



MINISTRY OF INDUSTRY, TRADE AND TOURISM

NATIONAL TRADE FACILITATION ACTION PLAN

(2018-2023)

FOREWORD

For a long time, issues of trade facilitation have not been handled in a consolidated manner as was supposed to be. There were disjointed efforts by various institutions, which independently tackled trade facilitation interventions in an isolated manner despite clear existing inter-linkages between them.

Realising this shortfall, the Ministry decided to consolidate all efforts on trade facilitation in view of the fact that trade facilitation issues fall under the armpit of the Ministry. It is at this point where my Ministry, in collaboration with all stakeholders, spearheaded inclusion of trade facilitation into the broader National Reforms Programme championed by His Excellency the State President, Professor Arthur Peter Mutharika.

Trade facilitation, which is about expedited movement, release and clearance of imports and exports, play a vital role in the development processes of any country. The primary goal of trade facilitation is to help make trade across borders faster, cheaper and more predictable, whilst ensuring its safety and security. In terms of focus, it is about simplifying and harmonising formalities, procedures, and the related exchange of information and documents between the various partners in the supply chain with a view to reducing the transaction costs in local and international trade.

My Ministry in 2015 developed a three-year National Trade Facilitation Action Plan (NTF-AP), which guided implementation of the national trade facilitation reforms in the country. The NTF-AP has this year been revised until 2023. The new NTF-AP contains yet another set of strategic reforms, which once implemented will substantially move the country on the global ranking of the Doing Business Index.

At multilateral level trade facilitation reforms are enshrined in the World Trade Organization Trade Facilitation Agreement (WTO TFA). Malawi, being a landlocked country that relies on its neighbouring countries for her access to the seaports, stands to benefit with the WTO TFA as it enhances transparency in transit procedures and requirements. Coastal countries will be obliged to adopt transparent and predictable transit systems to ensure that good destined for landlocked countries is shipped without undue hindrances.

Finally, on a special note let me sincerely thank the World Bank Group for the financial and logistical support provided to the Ministry throughout the process of developing the NTF-AP. I wish to acknowledge the enormous contribution made to the NTF-AP development process and to extend the request for more support towards the effective implementation of NTF-AP.



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LIST OF ACRONYMS AND ABBREVIATIONS

COMESA	Common Market for Eastern and Southern Africa
DTIS	Diagnostic Trade Integrated Study
GoM,	Government of Malawi
LDC	Least Developed Country
MBS	Malawi Bureau of Standards
MGDS III	Malawi Growth and Development Strategy
MRA	Malawi Revenue Authority
MoAIWD	Ministry of Agriculture, Irrigation and Water Development
MoFEPD	Ministry of Finance, Economic Planning, and Development
MoITT	Ministry of Industry, Trade and Tourism
MoJCA	Ministry of Justice and Constitutional Affairs
MoTPW	Ministry of Transport and Public Works
MCBA	Multi-criteria Business Analysis
NCBF	National Customs Business Forum
NES	National Export Strategy
NTF-AP	National Trade Facilitation – Action Plan
NTFC	National Trade Facilitation Committee
NWGTP	National Working Group on Trade Policy
NTBs	Non-Tariff Barriers
OSS	One Stop Shop
RECs	Regional Economic Communities
SPS	Sanitary and Phytosanitary
SADC	Southern Africa Development Community
SQAM	Standards, Quality, Assurance and Metrology
TRS	Time Release Study
TF	Trade Facilitation
TFA	Trade Facilitation Agreement
UNECA	United Nations Economic Commission for Africa
WBG	World Bank Group
WTO	World Trade Organization

ACKNOWLEDGEMENTS

The Government of Malawi acknowledges financial and technical support from the World Bank Group towards the NTF-AP process. This support included consolidation of the 2017 Malawi – WTO Trade Facilitation Validation Report, which identified gaps in implementation of the WTO-TFA by Malawi and informed some of the activities included in the NTFAP. Support was also provided towards hosting working sessions of key stakeholders in formulation of the NTF-AP, and dissemination of the document.

This support was provided under the Trade Facilitation Support Program (TFSP). The TFSP was launched in June 2014 and provides support for countries seeking assistance in aligning their trade practices with the WTO TFA. Focused on supporting the full and effective implementation of the WTO TFA and related trade facilitation reforms, the TFSP is designed to provide practical and demand-driven assistance. The TFSP provides technical assistance to 45 countries; 30% of which are in Sub-Saharan Africa. The TFSP is financed by nine development partners, namely: Australia, Canada, the European Union, the Netherlands, Norway, Sweden, Switzerland, United Kingdom and the United States of America. The Government of Malawi fully appreciates the support provided by these development partners.



Australian Government
Department of Foreign Affairs and Trade



Government
of Canada Gouvernement
du Canada



Ministry of Foreign Affairs of the
Netherlands



Norwegian Ministry
of Foreign Affairs



EXECUTIVE SUMMARY

The Government of Malawi is committed to the implementation of trade facilitation reforms. The Government recognises that effective implementation of trade facilitation programmes will improve the country's trade competitiveness, thereby contributing to accelerated national economic growth. The Government's commitment is visible in the overarching national development strategy, the Malawi Growth and Development Strategy (MGDS III) and other sectoral policies aimed at providing strategic direction for the holistic implementation of trade facilitation programmes in the country.

Trade facilitation by simple definition is about the simplification, harmonisation, standardisation, and modernisation of international trade procedures with the objective of reducing transaction costs in local and international trade. Trade facilitation processes increase or reduce the transaction costs associated with trading across the borders of a country. The primary goal of trade facilitation reforms is to make trade across borders faster and cheaper. This entails making procedures and the related exchange of information and documents between the various partners in the supply chain more predictable, whilst ensuring the safety and security of transactions.

The Ministry of Industry, Trade and Tourism is the coordinating agency for the implementation of trade facilitation initiatives in Malawi. In order to effectively implement multitask trade facilitation interventions, the Ministry facilitated the establishment of an inter-agency National Trade Facilitation Committee (NTFC) in 2015 to oversee the implementation of trade facilitation reforms. Since 2015, the NTFC has been guided by a three-year National Trade Facilitation Action Plan (NTF-AP), which was developed in collaboration with all stakeholders following various studies undertaken in the area of trade facilitation.

The development of a simplified and automated trade environment is a challenging reform programmes that requires vision, leadership, change management and collaboration between all stakeholders. The document at hand is a revision of the previous NTF-AP, which was revised to guide the NTFC on the implementation of trade facilitation activities for the next five years until 2023. The revised NTF-AP supersedes the first one in terms of objectives, vision, goals and performance indicators for objective monitoring and evaluation.

At the global level, Malawi, being a member of the World Trade Organization, subscribes to the ideals and objectives of the Trade Facilitation Agreement, aiming at standardising import, export and transit trade processes and procedures. Malawi, being a landlocked country that relies on neighbouring countries for accessing to seaports, finds relief in the provisions of the Trade Facilitation Framework as it binds transit countries to guarantee standard transit procedures thereby ensuring predictability when transiting through neighbouring countries.

1. INTRODUCTION

Trade facilitation is recognised as a key tool in trade and economic development policy by governments and development partners around the world. Trade facilitation has the potential to generate major benefits for an economy through increasing the efficiency of procedures associated with trading across borders, leading to increased participation of developing and transition economies in global markets. It is against this background that trade facilitation is a matter of strategic focus for the Government of Malawi and should be fully mainstreamed into the country's policy frameworks.

Malawi recognises the importance of trade facilitation as one of the measures suited for enhancing the competitiveness of Malawian exports by reducing the cost of doing business. As a landlocked least developed country and member of the WTO, as well as the regional economic communities (RECs) COMESA and SADC, it is important for Malawi to adopt the right domestic legal and institutional framework to facilitate its participation in international trade.

In 2015, the Government of Malawi, through the Ministry of Industry, Trade and Tourism, developed a National Trade Facilitation Action Plan (NTF-AP) to guide the implementation of all trade facilitation interventions in the country for a period of three years, until 2017. The NTF-AP is a short and comprehensive document, laying out a strategic vision towards trade facilitation reforms in the country and identifying the milestones to be achieved within the given period. It is a public document, accessible to all stakeholders involved in the reforms.

Trade facilitation processes reduce the transaction costs associated with trading across borders, with the primary goal of making international trade faster and cheaper. This entails making procedures and the related exchange of information and documents between the various partners in the supply chain more predictable, whilst ensuring its safety and security. In terms of focus, trade facilitation is about simplifying and harmonising formalities and processes that contribute to the national trade performance.

Malawi, as a member of the WTO, ratified the Trade Facilitation Agreement (TFA) on the 12th July 2017. The objective of the TFA is to boost global trade by expediting the movement, release and clearance of goods, including goods in transit. The TFA has a huge potential to reduce trade costs, thereby boosting trade between countries and raising incomes in WTO member states.

The TFA has special provisions allowing developing and least developed country members of the WTO to implement the agreement at their own pace through a categorisation in their schedule of commitments¹. Each member can self-determine when it will implement each of the technical provisions and can identify provisions that it will only be able to implement once technical assistance and support for capacity building have been received.

