Trade and Development Monitor

Monthly E-Newsletter of South Asia Watch on Trade, Economics and Environment (SAWTEE)

Volume 9, Issue 6, July 2012

CONTENTS

OPINION IN LEAD

SAFTA: Time to tackle non-tariff barriers in earnest

ANALYSIS

Saving South Asia: Impact of climate change

NEWS

100 Nepalese items to get duty-free access in Bangladesh

Nepal positive about producing hydroelectricity under sub-regional framework

India formally allows foreign direct investment from Pakistan

Sri Lankan rubber earnings hit US$1 billion mark

SAARC commerce secretaries agree to expedite tariff liberalization

South Asia landslides “on the rise”

Pakistan's trade policy in August: Govt eyes US$30bn exports

Malnourishment causes economic loss in Bangladesh

Fuel shortage darkens power generation scene in India

Dhaka, Delhi agree to renew water transit protocol for 2 years

ACTIVITIES

SAFTA: Time to tackle non-tariff barriers in earnest

As tariff barriers fall, the relative importance of non-tariff measures (NTMs) in restricting trade has increased the world over. NTMs can be applied to address public policy concerns—for example, food safety and environmental protection—as well as for protectionist purpose. Disentangling the two motives is difficult. Technical barriers to trade (TBT) and sanitary and phytosanitary (SPS) measures are the most frequently encountered NTMs and also considered among the most relevant impediments to exports, says the World Trade Organization's *World Trade Report 2012* (WTR 2012), whose thematic focus is NTMs. The report states that NTMs, and TBT/SPS measures in particular, vary across sectors but are especially prevalent in agriculture. It also presents evidence suggesting that procedural obstacles are the main source of difficulties for exporting firms from developing countries.

For South Asian countries, NTMs are a concern for both intra-regional and extra-regional trade. Since late last year, there have been encouraging advances in, among others, the area of tariff liberalization among South Asian countries. The urgency to tackle NTMs that are non-tariff barriers (NTBs) within the region has increased with the positive developments on the tariff liberalization front. Pakistan agreed in November 2011 to grant India most-favoured-nation (MFN) status in trade matters and take major steps to achieve that by 2012-end, and switch to a negative list from a positive list in its trade with India. Under SAFTA, India announced in the 17th SAARC Summit, held in November 2012 in the Maldives, its decision to unilaterally reduce its sensitive list for LDCs by 95 percent such that only 25 items—alcohol items, tobacco and tobacco products—would remain in the list with effect from 1 January 2012. Most other SAFTA members also reduced the items on their sensitive lists by at least 20 percent under second phase of sensitive list reduction with effect from the beginning of this year. Commerce secretary-level talks between Bangladesh and Nepal in July 2012 saw Bangladesh agreeing in principle to provide duty-free access to agriculture products exported by Nepal.

Fear of policy substitution—using NTMs to offset or dilute market opening resulting from tariff liberalization—is not unwarranted, given the track record of non-transparency of NTMs and their arbitrary implementation hurting intra-regional trade. NTBs take the form of SPS and TBT mostly. Pakistan wants India to remove NTBs in exchange for its granting of MFN status. Bangladesh pointed to NTBs in India for its inability to fully utilize the tariff-rate-quota facility for garments granted by India whereby up to eight million pieces of garments from Bangladesh could be eligible for zero-duty access to the Indian market without any sourcing conditionality. One of the reasons Nepal has been unable to fully translate duty-free market access under the Nepal-India trade agreement into market entry has been the array of NTBs faced by Nepali products in India. Besides the slow pace of tariff liberalization until recently, there was no progress in eliminating or reducing NTBs as envisaged by SAFTA. Trade facilitation measures were not taken to the desired extent. Inadequate trade facilitation, including in the areas of transit and transport, adversely affects extra-regional trade also. The bilateral trade agreements among South Asian countries have made hardly any progress in the elimination or reduction of para-tariff barriers and NTBs.

