU of between 30 to 35 million euro over the last three years of 2003, 2004 and 2005 (and a higher euro 49 million for each of the two years previous to those).

and in turn some 68 percent of these are destined for the EU. Access conditions for these products into the EU are, like their agricultural cousins, extremely complex and would need careful monitoring and negotiations to preserve at a minimum any preferential conditions. The next most important HS 4 lines destined for the EU are uranium or thorium ores and concentrates, zinc products, leather, fluorine, and hides and skins, where, except for the five percent duty on zinc products, access into the EU is duty-free to all sources. These exports cover 95 percent of the total to the EU, but a more in-depth analysis is needed to assess the situation for the remaining rather diverse group that includes salt, petroleum products, granite, plants for perfumes and pharmacy needs, and motor vehicle parts.

Conclusion

In conclusion, the 'big picture' for BLNS exports to the EU suggests that there are few access issues that could not be resolved between two parties willing to address the issues in good faith. From there, it is a matter of negotiation to try to enhance these conditions, but there are few reasons to suggest that this would be easier under an EPA than an extended TDCA negotiation. This scenario, coupled with the reality that the BLNS countries are locked into the TDCA with European imports, reinforces that the common-sense approach is to negotiate on a customs union to customs union basis. This would involve offering Mozambique and Angola membership of SACU, now or very soon for Mozambique, and, when ready, for Angola, and politely suggesting to Tanzania that their future lies to the north.

Products requiring special attention to preserve their access arrangements into the EU from the BLNS focus on beef from Namibia and Botswana in particular and Swaziland to a lesser degree (where no concessions have been granted to South Africa under the TDCA), and possibly fish and fish products from Namibia (where again few if any concessions have been granted under the TDCA). Beef exports to the EU HS 020130 and HS 020230 (fresh and frozen beef respectively) face rates of at least 91 percent under the TDCA and even higher in some lines, and tariffs of this level would stop exports to the EU valued at euro45.1 million, 30.3 million and 0.13 million from Namibia, Botswana and Swaziland respectively. Currently beef is exported to the EU with a preference that reduces the tariff by some 92 percent for

Botswana, Namibia and Swaziland, along with a quota that does not seem to be binding. Fish is duty-free from Namibia, and Swaziland has a sugar preference deal.

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