Lack of territorial access to the sea and high transport and transit costs experienced by landlocked developing countries impose serious constraints on their overall socio-economic development and impede their trade competitiveness. The development of corridors is an efficient way to promote regional integration between these landlocked and transit countries. These initiatives can lead to

¹ The different categories of categorisation under the TFA are explained further below in section 3.7.

developments such as a coordinated approach to international freight traffic, a uniform legislative framework as well as harmonised documents and procedures consistent with international best practices. These corridors include roads, water, rail links, dry ports, warehouses, distribution hubs and intermodal freight transport for the movement of goods between economic zones or industrial centres in a landlocked country and seaports in a transit country.

The Government of Malawi, acknowledging the recommendations from various study reports, has revised the NTF-AP to guide the implementation of listed trade facilitation reforms until 2023. The NTF-AP at hand provides a common vision to ensure that all the stakeholders involved in trade facilitation (including public and private agencies) are moving in the same direction. It also provides continuity to public agencies implementing reforms.

2. VISION STATEMENT

By 2023, Malawi will implement 85% of the provisions of the Trade Facilitation Agreement, which will result in a 40% reduction of the time and cost required to import and export goods. This NTF-AP aims at improving trading across Malawi's borders. It will bring about a radical simplification and harmonisation of all trade-related procedures in the country, therefore reducing the time and administrative costs for the business community, while setting the framework to implement a single integrated information system (Electronic Single Window). The business community will benefit from being enabled to efficiently import raw materials for production and from simplified procedures for exporting their final goods and services. Foreign investors will be attracted by the opportunity to invest in a country that allows them to easily export all their products. Each implemented step contributes to the growth of Malawi's economy and supports job creation. Coupled with other related government initiatives like the National Export Strategy (NES), the NTF-AP reforms will transform the Malawian economy and make trading across borders one of Malawi's competitive advantages.

3. SITUATIONAL ANALYSIS

The situational analysis in this chapter is aimed at providing some background on various issues related to Malawi's trade and its current trade facilitation system.

3.1 Policy Direction on Trade Facilitation

Trade facilitation initiatives in Malawi are supported by policy directions in the country's medium-term development strategy. The Malawi Growth and Development Strategy (MGDS III), under key priority area III, recognises industrialisation and structural transformation of the economy as essential components for maintaining rapid long-term national economic growth. Trade facilitation reforms play a critical role in instilling efficiency in industrial processes and structural transformation. This goal is supported by sectoral policies such as the National Export Strategy (NES) (2013-2018), which prioritises trade facilitation as one of the key areas needing immediate attention, as well as the Malawi Trade Policy (2016-2020), a strategy aimed at reducing the cost of trading by improving the transit and customs procedures and the trade infrastructure (Transportation, and Standards and Quality Assurance and Metrology (SQAM)).

At the global level, national policies are reinforced by Malawi's commitment to the multilateral Trade Facilitation Agreement (TFA), concluded at the ninth Ministerial Conference of the World Trade Organization (WTO) held in Bali, Indonesia, in December 2013. The objective of the TFA is to boost global trade by expediting the movement, release and clearance of goods including goods in transit.

Improving the efficiency of trade logistics procedures in Malawi will enhance the competitiveness of the country's exports in regional and international markets and will thereby help the country achieve the Government's vision in the MGDS of "Building a Productive, Competitive and Resilient Nation."

3.2 Malawi's Geographical Location

Malawi is bordered by Tanzania, Mozambique and Zambia and therefore operates through a number of physical border crossings to export its products to international markets. The country relies on four relatively long land routes: the 2,300 km road to the port of Durban, South Africa; the 1,800 km road to Dar es Salaam; the road to Beira port; and the railway to the port of Nacala, in Mozambique, both some 800km away from Malawi's economic centre. This distance to crucial gateways to the world market and other factors imply that transport and associated costs can represent more than half of the total cost of international trade transactions. Hindrances to trade flows typically relate to capacity and infrastructure constraints at the borders as well as procedures associated with importing and exporting in Malawi. The fact that cargo and transport services must adhere to completely different sets of administrative or legal conditions prevailing in Malawi's neighbouring countries further aggravates these obstacles.

Malawi recognises that its quest for competitiveness in regional and international trade is greatly undermined by border operations and procedures, transport infrastructure and systems, standards and accreditation, licensing regimes, etc. As a small landlocked country, Malawi's economic development and trade performance depend on having appropriate transit arrangements in place with neighbouring countries to access the 'gateways' and 'hubs' to international markets. In order to become a competitive player in the international market, it is *sine qua non* that Malawi overcomes its geographical bottleneck.

3.3 Public Administration Considerations

Trade facilitation is essential to Malawi because factors hindering the access to regional and global markets by Malawian businesses have a direct impact on the capacity of the Government of Malawi to foster economic growth and generate the necessary wealth and public revenue to meet its key public policy objectives. Malawi's modest economy, and resulting narrow tax base, affords its public administration with only limited means to fund necessary public investment and service provision. Therefore, it is necessary for Malawi to stimulate economic growth by fully integrating into the regional and global economy. In this way, trade facilitation improvements, through the adoption of best practice systems and processes, will have a direct impact on Malawi's international trade competitiveness and by extension, upon the prospects of private sector development, on investment flows, employment generation and stronger public revenues.

However, Malawi’s ability to attain the level of regional integration required to have an impact on economic growth and development is constrained by a variety of macro and micro level obstacles. These include the quality of the institutional, regulatory and legal frameworks in which Malawian businesses operate; the poor standard of existing trade-related infrastructure; the cost and availability of transport and logistics services; the standard of border management at Malawi’s borders with its maritime-transit neighbours; and the robustness of the transit agreements in place for cargo traveling between Malawi and the regional ‘gateway’ ports in South Africa and Mozambique. Unaddressed, constraints like these will continue to prevent Malawi from achieving its economic growth potential and will frustrate attempts to use ‘trade’ as an instrument for national economic development. Therefore, trade facilitation is a matter of strategic priority for the government.

3.4 Malawi’s Trade Performance

To put trade facilitation in the wider context of the country’s actual trade, the following provides an overview of Malawi’s trade performance in recent years.

In 2016, Malawi exported products worth about US\$ 1,033 million, with overall imports totalling US\$ 2,222 million. Consequently, Malawi held a trade deficit of US\$ 1,189 million in 2016². Comparing these figures with 2015, exports shrunk by 4 per cent (from US\$1,081 million in 2015), and imports decreased by about the same percentage (from US\$ 2,313 million in 2015). The following graph presents total exports and imports from and to Malawi over the period 2006 - 2016. The difference between imports and exports represents the trade deficit of Malawi for any considered year.

Figure 1: Malawi’s Trade Balance over the period 2006 – 2016



² Trade data is collected by the National Statistical Office of Malawi (NSO) and is sourced from the *TradeMap Database* by the International Trade Centre. Data beyond 2016 is currently available in mirrored values only. Trade data is “mirrored” if the export values of a country are constructed from the reported imports of trading partners. The use of mirrored data to assess a country’s trade performance is problematic, as reported import data from trading partners are not normally equal to the reported exports of a country. This is for instance because import values are usually recorded including transportation and insurance costs, which are not recorded in export values. Therefore, the use of mirrored trade values can result in biases when assessing the trade performance of an economy.

Source: ITC Trade Map Database (2018), data by the National Statistical Office of Malawi.

As apparent from this graph, Malawi has held a trade deficit over the whole period under consideration, with the deficit widening over the years.

Turning to Malawi's export performance, the following Table presents the top ten export products as well as their share in the overall export volume of Malawi in 2016.

Table 1: Top 10 Export Products (2016 Data)

Product	Exports (1 000 USD)	% of Total Exports
Total Exports	1,033,210	
Raw Tobacco	540,533	52.32
Sugar	82,067	7.94
Tea	67,300	6.51
Liqueurs and other spirituous beverages	53,264	5.16
Dried Legumes	34,851	3.37
Automatic data-processing machines	24,061	2.33
Nuts (excluding coconut, brazil & cashew)	15,880	1.54
Molasses resulting from the extraction or refining of sugar	15,698	1.52
Machinery for construction purposes	15,519	1.50
Containers of Glass	14,390	1.39