The current institutional mechanism under SAFTA to deal with NTMs is fairly weak. Under the existing rules, the member states notify the SAARC Secretariat the non-tariff and para-tariff measures they face on their exports on an annual basis. The notified measures are reviewed by the Committee of Experts (CoE), established under Article 10, in its regular meetings to examine their compatibility with relevant WTO provisions. The CoE recommends the elimination or implementation of the measure in the least trade restrictive manner in order to facilitate intra-SAARC trade. A majority of notifications and complaints are being dealt through bilateral negotiations. The CoE acts as the dispute settlement body under SAFTA, but its role in settling disputes related to NTBs has not been satisfactory. There is a need for an independent and effective dispute settlement body. Monitoring of NTMs/NTBs and their compilation into a readily accessible database are also essential.

There is evidence from global experience, as noted in WTR 2012, that negative effects on trade are mitigated by a reduction in policy divergence, whether through convergence to international standards, harmonization or mutual recognition. SAARC recently started making efforts in that direction. In the 17th SAARC Summit, the SAARC Agreement on Multilateral Arrangement on Recognition of Conformity Assessment, and the SAARC Agreement on Implementation of Regional Standards were signed. Just prior to the 17th Summit, the Agreement on the Establishment of South Asian Regional Standards Organization (SARSO) had been ratified by all member states and entered into force. Work on the harmonization of standards in 12 identified products has commenced. The actual impact on NTMs and their trade restrictiveness will depend upon the pace of the implementation of the mutual recognition and harmonization arrangements and their product coverage. This should be complemented by programmes/initiatives to help needy countries to upgrade their capabilities—infrastructural and human resource—to meet standards associated with NTMs, since in the context of weak domestic capacities and certain NTMs being non-negotiable, the only feasible and appropriate way to deal with such NTMs will be by easing the relevant domestic supply-side constraints in the exporting country. The Aid for Trade initiative under the World Trade Organization ought to be leveraged to address such constraints under a regional programme. Likewise, the creation of an LDC Integration Fund under SAARC could be an option for investing in programmes and projects to help alleviate the supply-side constraints facing South Asian LDCs. While going for harmonization and mutual recognition of standards at the regional level, caution must be taken against the possibility of significant trade-diverting effects on outsiders and regulatory lock-in, as well as the implications for extra-regional exports that have to meet different standards.

ANALYSIS

Saving South Asia: Impact of climate change

Climate change is likely to wreak havoc in South Asia along two climate vulnerable points—Himalaya in the north and a vast coastline in the South. The foundation of the “oneness” in this ecologically diverse and volatile region lies in it being an integrated climate entity with the same regional plateau, shared ecology and interdependent natural resources—mainly rivers. Besides, from the civilization point of view, the boundaries of the region are historically bracketed between Gango-Jaumna and Sindhu-Sarsvati civilizations.

The glacial northern Himalaya, which is the mother of all rivers in the region, forms 67 percent of the global glacial mass. The densely populated river plains and coastlines might just be the worst examples of human disaster because of global warming and steady snowmelt, which is the primary cause of floods and could ultimately result in acute water scarcity. Besides, rising sea levels in coastlines is bound to destroy the deltaic areas. Frequent storms, cyclones and unexpected heavy downpours in the southern areas, along with sparse rainfall and dryness in the north central region, have already begun.

This scenario is bound to cause major changes in crop patterns, altering the agricultural foundations of the region, heavy displacements due to floods, and increasing migrations due to livelihood loss and disharmonized ecological and biodiversity compositeness in the region, which may ultimately give birth to inter- as well as intra-state conflicts.

The current floods in India in which millions are affected is only a small version of what happened during 2010-2011 in Pakistan in which almost 20 million people were displaced in Sindh province alone within two years, causing the biggest ever humanitarian crisis of the region. Bangladesh, which usually faces massive floods, will now touch the fringes of severities. Sri Lanka is and will be threatened by the rising sea level. The very geographical existence of the Maldives is precarious. Conflicts over Kabul River may increase between Afghanistan and Pakistan, and conflicts over shared waters between India and Pakistan, India and Nepal and India and Bangladesh may further intensify.