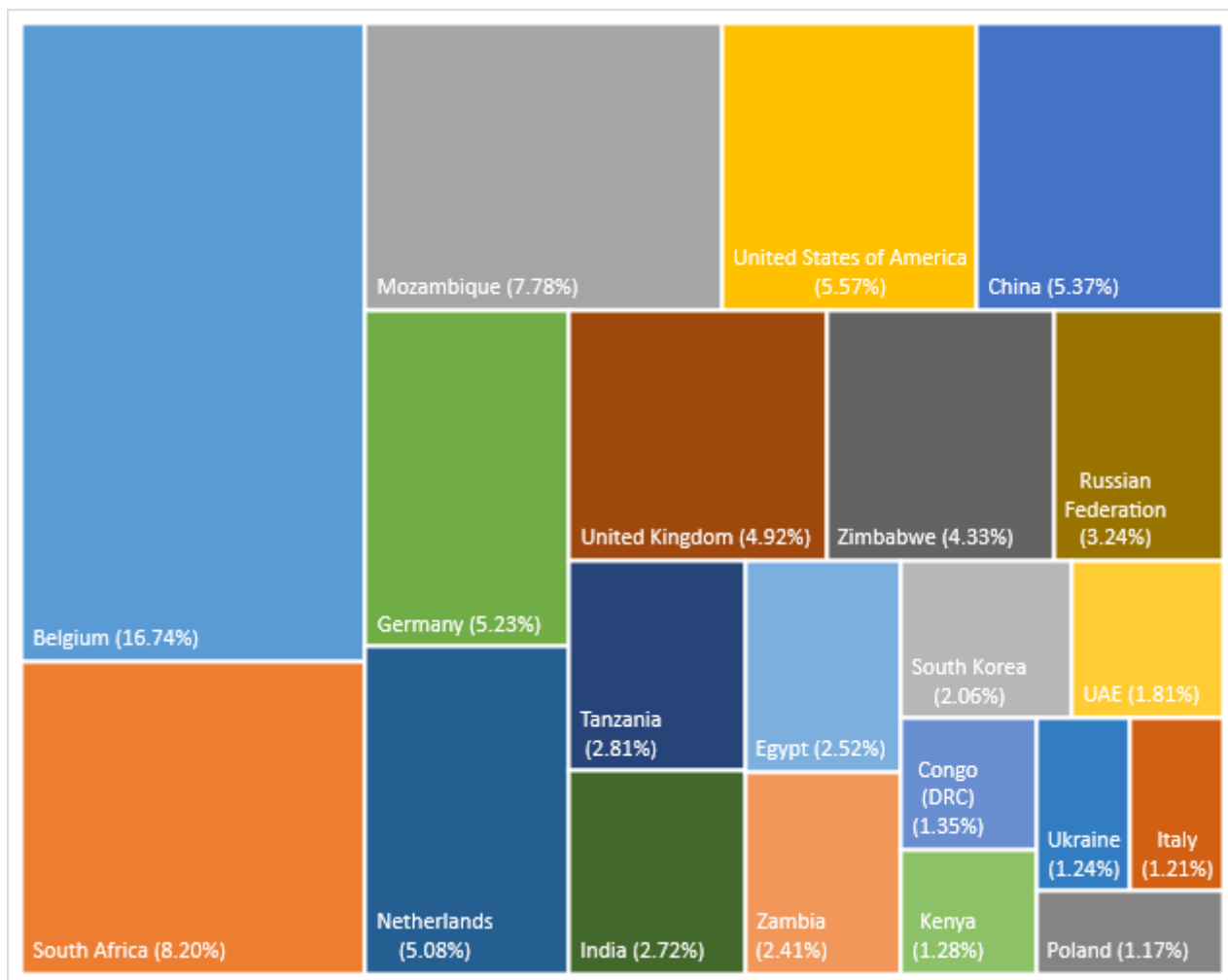
Source: ITC Trade Map Database (2018), data by the National Statistical Office of Malawi.

As evident from this table, these top ten export commodities of Malawi make up about 84 per cent of all exports in 2016, illustrating Malawi's rather undiversified export base³.

Considering the destinations of Malawian exports, the following figure shows the relative importance of different export destinations graphically, including countries, which imported at least 1% of Malawi's total exports in 2016. The remaining countries (i.e. countries which are not featured in the graph as they absorbed less than 1% of Malawi's exports in 2016) accounted for less than 13% of all exports from Malawi in this year.

Figure 2: Malawi's export partners by relevance (2016 Data)

³ It should be noted that the products "Machinery (for construction purposes)" and "Automatic data-processing machines" are very likely to be re-exports, as there is currently no productive base for these products in Malawi.



Source: ITC Trade Map Database (2018), data by the National Statistical Office of Malawi.

As evident from this figure, the destination of exports from Malawi is moderately diversified. This makes the overall demand for Malawian export products less dependent on the trend of economic indicators in single trading partners (e.g. exchange rate fluctuations or stagnant economic growth of a trading partner).

Turning to the analysis of imports, the following table presents the top 10 import products to Malawi in 2016.

Table 2: List of Top 10 Import Products

Product	Imports (1 000 USD)	% of Total Imports
All products	2,222,071	
Petroleum Oils	263,321	11.81
Medication	176,996	7.97
Maize or corn	139,627	6.28
Mineral or chemical fertilisers	119,070	5.36

Documents of title (bonds etc) unused stamps etc	110,711	4.98
Wheat and meslin	59,463	2.68
Raw Tobacco	53,408	2.40
Motor vehicle for transport of persons (except buses)	42,652	1.92
Worn Clothing	40,270	1.81
Soaps	35,804	1.61

Source: ITC Trade Map Database (2018), data by the National Statistical Office of Malawi.

Together these top ten import products represent about 47 per cent of all imports to Malawi in 2016. In 2016, the most important source countries for imports into Malawi were: South Africa (accounting for 18% of all imports into Malawi), India (12%), China (11%), United Arab Emirates (9%), Zambia (9%), the United Kingdom (5%), Kuwait (5%), Japan (2.5%), Tanzania (2%) and the USA (2%). These countries together represented 74.5% of all imports to Malawi. It should be noted that many of these imported products are crucial for economic growth and development in the country (for instance, petroleum and fertiliser imports made up about 17% of all imports in 2016).

Malawi depends on trade for economic growth and poverty reduction. However as indicated above, Malawi faces a significant trade deficit due to several challenges. One of these challenges is inefficient trade facilitation impeding export competitiveness. It should be noted that the concept of trade facilitation is also used in a broader sense to encompass almost anything that can impinge upon trade flows, for example infrastructure such as the quality of telecommunications, roads, railways, and/or port terminals, as well as the less tangible, such as policy, laws, regulations, and Non-Tariff Barriers (NTBs). Consequently, there is a need to improve the country's trade facilitation system to enhance Malawi's trade performance.

3.5 Benchmarking Malawi Against International Best Practices in Trade Facilitation

Outlined below is a benchmarked profile of Malawi's current standing with regard to trade facilitation. Internationally-comparable trade facilitation indicators are of importance as they tend to be referred to and influence the perceptions of potential investors when assessing whether a particular country is a place where they can do profitable business.

Widely used indices on the cost and ease of doing business in a country include:

- a) The World Bank's *Doing Business Report* – Trading Across Borders Indicators;
- b) The World Economic Forum's '*Enabling Trade Index*' (ETI);
- c) The World Bank's *Logistics Performance Index*;
- d) World Economic Forum's '*Global Competitiveness Index*' (GCI)
- e) Transparency International's '*Corruption Perception Index*' (CPI); and
- f) The United Nations '*e-Government Development*' Survey.

While a number of indicators are available, the World Bank Doing Business Index (in particular the Trading Across Borders Indicator) has been especially focused on this analysis due to its direct

relevance to trade facilitation issues. The Doing Business Report provides indicative measures on the efficacy of business regulation and enforcement across 190 national economies.

The ‘trading across borders’ indicators measure the time and cost (excluding tariffs) associated with exporting and importing to and from a country. The indicators cover the cost and time associated with documentation requirements as well as procedures of customs and other regulatory agencies at the borders as well as those of the terminal operators. They also cover logistical aspects, including the time and cost of inland transport between the largest business city and the main port used by traders⁴.

Table 3: Malawi Trade Competitiveness – Trading Across Borders

Year	Doing Business Ranking	Trading Across Borders Ranking	Time to Export: Documentary Compliance (hours)	Time to Import: Documentary compliance (hours)	Time to export: Border compliance (hours)	Time to Import: Border compliance (hours)	Cost to Export: Documentary compliance (USD)	Cost to Import: Documentary compliance (USD)	Cost to Export: Border compliance (USD)	Cost to Import: Border compliance (USD)
2019										
2018	110	117	75	55	78	55	342	162	243	143
2017	117	...	83	63	85	64	342	162	243	143
2016	133	...	83	63	85	64	342	162	243	143
2015	141	...	83	63	85	64	342	162	243	143

Source: [Doing Business Report \(various\)](#)

As evident from Table 3, according to the World Bank Doing Business Index (2018), Malawi currently ranks 117th out of 190 countries included in the Trading Across Borders Index⁵. The index seeks to examine the overall cost and time associated with exporting and importing commercial goods to and from a country through its main point of entry.

In the 2018 version of the index, it is estimated that to export a “standardised shipment”⁶ from Malawi it takes 78 hours for complying with procedures directly at the border and 75 hours for acquiring and complying with all necessary documents to export. This marks a significant improvement in comparison to the 2017 results. The cost of exporting is estimated as 243 USD for border procedures and 342 USD for obtaining and complying with the necessary documents. In the index, these figures remained stagnant over the previous years⁷.

Regarding importing to Malawi, the index estimates that it takes 55 hours for each, complying with procedures at the border and obtaining all necessary documents to import a “standardised

⁴ Please refer to www.doingbusiness.org for further information.

⁵ The Trading Across Borders ranking for Malawi for the years 2015-2017 is not available from the World Bank.

⁶ To define, a standardised shipment of exports, the index considers the largest export commodity of a country (unprocessed tobacco in the case of Malawi) and assumes that a shipment of 15 metric tons of this commodity is exported to the country. 15 metric tons represent the largest single transaction of this product.

⁷ However, it should be noted that the perfect stagnancy of the numbers in these two and other indicators is most likely due to no survey having taken place in previous years in these categories.

shipment” as defined in the index⁸. Again, these figures mean a remarkable improvement in relation to the previous year. The cost of importing into Malawi is estimated as 143 USD for border compliance and 162 USD for obtaining and complying with the required documents.

Additional findings on the logistical cost associated with trading across three specific borders in Malawi are provided in a recent Time Release Study (TRS) conducted by COMESA. This study investigates the clearance time required to trade across the following borders in Malawi: Mchinji, Dedza and Mwanza. The study yielded the following results: The clearance time (time required to pass all stations at the border) at Mchinji was measured as 10 hours and 18 minutes for imports, while the time to export across this border was measured as 2 hours and 54 minutes. At Dedza, the clearance time for imports was measured as 24 hours and 42 minutes, with imports requiring 6 hours and 11 minutes. At Mwanza border, the time for importing was measured as 10 hours and 5 minutes, while the export clearance time was recorded as 15-20 minutes.

A number of recommendations from this Time Release Study have been incorporated into the action matrix that forms part of the NTF-AP at hand. The recommendations from this study touch upon both, institutional reforms and mainstreaming of border procedures as well as investment in necessary infrastructure.

The Malawi Trade Policy (2017-2021) sets out the aspiration of the country of moving into the top 100 of the doing business rankings upon implementing a number of trade facilitation interventions as outlined in this strategy and other sectoral documents.

3.6 Significance of WTO TFA to Malawi

Malawi recognises the importance of trade facilitation reforms as one of the measures aimed at enhancing the competitiveness of exports by reducing the cost of doing business. The conclusion of the Trade Facilitation Agreement (TFA) at the ninth WTO Ministerial Conference held in Bali, Indonesia in December 2013 reinforces Malawi’s ambition at the global level. The objective of the TFA is to boost global trade by expediting the movement, release and clearance of goods including goods in transit, thereby providing a basis to address the challenges regarding trade facilitation encountered in Malawi.

The TFA is unique among WTO Agreements as it features special provisions allowing developing and least developed country members to implement the agreement at their own pace. Each member can determine when it will implement the technical provisions of the agreement and can identify provisions that it will only be able to implement upon receiving technical assistance and support for capacity building through appropriate categorisation in its schedule of commitments.

The significance of the WTO TFA to Malawi is as follows:

- a) Being a landlocked country, which relies on its neighbouring countries to access the sea, Malawi will benefit significantly from the enforcement of this agreement. As the TFA will enhance transparency in transit procedures and requirements, coastal countries will be obliged

⁸ To define a standardised shipment of imports, the index assumes that 15 metric tons of containerised auto parts (HS Code 8708) are imported from the trading partner from which the country imports the highest value of this specific product.

to adopt transparent and predictable transit systems to ensure that goods destined for landlocked countries are shipped without undue hindrances;

- b) Businesses will gain in terms of reduced transaction costs, resulting in more competitive exports to global markets;
- c) The Government of Malawi will benefit from efficient border procedures. More efficient, predictable and transparent delivery of public services will allow the administration to maintain high-security levels and effective government control, while diminishing opportunities for corruption, thus increasing government revenue. This benefit is further strengthened through the automation of certain process envisioned in the TFA (e.g. Electronic Single Window);
- d) Consumers will gain because they will no longer be paying the costs of lengthy border delays. If a truck waits at the border for a week, the final consumer will ultimately pay for this unproductive time;
- e) Malawi is likely to improve export competitiveness and will be perceived as a more attractive investment destination. Reducing unnecessary delays and costs attracts investments and supports growth and job creation; and
- f) TFA is meant to put in place uniformity among WTO Members on how common transactions should be handled across the borders, thereby enhancing efficiency and predictability in international trade.

3.7 Challenges in the Implementation of WTO TFA

To fully implement the TFA, there are also inherent challenges for Malawi. Many trade facilitation measures require a reform and modernisation process that depends on an enabling environment, strong professional programme management, and change management capabilities. This enabling environment involves different types of interventions and activities addressing the various dimensions of government, including regulatory reforms, institutional development, technological advancement, infrastructure development, changes in processes and capacity building. In Malawi, the TFA implementation process is likely to encounter the following challenges:

- a) The Government of Malawi will have to fund some of the reforms before accruing any benefit from trade facilitation hence placing multiple demands on limited resources;
- b) Changing processes will see job restructuring in concerned institutions;
- c) Trade facilitation reforms take time to be fully implemented;
- d) Trade facilitation reforms are multi-agency initiatives and would require proper coordination between various agencies;
- e) Capacity building programmes (constant training to adapt to changes in technologies);
- f) Need for new legislation in some cases; and
- g) Infrastructure development and modernisation would demand huge resources (these are for long-term and short-term programmes).

However, it should be noted that the TFA is flexible as it allows countries to implement the agreement at their own pace. To illustrate, it allows member states to categorise commitments of the agreement according to their capacity to implement these by themselves immediately or only in the medium- or long run and with or without the receipt of technical assistance.

While Malawi ratified the TFA only on the 12th July 2017, its schedule of commitments was already submitted to the WTO Secretariat on 10th May 2016. In sum, Malawi reported 36 commitments of the agreement as Category A, 4 commitments as Category B and 8 commitments as Category C. The classification into category A, B and C commitments serves to indicate both the timeframe over which a country declares to be able to implement a commitment and whether or not external assistance is required⁹.

In June 2017, the Ministry of Industry, Trade and Tourism conducted a TFA assessment, with support from the World Bank Group, to validate and investigate whether the self-reporting of Malawi as lined out above corresponds with the capacity of the country to implement the various commitments. The final validation report (November 2017) states that 24 of Malawi's self-assessments of TFA commitments were found to be either fully validated or were found to substantially align with the findings of the assessment. The remaining 13 TFA commitments were found to show partial alignment with Malawi's self-assessment (11 commitments) or to be not aligned (two commitments).¹⁰

3.8 Trade Facilitation Activities undertaken

Malawi's sectoral policy documents have identified trade facilitation reforms as critical to increasing competitiveness in regional and global trade. This competitiveness is currently undermined by inefficiencies in areas such as border operations and procedures, transport infrastructure and systems, standards and accreditation, capacities of sanitary and phytosanitary (SPS) agencies to deliver their mandates as well as licensing regimes. The country's challenges in trading across borders are reinforced by its landlocked nature. In view of this, trade facilitation has been given high priority in the government's sectoral policy documents.

The Ministry of Industry, Trade and Tourism is the agency responsible for coordinating all trade facilitation matters in Malawi. In realisation that simplified, transparent, and technically justified trade procedures are a critical component of effective trade policy and are essential to stimulate legitimate trade and promoting economic growth and development, the Ministry commissioned a number of studies about trade facilitation in order to have a thorough understanding of current issues. The studies commissioned include: the National Export Strategy (NES) (2012); the Non-Tariff Barriers (NTBs) Strategy (2013); Benchmark Study on Malawi's Trade Facilitation Systems and Processes (2012); the UNECA Trade Facilitation Study (2013); the Diagnostic Trade and Industry Study (DTIS) (2013); and the Malawi - WTO TFA Validation Report by the World Bank (2017).

These studies cumulatively provide over 300 recommendations. The Ministry considered all the recommendations, and using the Multi-criteria Business Analysis (MCBA) software, it came up with prioritised recommendations/activities that were summarised in the National Trade Facilitation Action Plan. NTF-AP, containing 26 broader activities, was designed to be implemented within a three-year period since 2015. The paper at hand is the successor document.

⁹ Category A: Commitments that a country reports being able to implement by the time the agreement comes into force (Least Developed Countries may take an additional year). Category B: Measures for which a country will take additional time. Category C: Measures for which a country will need both additional time as well as technical assistance or capacity building.

¹⁰ See World Bank WTO-TFA Validation Report (November 2017), p. 9.