In Pakistan, Sindh has already become a microcosmic picture of this South Asian climate big bang, witnessing the fourth highest recorded temperature on the globe in 2010 at 52.8 degrees Celsius, increasing precipitation in its northern and south-eastern areas along with lowering precipitation in the south-western hilly arid belt, including Karachi city, decline in the subsoil water table, infrequent rainfalls and erratic Indus floods combined with squeezed springs and autumns.

The Indus Delta has already been destroyed during the last three decades where nearly two million acre fertile land has been intruded by sea water, causing a loss of US$180 million to the province along with mass migration of nearly half a million people. Socio-economic upheavals caused by the situation are putting increasing pressure on the cities, aggravating possibilities of conflicts and it is expected that a huge migration to Sindh due to severe dryness in Punjab in the next decade will further intensify the conflict between Sindh and Punjab and possibly give birth to water wars between the provinces.

To respond to the challenge, a wider regional framework is required that should ideally begin with a joint Climate Research Centre in Nepal along with the establishment of a highly rich Scientific Council of concerned scientists, experts, researchers and recognized academicians. The salts of nation states are put to test during this crisis, where no individual country of the region can devise a countrywide framework, which minimizes the threats and addresses the impacts simultaneously. Therefore, a regional framework and regional course of action and intervention is required.

Besides, the mode of production in the region—in general and of agriculture, livestock, fisheries and forestry in particular—needs to be reassessed in the given situation because a majority of population in the region is rural. Along with high-temperature seeds and fish breeds, irrigation methods and technologies ensuring economic use of water could be adopted at higher levels. Such initiatives are already being adopted, although in a limited way, in India, Bangladesh and Pakistan. A climate change framework of health and hygiene requires more focus as people across the region are becoming more prone to climate change-related health risks and diseases.

What is also needed is a South Asia Treaty on shared water resources, followed by the countrywide Water Acts regulating judicious distribution of water resources among the federating states and between upper and lower riparian regions. The majority of the population in the region resides near the coastlines and, therefore, a Regional Coastline Agreement is needed for off-shore natural resource explorations, tsunami and cyclone pre-emptive plans and information sharing, digitalizing fishing boats with transmitters and early warning systems, banning reclamation of land in the sea. Centres of excellence in climate change studies should be established in the vulnerable states or the regions.

(Adapted from Zulfiqar Shah's article published in Republica on 22 July 2012)

NEWS

100 Nepalese items to get duty-free access in Bangladesh

Bangladesh has agreed to provide unilateral duty-free access to 100 Nepalese agriculture products to its market. The agreement was signed by Nepali Commerce Secretary Lal Mani Joshi and his Bangladeshi counterpart Ghulam Hossain in the two-day bilateral trade talks in Kathmandu that ended 30 July.

Nepal had previously sought such facility for 246 Nepali products, including lentils, tomato, spinach and herbs, among others. According to officials involved in the meeting, the Bangladeshi delegates approved Nepal's request for the duty-free access for local vegetables and fruit products to the Bangladeshi market. “However, it has not been finalized as to which products from the list will get the facility,” said Joshi.

Joshi said that the meeting had decided to form a bilateral technical committee to take a final decision on providing duty-free access to Bangladeshi market. “The committee formed on Sunday will submit its report by December this year,” he added. “Following the submission of the report, a decision will be taken as to when the new provision will come into effect.” The technical committee will be led by joint secretaries of the two countries.

The Bangladeshi side had asked for trade expansion and a cut in tariff to five percent for Bangladeshi agri-products. According to the Nepalese delegates, the Bangladeshi side especially sought tariff cuts on jute and fish. They had previously been seeking similar zero tariff facility for its products including cement and pharmaceutical products, among others. “The Bangladeshi government, after knowing that we cannot provide its product a zero tariff facility due to Nepal India Commerce Treaty, did not press us to fulfil its demand,” said Joshi.

The two-day meeting was especially focused on issues like trade facilitation, establishment of direct transport service and zero tariff market access.

The Bangladeshi team notified the Nepali delegates of Bangladeshi government’s decision to provide visa on arrival to Nepalese citizens. Nepal and Bangladesh agreed to work towards making each others’ currencies readily convertible to ease visitors and businessmen. So far, Nepal has currency convertibility agreement only with India.

The meeting also reviewed the progress on the decision made in the last meeting. According to Joshi, the Nepali side also asked their counterparts to endorse the transport agreement signed in 2006. The agreement had envisaged connecting Nepal and Bangladesh directly through India. Joshi said that the Bangladeshi delegates had informed the Nepali side of the upgradation of the road connecting Bangladesh’s Singhabad and India. The Bangladeshi side also agreed to upgrade infrastructure at the Banglabandh customs points. “Likewise, the discussion on building quarantine, cold storage and store house, among others in the border points of two countries also went positively,” said another member of the Nepali delegation. “This will help Nepali traders to export their goods.”

The next Commerce Secretary level talks will be held in the Bangladeshi capital Dhaka in February 2013.

Source: *The Kathmandu Post, 31.07.12.*

Nepal positive about producing hydroelectricity under sub-regional framework

Nepal will come forward to jointly produce and share hydroelectricity with its neighbours including Bangladesh, said Bangladeshi Foreign Secretary Mohammad Mijarul Quayes.

The Nepalese foreign secretary has expressed positive intent for working together with the neighbours on hydroelectricity production under a sub-regional framework, he told reporters after the secretary-level meeting at the foreign ministry.

"I hope a joint working group for sub-regional hydroelectricity production and water management, initiated by Bangladesh, will be able to meet very soon," he said.

Bangladesh has already nominated its representatives to the joint working group, and Nepal will come forward with its nominees without delay, he added.

Mijarul also pointed out that a technical team from the Power Division of Bangladesh had recently visited Kathmandu to exchange views with their Nepalese counterparts, which is seen as a crucial first step in commencing any discussions on cooperation in this sector.

Earlier, Foreign Secretary Mijarul Quayes and Nepalese Foreign Secretary Durga Prasad Bhattarai, on behalf of their respective countries, signed a Memorandum of Understanding (MoU) to hold regular Foreign Office Consultations.

Source: The Financial Express, 31.07.12.

India formally allows foreign direct investment from Pakistan

The Indian government has formally allowed foreign direct investment (FDI) from Pakistan, the latest in a series of confidence building measures to build trust between the two nuclear-armed neighbours.

Pakistani citizens and companies will be allowed to invest in all sectors apart from defence, space and atomic energy, a government statement said. The move to allow FDI from Pakistan had been announced by India's trade minister earlier this year.

Both sides have implemented measures to improve trade and business ties, as they slowly rebuild relations that were shattered by the 2008 Mumbai attacks.

Source: The Times of India, 31.07.12.

Sri Lankan rubber earnings hit US$1 billion mark

For the first time, Sri Lanka's revenue generated from rubber-based product exports would hit the US$1 billion mark by the end of the year. Last year the forex from this industry was around US$ 975 million.

The main reason for this gain was the increase in production. Spokesman for the Sri Lanka Association of Rubber Producers, Manufacturers and Exporters, Justin Seneviratne said that 75 percent of rubber-based products were exported and the main markets were the United States, Europe and Japan. He said that 65 percent of the local rubber product exports consist of solid tyres and 25 percent were rubber gloves. Sri Lanka also exports foam and rubber, carpets, cushions mattresses and pillows.

Local production is around 150,000 metric tons and the aim is to increase this to 250,000 by 2025. "In a bid to spread the crop to non-traditional areas, rubber is now being grown in Moneragala, Maha Oya and many other areas. We will also carry out tests in the northern areas like Kilinochchi with the assistance of Asian Development Bank funds," he said. When this project is completed, Sri Lanka would have a production in the excess of 250,000 tons and revenue in excess of US$4 billion.

Rubber manufacture has been a solid part of Sri Lanka's economy since the early 1930s and currently the country is the sixth largest exporter and the eighth largest natural rubber producer.