Malawi has made some progress with the implementation of trade facilitation reforms from the NTF-AP. A number of development partners have been working closely with the Government of Malawi in implementing trade facilitation projects. These include:

- a) Development of the NTF-AP in 2015 (revised 2018). NTF-AP is meant to guide implementation of trade facilitation activities identified in the studies and prioritised in the NTF-AP.
- b) Establishment of the NTFC on 8th July 2015. The NTFC is co-chaired by the Malawi Revenue Authority and the Ministry of Industry, Trade and Tourism, with the latter also serving as Secretariat;
- c) Ratification of the TFA on 12th July 2017;
- d) Submission of Schedule of Commitments on 10th May 2016. Malawi's schedule of commitments covers all categories A, B and C;
- e) With regard to automation, good progress was made with the migration to *ASYCUDA World* by the MRA from the previous version *ASYCUDA ++*;
- f) Border agencies are in the process of being streamlined. The number of present agencies at the border is to be reduced from fourteen to five thematic institutions, following a Cabinet decision in 2013. The remaining present institutions at the border will most likely be the Malawi Revenue Authority; Ministry of Agriculture, Irrigation and Water Development; Malawi Police Service; Ministry of Homeland Security (Immigration Department); and the Malawi Bureau of Standards (MBS). This transition presents an opportunity to review and improve coordinated border management and processes resulting in a reduction of the time and cost associated with dealing with multiple agencies when trading across Malawi's borders.
- g) The COMESA Secretariat in cooperation with the Ministry of Industry, Trade and Tourism and the Malawi Revenue Authority conducted a Time Release study (TRS) (2017) at three of Malawi's borders (Mchinji, Dedza and Mwanza). Recommendations from the TRS are well considered in this revised NTF-AP.
- h) Establishment of the National Single Window. Plans are at an advanced stage to establish an electronic single window, which is expected to address inefficiencies currently prevailing with paper-based processes;
- i) Trade Portal: The Malawi Trade Portal was launched in July 2016. The private sector responded with positive feedback. However, support is required to maintain the portal and to ensure that it is updated and responsive to user needs;
- j) Establishment of one-stop border posts with neighbouring countries. In terms of logistics (freight and transit infrastructure, facilities, services, and processes), plans are underway to establish six one-stop border posts with all Malawi's neighbours: Mozambique, Tanzania, and Zambia. There are also plans to implement tracking systems on the Nacala, Dar es Salaam, and Beira corridors.
- k) Formation of joint border committees. All institution with presence at the border are expected to coordinate in their daily working modalities by consolidating their efforts to avoid multiple processes;
- l) Construction of Standards, Quality Assurance and Metrology (SQAM) facilities. Malawi is constructing a state of the art laboratory in Blantyre. However, there are still significant gaps and support will be needed with conformity assessments, among other tasks;

- m) Establishment of one-stop shop. Malawi Investment and Trade Centre established a One Stop Shop (OSS) in 2014, where all investment related and trade issues involving multiple agencies are dealt with at one place;
- n) Resuscitation of the Corridor Development Committee. Malawi, Mozambique and Zambia work together on transport corridor management. The Joint Committee was reactivated in 2017 where issues of corridor management involving the three countries are discussed;
- o) Customs modernisation including integrated motor vehicle clearance, remote DTI, e-payment, scanners, COMESA virtual trade facilitation system (e-seals).
- p) Development of policy and regulatory framework to govern various aspects of trade facilitation such as the one-stop border posts and National Single Window. Work is currently underway to compile a Trade Facilitation Bill.

4. GOAL

The overarching goal of this National Trade Facilitation Action Plan (NTF-AP) is: To reduce the time and cost associated with trading across borders so as to contribute to Malawi's competitiveness in national, regional and global markets.

Table below achieve this main goal of the strategy at hand, the following four objectives will be pursued:

OBJECTIVES		PERFORMANCE INDICATORS	
		Measure of Verification	Source of Verification
1	Mainstream trade facilitation into the activities of ministries, departments and agencies in line with the MGDS III.	Number of institutions, which have mainstreamed Trade Facilitation activities in line with the MGDS III.	Reports, policies, laws and regulations developed by MDAs.
2	To implement 85% of the measures of the WTO Trade Facilitation Agreement by 2023.	Malawi's Schedule of Commitments in the WTO Trade Facilitation Agreement.	1.)TFA Implementation Assessment 2.)WTO Trade Policy Review Report
3	To reduce time and cost associated with trading across borders by 40% and 10% respectively by 2023.	Time and cost of trading across borders.	1. World Bank Doing Business – Trading Across Borders Index 2. Time Release Studies (TRS Plus) 3. Business Climate Reports by MCCCCIU
4	To engage neighbouring countries in cross border and transit trade through simplification, harmonisation and modernisation of trade-related procedures.	1.)Cooperation Agreements 2.)Memoranda of Understanding	Cooperation agreements/Memoranda of Understanding concluded between Malawi and neighbouring countries.

5. ACTIVITIES

Following identification of the objectives, the activities in this NTF-AP have been developed following thorough consultations with all relevant stakeholders in the area of trade facilitation. The stakeholders were encouraged to formulate their own views in undertaken seminars and working sessions. The following activities have been agreed by most stakeholders and well represent a wide spectrum of trade facilitation issues.

Activity Matrix					
No	Activity	Lead Agency	Performance Indicator	Time Frame (2018-2023)	WTO TFA Article Concerned
<i>Objective 1: Mainstream trade facilitation into the activities of Ministries, Departments and Agencies in line with the MGDS III.</i>					
1	Develop Trade Facilitation Policy	MoITT	Trade Facilitation Policy	2 Years	Article 23
2	Develop Trade Facilitation Legislation	MoITT, MoJCA	Trade Facilitation Bill	3 Years	Article 23
3	Organise 10 Mainstreaming Workshops (twice a year over the 5-year period of the NTFAP)	MRA/ MOITT	Workshop Reports	Annually for 5 years	Article 23
4	Conduct 5 International Best Practice Study Tours	MRA/ MOITT	Study Tour Reports	Once a year over the 5-year period.	Article 10.3
5	Prepare and hold 10 technical meetings on specific issues and opportunities that concern TF in Malawi	MoITT	Workshop Reports	Twice annually for 5 years	Article 1
6	Conduct Meetings of the National Working Group on Trade Policy and National Customs Business Forum as a mechanism to facilitate public-private dialogue, enabling stakeholders to comment on proposed reforms	MRA/ MOITT	Reports and Minutes	As required by ongoing reforms	Article 2
7	Review Control of Goods Act	MoITT/ MoJCA	Control of Goods Act and Regulations.	2 years	Article 10
8	Streamline International Standards (otherwise not included in the WTO TFA) into the procedures of agencies.	MRA/ MOITT	International Standards incorporated.	Ongoing as required.	Article 10.3
9	Organise training sessions for traders and operators on trade facilitation matters	MoITT	No. of training sessions undertaken	4 years	Article 2
<i>Objective 2: To implement 85% of the measures of the WTO Trade Facilitation Agreement by 2023.</i>					
10	Facilitate 20 meetings of the National Trade Facilitation Committee	MRA/ MOITT	Reports	Quarterly meetings for 5 years	Article 23
11	Review the ToRs of the NTFC and its subcommittees	MRA/ MOITT	Revised ToRs	1 Year	Article 23

12	Regularly publish and make information available through the Malawi Trade Portal	MOITT	Functional MTP	Ongoing	Article 1.1 and 1.2
13	Establish a mechanism to allow the public to comment on proposed rules and regulations that affect trading activities and ensure that such rules and regulations are published visibly well before entry into force.	MRA/ MOITT	Legal provision in place and mechanism for the sharing of information	2 Years	Article 2.1
14	Establish an advance ruling mechanism and undertake training sessions, sensitisation workshops and capacity building with public and private stakeholders.	MRA	Advance Ruling Mechanism established	3 Years	Article 3
15	Review and publish the procedures for appeals regarding customs issues.	MRA/ MoJCA	Procedures reviewed and visibly published	2 years	Article 4
16	Identify and consolidate plant protection and animal health procedures that have an impact on trade facilitation.	MoAIW D	Consolidated List of Procedures.	1 Year	Article 5.1
17	Develop legal provisions that require notification of detention by Customs and other agencies.	MRA/ MoJCA	Legal Provisions Developed	3 Years	Article 5.2
18	Grant the opportunity of second tests in all relevant legislation and set up a mechanism and facilities for second tests	MBS/M oAIWD	Legislation revised, and second test mechanism set up.	2 years	Article 5.3
19	Develop a consolidated list of fees, charges and penalties related to importation, exportation and transit trade and regularly publish it in an easily accessible manner.	MRA/ MOITT	Consolidated list developed and regularly published.	1 Year initially; afterwards ongoing activity.	Article 6.1
20	Implement pre-arrival processing by extending the current legal basis and review the current procedures and sensitise stakeholders	MRA	% of declarations received	2 Years	Article 7.1
21	Provide for the legal basis and implement systems for electronic payment of duties, taxes, fees, and charges collected by customs.	MRA	Legal basis established, and electronic payment implemented	3 Years	Article 7.2
22	Undertake capacity building initiative for Post Clearance Audit programme	MRA/ MOITT	% of declarations reviewed in post-clearance environment	3 Years	Article 7.5
23	Build Capacity to conduct periodic Time Release Studies	MRA	Number people trained, and number of studies conducted.	Periodically; every two years.	Article 7.6
24	Establish Authorised Economic Operator Scheme	MRA	% of declarations submitted by AEOs	3 Years	Article 7.7
25	Establish an Electronic National Single Window including an	MoITT	NSW system established	3 Years	Article 10.4