Source: Daily News, 25.07.12.

SAARC commerce secretaries agree to expedite tariff liberalization

Commerce secretaries of South Asian countries have agreed to speed up the process of tariff liberalization and integration of the region through harmonization of communication, transport, capital market and movement of people.

The 15th meeting of Committee on Economic Cooperation (CEC) under South Asian Association for Regional Cooperation (SAARC) held in the Maldives in July saw officials agreeing to harmonize customs operation that will lead to a smooth movement of goods and cargos in the region, said Naindra Prasad Upadhaya, joint secretary at the Ministry of Commerce and Supply (MoCS), Government of Nepal.

Officials from the least-developed countries (LDCs) of the region urged officials of non-LDCs to remove items that are export interest of LDCs from their sensitive list. The meeting also reviewed the status of sensitive lists and agreed to work to shorten them further in the near future.

The working group of the Agreement on South Asian Free Trade Area (SAFTA) that met in Kathmandu in June to shorten the sensitive lists had failed to make any headway after the countries remained divided over the modalities of shortening the lists.

Source: Republica, 18.07.12.

South Asia landslides "on the rise"

Most South Asian countries are witnessing an increasing trend in landslides in recent years and scientists say extreme rainfall patterns, seismicity, and uncontrolled human activities are to blame. Authorities have said the number of people killed and displaced and properties destroyed by such disasters are also on an upward trend.

Landslides are common in the region, particularly in the Hindu-Kush-Himalaya foothills, during monsoon that lasts for around four months until September. But authorities say their frequency and intensity are on the rise. "There has been an increase in the events of landslides in the region in recent years," says Mriganka Ghattak, a specialist in geological disasters with the South Asian Association for Regional Cooperation's (SAARC) Disaster Management Centre in Delhi. "We have noticed the rise particularly in northern parts of India, Nepal, Pakistan, Afghanistan and some areas of Bangladesh," said Ghattak. "Broadly, the main affected areas are in the Hindu-Kush-Himalaya region where the geological conditions are quite dynamic."

According to the centre, of the total landslides that happened across the globe in 2009, nearly 60 percent was in South Asia where around 280 people died. In 2010, the region's share remained more or less the same. This June, around 110 people died in the Chittagong region of Bangladesh because of landslides and floods.

A few days earlier, more than 80 people had died in an earthquake-triggered landslide in northern Afghanistan. Although authorities in most South Asian countries in the Hindu-Kush-Himalaya region agree that they have experienced a rise in the cases of landslides in recent years, official figures are yet to be made available.

Source: BBC News, 18.07.12.

Pakistan's trade policy in August: Govt eyes US$30bn exports

The Ministry of Commerce, Government of Pakistan, will unveil the three-year Strategic Trade Policy Framework 2012-2015 in August with a string of development initiatives to boost exports above US$30 billion. "The ministry is working on the new trade policy to give the country's exports a boost", said the newly-appointed Commerce Secretary Munir Qureshi.

Pakistan's first-ever three-year trade policy framework (STPF) 2009-2012 came to an end on 30 June. Normally, the trade policy is unveiled in mid-July, but this year it has been delayed till August.

The first STPF largely remained unimplemented because of lack of funds. "The ministry has projected Rs 35 billion for the implementation of all initiatives announced in the policy document but in reality Rs 2 to 3 billion were released by the finance ministry", an official source said. As a result of shortage of funding, 70-80 percent of the initiatives announced in the last trade policy were never implemented.

Experts say that the commerce ministry as well as its implementing arm—Trade Development Authority of Pakistan—lack the human resource capacity to oversee and monitor implementation of initiatives announced in the trade policy. Qureshi said the new policy will mostly focus on export promotion. He said there was no restriction on the import side except the negative list with India.

Source: Dawn, 17.07.12.