	Integrated Risk Management System				
26	Review the Customs and Excise Act to ensure alignment with the WTO Trade Facilitation Agreement	MRA/ MoJCA	Customs and Excise Act revised	2 Years	Article 12 and Multiple Articles
27	Implement a regime for enhanced controls, (especially those related to human, animal or plant health) as well as a list of restricted or prohibited items and publish this information visibly.	MOITT /MRA	Regime for enhanced controls implemented.	1 Year	Article 5.1
<i>Objective 3: To reduce time and cost associated with trading across borders by 40% and 10% respectively by 2023.</i>					
28	Removal of Nuisance Tariff Lines	MoFEP D	Nuisance tariffs removed	To go with cycle of parliament/ongoing.	Article 6
29	Training for high court judges and magistrates to strengthen the commercial court appeal mechanism	Judiciary/ MRA	No of judges trained	2 Years	Article 4
30	Enhance Border Agency Cooperation and develop standardised border operating procedures for all agencies at the border.	MOITT /MRA	Reports of stakeholder meetings; SoPs, MoUs developed, Legislation revised; personnel trained.	3 Years	Article 8.1
31	Review the Risk Management Implementation Strategy.	MRA	Risk Management Implementation Strategy reviewed	1 Year	Article 7.4
32	Strengthen Risk Management Unit by providing training in Risk Management, data extraction and analysis, selectivity, and intelligence management system	MRA	No of training sessions done	2 Years	Article 7.4
33	Perishable Goods: Formalise the existing interagency cooperation regarding the release of perishable goods through standardised operating procedures.	MRA/ MOITT	Standardised operating procedures in place.	1 Year	Article 7.9
34	Operationalise the Cabinet Directive to reduce the number of border agencies to five	MRA/ MOITT	Cabinet Directive implemented	2 Years	Article 8.1
35	Review the relevant legislation to enable the submission of hard and soft copies of supporting documents under conditions.	E- Government Department	Legislation reviewed	2 Years	Article 10.2
36	Develop a National Quality Infrastructure to facilitate trade	MOITT /MBS	SQAM and National Quality Strategy (NQS) implemented.	5 Years	Article 10
37	Review the Customs Brokers System	MRA	System reviewed	2 Years	Article 10.6

38	Raise awareness for the Tripartite NTBs reporting system, ensure effective resolution of complaints and launch the national Tripartite SMS reporting system.	MOITT /Tripartite NTBs Task Force	1.)Awareness Workshops 2.)Launch of the SMS Tool 3.)Resolution Mechanism in place	2 Years	Article 11
<i>Objective 4: To engage neighbouring countries in cross border and transit trade through simplification, harmonisation and modernisation of trade-related procedures.</i>					
39	Establish 6 One Stop Border Posts (OSBPs)	MoITT	6 OSBPs established	5 Years	Article 8.2
40	Enhance Customs Cooperation with neighbouring countries.	MRA	MoUs / Reports of meetings	Ongoing	Article 12
41	Conduct periodic NTBs Surveys	MoITT	Number of surveys conducted	Periodically; every two years.	Article 11
42	Develop and implement Corridor Development and Management Strategy	MoTP W	Strategy developed	2 Years	Article 11

6. SCHEDULE OF IMPLEMENTATION

The schedule of implementation provided in this chapter breaks down the activities lined out in the preceding Chapter 5 of this roadmap into one or more sub-activities. It also provides the following per each sub-activity: Lead agency, target, activity performance indicator, a tentative budget, the WTO TFA article touched upon as well as a tentative implementation time frame.

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
1	Develop Trade Facilitation Policy	Consultancy and workshops	MoITT	1	Trade Facilitation Policy	50	Article 23	█	█	█		
2	Develop Trade Facilitation Legislation	Undertake a scoping study on the possibility of a Trade Facilitation Bill	MoITT, MoJCA	1	Study	20	Article 23	█	█			
		Consultancy and workshops	MoITT, MoJCA	2	Trade Facilitation Bill	120	Article 23	█	█	█		
3	Organise 10 Mainstreaming Workshops (twice a year over the 5-year period of the NTFAP)	Organise semi-annual Workshops	MRA/MOITT	10	Workshop Reports	50	Article 23	█	█	█	█	█
4	Conduct 5 International Best Practice Study Tours	Undertake study tours to various countries to learn the best practices	MRA/MOITT	5	Study Tour Reports	100	Article 10.3	█		█		█
5	Prepare and hold 10 technical meetings on specific issues and opportunities that concern TF in Malawi	Organise semi-annual technical meetings on specific issues and opportunities that concern TF in Malawi	MoITT	10	Workshop Reports	45	Article 2	█	█	█	█	█

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
6	Conduct Meetings of the National Working Group on Trade Policy and National Customs Business Forum as a mechanism to facilitate public-private dialogue to enable stakeholders to comment on proposed reforms	Organise consultative meetings on topical issues	MRA/MOITT	As and When	Reports and Minutes	25	Article 2					
7	Review Control of Goods Act	Finalise regulations for the Control of Goods Act	MoITT/MoJC A	1	Control of Goods Act and Regulations.	20	Article 10					
8	Streamline International Standards (otherwise not included in the WTO TFA) into the procedures of agencies.	Conduct a study to identify the needs (training, equipment, capacity building etc) of various Malawian institutions to comply with and incorporate various international standards into their programmes and work procedures.	MRA/MOITT	1	Study/Report	20	Article 10.3					
		Produce a report listing in detail the international standards that should be adhered to by each institution as	MRA/MOITT	1	Report	10	Article 10.3					

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
		well as the needs identified (e.g. customs standards by the WCO for the MRA).										
		Incorporate these standards into the National Legislation.	MRA/MOITT	1	Relevant pieces of the National Legislation updated.	10	Article 10.3					
9	Organise training sessions for traders and operators on trade facilitation matters	Conduct annual stakeholder training	MoITT	4	No. of training sessions undertaken	80	Article 2					
10	Facilitate 20 meetings of the National Trade Facilitation Committee	Conduct quarterly meetings for the National Trade Facilitation Committee	MRA/MOITT	20	Reports	200	Article 23					
11	Review the ToRs of the NTFC and its subcommittees	Organise a consultative meeting to review the ToRs of the NTFC and its subcommittees	MRA/MOITT	1	Revised ToRs	10	Article 23					
12	Regularly publish and make information available through the Malawi Trade Portal (MTP)	MTP Regular updating and maintain the functioning of and the Malawi Trade Portal and established enquiry points.	MOITT	Ongoing	Functional MTP	10	Article 1.2					
		MTP Conduct awareness campaigns to promote usage of the	MOITT	5	Usage Data	50	Article 1.2					

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
		trade portal to enhance transparency and information flow.										
		MTP Arrange for the regular maintenance of the portal (content, technical issues such as broken links, validity and functioning of established enquiry points etc.)	MOITT	As and When	Reports/Other Documentation	30	Article 1.2					
		MTP Develop a mechanism to obtain comments from users on their needs.	MOITT	1	Mechanism established	20	Article 1.2					
		MTP Publish all international trade-related official requirements and associated procedures.	MOITT	2	Information published	10	Article 1.1					
		MTP Produce and publish a consolidated list of all government fees and charges payable regarding import, export, and transit as	MOITT	1	List available on the MTP	30	Article 1.1					

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
		well as required documents.						█	█			
		MTP Conduct awareness campaigns and sensitisation workshops for potential users of the portal.	MOITT	4	Usage Data	40	Article 1.2	█		█	█	
		MTP Organise semi-annual meetings of all focal points of the MTP.	MOITT	10	Reports/Minutes of the Meetings.	50	Article 1.2	█	█	█	█	█
		MTP Setting up a mechanism that ensures the sustainable and timely updating of trade related information available on the Malawi Trade Portal through all relevant institutions. In particular, the information provided on the portal should cover	MOITT	1	Mechanism established and working	20	Article 1.2		█	█		

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
		all of the information mentioned under the WTO TFA Article 1, Section I, 1.1 a.) - j.)										
13	Establish a mechanism to allow the public to comment on proposed rules and regulations that affect trading activities and ensure that such rules and regulations are published visibly well before entry into force.	Develop legal provisions, which require that traders and other interested persons are provided with a reasonable opportunity to comment on proposed regulations and rules, and to require publication of final regulations and rules prior to effective date (subject to justified exceptions).	MRA/MOITT	1	Legal provision/Government directive developed	40	Article 2.1					

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
		Develop a structured and well-publicised mechanism for facilitating public-private dialogues, that enable stakeholders to comment on proposed reforms, well before the enactment of new laws, regulations and procedures by all institutions working on trade-related matters in Malawi.	MRA/MOITT	1	Mechanism established and working	15	Article 2.1					
14	Establish an advance ruling mechanism and undertake training, sensitisation workshops and capacity building with public and private stakeholders.	Develop and implement an advance ruling implementation plan that considers client needs, institutional framework, procedures and processes, training and equipment, and other requirements.	MRA	1	Implementation Plan developed and implemented.	40	Article 3					
		Undertake sensitisation Workshops with the Private Sector on Advance Ruling.	MRA	3	Number of workshops conducted, and number of participants trained	45	Article 3					

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
15	Review and publish the procedures for appeals regarding customs issues.	Review the legal framework and develop an implementation plan that facilitates appeals and reviews by other relevant government departments that have border regulatory authority.	MRA/MoJCA	1	Relevant government Departments enabled.	40	Article 4					
		Publish appeal and review procedures on appropriate government websites as well as on the Malawi Trade Portal, to ensure that the business community as well as public stakeholders are informed.	MRA/MoJCA	1	Relevant information published.	5	Article 4					
16	Identify and consolidate plant protection and animal health procedures that have an impact on trade facilitation.	Identify and consolidate plant protection and animal health procedures that have an impact on trade facilitation.	MoAIWD	1	Consolidated List of Procedures.	5	Article 5.1					

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
17	Develop legal provisions that require notification of detention by Customs and other agencies.	Review the legislation and develop guidelines for proper notifications	MRA/MoJCA	1	Legal provisions in place.	10	Article 5.2					
18	Grant the opportunity of second tests in all relevant legislation and set up a mechanism and facilities for second tests.	List contact information for laboratories where second tests can be performed on the appropriate ministry's website and on the MTP.	MBS/MoAIW D	1	Information published	5	Article 5.3					
		Develop and publish procedures for clients who want to obtain second tests.	MBS/MoAIW D	1	Guidelines developed and published visibly	3	Article 5.3					
		Strengthen diagnostic capabilities of agencies requiring tests of imported or exported goods.	MBS/MoAIW D	2	Reports	60	Article 5.3					
		Provide testing equipment to agencies located at the border	MBS/MoAIW D	3	Second test mechanism set up and operational	300	Article 5.3					
		Capacity building for second testing: Provide officials with training about second testing.	MBS/MoAIW D	10	Number of officials trained.	30	Article 5.3					

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
19	Develop a consolidated list of fees, charges and penalties related to importation, exportation and transit trade and regularly publish it in an easily accessible manner.	Comprehensive review of all fees and charges in relation to import and export to ensure they remain relevant and are implemented only on a cost-recovery, and not a revenue-raising, basis.	MRA/MOITT	1	Report/Study	20	Article 6.1					
		Development of a regular schedule review for all international trade-related fees to ensure they reflect the true costs of the service.	MRA/MOITT	1	Review of the schedule developed.	5	Article 6.1					
		Conduct a review of all ad valorem-based fees to ensure that they represent the approximate cost of services rendered.	MRA/MOITT	1	Report /Study	5	Article 6.1					
		Review the penalty Schedule: Ensure that penalties are on a progressive scale, taking into account the seriousness and frequency of the infraction.	MRA/MOITT	1	Report/Study	5	Article 6.3					

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
		Publication of penalties: Consolidate a centralised penalty database and make it available on the Trade Portal together with a consolidated list of the customs errors that require administrative enforcement action and the amount of the corresponding penalty.	MRA/MOITT	1	List compiled and published on the MTP.	2	Article 6.3					
20	Implement pre-arrival processing by extending the current legal basis and review the current procedures and sensitise stakeholders	Revise the existing and proposed procedure for pre-arrival processing in consultation with the private sector to increase its use (for example, use of security or deferment of payment).	MRA	1	Report lining out the revised procedure.	20	Article 7.1					
		Conduct awareness workshop	MRA	2	Reports	40	Article 7.2					

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
		Work on the ASYCUDA World System to allow for the provisions of Article 7.1 of the TFA: Implement the pre-arrival module in ASYCUDA World AND ensure that ASYCUDA World functionality allows for using risk management on manifests that have been submitted in advance of the arrival of the cargo.	MRA	1	Updated and fully functional ASYCUDA World System (in line with Art. 7.1)	60	Article 7.1					
21	Provide for the legal basis and implement systems for electronic payment of duties, taxes, fees, and charges collected by customs.	Undertake an assessment of the current legal regime to enable implement systems for electronic payment of duties, taxes, fees, and charges collected by customs.	MRA	1	Legal basis in place.	40	Article 7.2					
22	Undertake capacity building initiative for Post Clearance Audit programme	Develop an Implementation Plan to enhance the existing Post Clearance Audit Programme	MRA/MOITT	1	Legal provision consolidated.	35	Article 7.5					

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
		Sensitise other agencies on the merits of the implementation plan on PCA programme	MRA/MOITT	5	Implementation Plan developed and implemented.	25	Article 7.5					
		Conduct training in PCA for all agencies	MRA/MOITT	15	Number of officials trained.	70	Article 7.6					
		Procure necessary PCA facilities/equipment	MRA/MOITT	3	Facilities purchased	45	Article 7.5					
23	Build capacity to conduct periodic Time Release Studies	Develop policy and internal guidelines in MRA on regularly conducting time release studies (TRS)	MRA	1	Guidelines developed	10	Article 7.6					
		Training official on how to conduct Time Release Studies on a regular basis independently.	MRA	15	Number of TRS conducted	60	Article 7.6					
		Design a mechanism that the results of Time Release Studies are regularly published on the MTP as well as other government websites.	MRA	1	TRS Results published on the MTP.	0	Article 7.6					
24	Establish Authorised Economic Operator (AEO) Scheme	Develop the concept note on the operationalisation of the AEO	MRA	1	Concept Note Developed	20	Article 7.7					

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
		Develop an Implementation Plan for the Authorised Operator's Scheme, including a plan for the training of officials.	MRA	1	Implementation Plan developed	30	Article 7.7					
25	Establish an Electronic National Single Window including an Integrated Risk Management System	Undertake a feasibility study	MoITT	1	NSW Blue Print	800	Article 10.2					
		Conduct stakeholders awareness workshops	MoITT	6	Workshop Reports	160	Article 10.3					
		Undertake training	MoITT	20	No of officers	120	Article 10.4					
		Set up special purpose vehicle to operate NSW in Malawi	MoITT	1	NSW Entity	100	Article 10.3					
26	Review the Customs and Excise Act to ensure alignment with the WTO Trade Facilitation Agreement	Conduct a legal audit of the current Customs and Excise Act vis-à-vis TFA	MRA/MoJCA	1	Customs and Excise Act Revised	50	Article 4					

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
		Engage a consultant to review customs regulatory framework and procedures to align with the TFA's requirements (specifically, the scope of appeals, time limits and alignment with the principles of administrative justice, the right to second tests, fees and charges, administrative penalties, pre-arrival processing, electronic payment, separation of release from determination, expedited shipments, goods under customs control, treatment of perishable good).	MRA/MoJCA	1	Customs and Excise Act Revised	130	Article 5.3					
27	Implement a regime for enhanced controls, (especially those related to human, animal or plant health) as well as a list of restricted or prohibited items	Develop a concept note and implementation plan for notification of enhanced controls, especially those related to human, animal, or plant health in line with	MOITT/MRA	1	Concept Note Developed	15	Article 5.1					

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
	and publish this information visibly.	the requirements of Article 5.1 of the TFA.										
		Develop a consolidated list on prohibitions and restrictions linked to WCO HS codes and develop risk rules for these commodities in ASYCUDA World. Include selectivity criteria from all agencies in ASYCUDA World.	MOITT/MRA	1	Consolidated List	N/A	Article 5.1 and Article 7.4					
		Develop a platform and procedures for sharing this information among all agencies concerned AND Provide public information on enhanced controls on the trade portal.	MOITT/MRA	1	Mechanism established and working	N/A	Article 5.1					
28	Removal of Nuisance Tariff Lines	Hold stakeholders meeting	MoFEPD	1	Nuisance tariffs removed	5	Article 6					

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
29	Training for high court judges and magistrates to strengthen the commercial court appeal mechanism	Undertake training for high court judges, magistrates and other relevant public institutions to strengthen the commercial court appeal mechanism.	Judiciary/MRA	10	Number of judges trained.	120	Article 4					
30	Enhance Border Agency Cooperation and develop standardised border operating procedures for all agencies at the border.	Review and revise mandates of agencies that have regulatory responsibilities to ensure no overlaps of functions or mandates.	MOITT/MRA	1	Report	20	Article 8.1					
		Develop a detailed border control operating model and support standard operating procedures ((e.g. streamlining of working hours etc)	MOITT/MRA	1	Model developed/report	20	Article 8.1					
		Agencies with regulatory responsibility at the border to engage in MoUs with each other for smoother border cooperation. These MoUs may cover: Joint working arrangements, sharing of data, and	MOITT/MRA	1	MoUs	20	Article 8.1					

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
		facilities and equipment where appropriate; clear descriptions of roles and responsibilities.										
		Provide interagency training to border officials.	MOITT/MRA	50	Workshop reports/Number of officials trained	80	Article 8.1					
		Conduct regular Joint Border Committee Meetings.	MOITT/MRA	30	Reports	240	Article 8.1					
31	Review the Risk Management Implementation Strategy.	Undertake consultative meetings	MRA	4	Reviewed Risk Implementation Strategy	20	Article 7.4					
32	Strengthen Risk Management Unit by providing training in Risk Management, data extraction and analysis, selectivity, and intelligence management system	Hold orientation meetings to share MRA risk management experience with other agencies.	MRA	4	Workshop reports	60	Article 7.4					
		Develop risk management processes and tools for other agencies and provide training to the Risk Management unit in Risk Management, Data Extraction and Analysis, selectivity, and Intelligence	MRA	20	Processes developed, and Training sessions conducted.	146	Article 7.4					

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
		Management Systems										
		Undertake sensitisation stakeholder's seminars for the business community	MRA	4	Workshop Reports	N/A	Article 7.4					
33	Formalise the existing interagency cooperation regarding the release of perishable goods through standardised operating procedures.	Harmonise existing procedures to enhance interagency cooperation regarding the release of perishable goods through standardised operating procedures.	MRA/MOITT	1	Standardised operating procedures in place.	20	Article 7.9					
34	Operationalise the Cabinet Directive to reduce the number of border agencies to five	Develop an implementation plan for the reduction of the number of border agencies to five.	MOITT	1	Implementation Plan	30	Article 8.1					

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
		Conduct Border Business Process Analysis: Establish the basis for a new border management model through mapping the current processes of all agencies at the border, as well as their workloads.	MoITT/MRA	1	Business Process Analysis done/Report/Study	40	Article 8.1					
		Develop MoU for a smooth transition to the five thematic border agencies	MOITT	1	Report/Model developed.	40	Article 8.1					
		Hold a high-level meeting for devolution of mandates to the five thematic agencies	MOITT	2	Report	40	Article 8.1					
		Undertake training for the new border officials	MoITT	80	No. of officials trained	320	Article 8.1					
		Undertake annual border agency cooperation seminars	MoITT	5	Seminar Reports	100	Article 8.1					
		Establish a national level border management, comprising different institutions, that oversees the development of the	MRA/MOITT	1	Management established.	20	Article 8.1					

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
		new border model and provides ongoing coordination.						■	■	■		
35	Review the relevant legislation to enable the submission of hard and soft copies of supporting documents under conditions.	Undertake legal audit for the for acceptance of electronic copies and e-transactions	E-Government Department	1	Assessment Report	40	Article 10.2		■	■		
36	Develop a National Quality Infrastructure to facilitate trade	Develop SQUAM2 Project Proposal	MOITT/MBS	1	Project Proposal	55	Article 10.1		■	■		
		Implement SQUAM2 Project	MOITT/MBS	1	Implementation Plan	180	Article 10.1			■	■	■
		Implement the National Quality Strategy	MOITT/MBS	1	Implementation Plan	130	Article 10.1		■	■	■	■
		Implement aflatoxin control programme in Malawi	MOITT/MOAI WD	1	Implementation Plan	256	Article 10.1		■	■	■	■
		Taking stock and compile all technical regulations and notify the WTO.	MOITT/MBS	1	Consolidated list of technical regulations	30	Article 10.1		■	■		
37	Review the Customs Brokers System	Undertake consultations to rationalise roles and functions of brokers for declarations	MRA	2	Report/Study	18	Article 10.6				■	

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
		above the MK 500,000 threshold.										
		Develop and implement a plan to professionalise the licensing of brokers (including the review of licensing requirements and training).	MRA	1	Implementation plan developed and operationalised	80	Article 10.6					
38	Raise awareness for the Tripartite NTBs reporting system, ensure effective resolution of complaints and launch the national Tripartite SMS reporting system	Conduct awareness workshops for the Tripartite NTBs reporting system, ensure effective resolution of complaints and launch the national Tripartite SMS reporting system.	MOITT/Tripartite NTBs Task Force	4	1.) Awareness Workshops 2.)Launch of the SMS Tool 3.)Resolution Mechanism in place	72	Article 8.1					
		Conduct training in NTBs reporting	MOITT/Tripartite NTBs Task Force	2	Reports	34	Article 8.1					
39	Establish 6 One Stop Border Posts	Hold consultative meetings to discuss OSBP concept, modalities and designs	MoITT	25	Reports	200	Article 8.2					

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
		Conduct bilateral meetings with neighbouring countries	MoITT	20	Reports	220	Article 8.2	█	█	█	█	█
		Undertake border officials training on the operation of OSBP	MoITT	32	No of officers	38	Article 8.2		█			
		Conclude the legal framework with neighbouring countries for the implementation of the OSBP programme	MoITT	2	Agreement/MoUs	40	Article 8.2			█	█	█
40	Enhance Customs Cooperation with neighbouring countries.	Undertake periodic bilateral consultative meetings to discuss customs cooperation matters	MRA	6	Report	33	Article 12		█		█	
		Harmonise, where possible, customs operating procedures and systems.	MRA	4	Guidelines developed and published	28	Article 12			█	█	█
41	Conduct periodic NTBs Surveys	Undertake NTBs Survey every two years	MoITT	2	Number of surveys conducted	55	Article 8.1		█			█

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
		Conduct technical training on conducting NTBs Surveys	MoITT	2	Number of training sessions conducted	43	Article 8.1					
		Undertake a diagnostic study and set up intra-agency cooperation and collaboration in resolving and monitoring NTBs	MOITT/Ministry of Foreign Affairs	1	Study/Report	38	Article 8.1					
42	Develop and implement Corridor Development and Management Strategy	Facilitate the establishment of inland dry ports	MoTPW	2	Strategy developed	74	Article 11					
		Promote safety of transport services	MoTPW	8	Strategy developed	34	Article 11					
		Conduct annual monitoring on the operations in all transport corridors	MoTPW	6	Reports	28	Article 11					
		Call for roundtable meetings to remove barriers within the transport sector to facilitate domestic and cross border trade and travel.	MoTPW	8	Reports	56	Article 11					

								Implementation Time Frame (2018-2023)				
No.	Activity from Chapter 5	Sub-Activity	Lead Agency	Target	Activity Performance Indicator	Budget US\$ ('000)	Article in the TFA concerned	Year 1	Year 2	Year 3	Year 4	Year 5
		Attend bilateral and multilateral cooperation meetings in the transport sector.	MoTPW	12	Reports	64	Article 11					
		Integrate safeguards into corridor development and operations to prevent adverse impacts such as environmental degradation.	MoTPW	5	Strategy developed	38	Article 11					

7. GOVERNANCE STRUCTURE

The National Trade Facilitation Committee (NTFC) established on 8th July 2015 comprises senior officials and has the mandate to oversee the implementation of trade facilitation interventions in the country as outlined in the NTF-AP. The NTFC gives update reports to the Cabinet Committee on Doing Business and is chaired by the Malawi Revenue Authority while the Ministry of Industry Trade and Tourism serves a secretariat. It is a 20-member body comprising public, private, and civil society key trade facilitation-related institutions.

The NTFC is an open forum whose purpose is to promote trade facilitation, encourage inter-agency coordination, and provide directions on major trade facilitation issues.

Below the NTFC are several sub-committees mandated to work on sectoral issues and report to the NTFC. The National Trade Facilitation's implementation structure is as follows:

Figure 4: Suggested Governance Structure



The sub-committees, with their own terms of reference, are headed by various sectoral agencies and periodically reports to the NTFC. They undertake sectoral activities from the NTF-AP. The NTFC meets every quarter and has, among other things, the following roles and responsibilities:

- a) Provide direction and drive the implementation of the NTF-AP;
- b) Provide the platform for discussion of all trade facilitation issues;
- c) Set up subsidiary bodies/task forces to deliver specific actions;

- d) Review and approve budgets for specific works/services (if necessary);
- e) Make policy recommendations on future trade-related investments;
- f) Liaise with development partners and drive resource mobilisation;
- g) Support trade facilitation negotiations at bilateral, regional and multilateral levels; and
- h) Monitor and evaluate the implementation of the NTF-AP.

8. RESOURCES

The NTFC is an inter-agency committee comprising public sector, private sector and civil society institutions. One of its functions is to mobilise resources for the implementation of the NTF-AP. NTFC will, therefore, be responsible for securing human and financial resources for the implementation of the NTF-AP activities. Administrative and financial resources will be sourced from both internal and external sources including the GoM, private sector and development partners.

9. RISKS AND ASSUMPTIONS

The NTF-AP identifies risks and assumptions mainly to serve the purpose of assessing whether the outlined goals and activities are realistic and achievable within the given time frame and the given available human and financial resources. The identified risks and assumptions will also be used to evaluate the existing NTF-AP environment and draw attention to necessary changes at any level of implementation.

In this context, a risk is defined as an uncertain threat that, if it occurs, could have a negative impact on the completion of the goal or activity. On the other side, an assumption is a condition that, *sine qua non*, will enable the successful completion of the goal or activity. In order to avoid repetition and redundancy, risks and assumptions should be defined at two levels.

Outlined below are general risks related to the overall implementation of the NTF-AP which are common to all goals and activities included in the NTF-AP.

- a) Inadequate financial resources may delay the implementation of some activities;
- b) High turnover of staff in different implementing agencies and inconsistency in personnel dealing with trade facilitation matters;
- c) Lack of awareness on the importance of trade facilitation matters among key stakeholders;
- d) Unreliable internet connectivity and power supply may pose challenges;
- e) Delays in the legislative system to adopt the proposed changes in laws;
- f) Conflict between regulations from different agencies for the same key issues;
- g) Delays experienced with neighbouring countries;
- h) Lack of collaboration of trade facilitation agencies; and
- i) Lack of private sector participation in trade facilitation reforms/investments.

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