Malnourishment causes economic loss in Bangladesh

The efforts by the Government of Bangladesh to fight malnutrition seems to be ineffective, as two recent United States (US)-funded studies reveal that every year the country suffers losses amounting to US$1 billion in economic productivity due to malnutrition. Proponents of intervention say boosting malnutrition treatment and prevention would cost only a fraction of that amount and generate billions of dollars in returns over the next decade.

According to the government, the required cost to overhaul systems to improve nutrition is US$4.2 billion per year, some US$2 billion more than it receives in foreign aid annually. The authors of the studies conclude that if the government provides effective nutrition services, estimated to cost US$130 million-170 million per year, the net benefit of these investments in terms of increased productivity could exceed US$10 billion by 2021.

“Targeted investment in the most effective interventions to reduce malnutrition can make a critical difference in Bangladesh,” said Erica Roy Khetran, country director of Helen Keller International-Bangladesh, who did not participate in conducting the study. “However,” she adds, “it is important that these investments are based on evidence about what works best, and who to target, and how to implement in a way which reaches the most mothers and children.”

Despite the government’s commitment to fight malnutrition through the Sixth Five-Year Plan 2011-2015, its policies are ineffective due to limited distribution of nutritional supplements, inadequate growth monitoring and lack of skilled personnel, according to the World Food Programme (WFP). WFP noted supplementary feedings provided to pregnant and lactating women, girls and children have failed to cover these groups’ basic energy needs, while moderate acute malnutrition is not included in the strategy.

Some 41 million people, 27 percent of the population, are malnourished and nearly half of all children under five (7.8 million) are too short for their age, a sign of nutrient shortage, according to 2009 data analysed by WFP. Another two million children are estimated to have acute malnutrition, weighing too little for their height.

Source: IRIN News, 04.07.12.

Fuel shortage darkens power generation scene in India

Despite an increase in generation capacity, India has been grappling with power shortage in the peak summers as the availability has not risen at the same pace as generation capacity, owing to fuel unavailability and other supply constraints.

An analysis of data for the 11th Plan ended March 2012 showed the installed generation capacity had increased 40 percent but the actual generation rose 29 percent. The installed capacity at the end of March this year was 199,877 MW from 143,061 MW at the end of March 2008. Availability was 857,239 million units at the end of March this year from 664,660 million units at the end of March 2008.

The increased generation, though, reduced the power deficit from 9.8 percent in March 2008 to 8.5 percent in March 2012. According to experts, the rise would have been more if there hadn’t been fuel supply constraints. “Fuel constraint has not only affected generation at units which have been commissioned but has also hit projects that were in line to be commissioned,” said R S Sharma, Managing Director, Jindal Power Ltd. He was earlier Chairman and Managing Director of NTPC, the country’s biggest power generator.

Sharma said the country could have added another 10,000-15,000 MW capacity in the 11th Plan but this did not happen primarily because of fuel problems and difficulty in environment clearances.

The crux of the problem is insufficient production at Coal India, the near-monopoly producer. Demand for coal in India has grown at an annual rate of 8.4 percent over the past five years. That of supply has risen at an annual 5.4 percent during the period. For 2011-2012, about 534 million tons was available, leaving a gap of 142 million tons to be met through imports.

Source: Business Standard, 04.07.12.

Dhaka, Delhi agree to renew water transit protocol for 2 years

Bangladesh and India signed a Letter of Exchange agreeing to renew the "Protocol on Inland Water Transit and Trade" between the two countries for another two years starting 1 April 2012 until 31 March 2014. The agreement renewing the Protocol will be signed within a week.

Shipping Secretary of Bangladesh Abdul Mannan Howlader and Shipping Secretary of India PK Sinha signed the Letter of Exchange for their respective side after a secretary-level meeting in Dhaka. Speaking on the occasion, Shipping Secretary Abdul Mannan Hawlader said India used to pay Bangladesh Tk 5.5 crore annually for maintaining the river routes, but will now pay Tk 10 crore annually for next two years.

The yearly maintenance covers the routes Kolkata-Chandpur-Pandu-Silghat; Kolkata-Chandpur-Karimganj; Silghat-Pandu-Ashuganj-Karimganj; Rajshahi-Dhulian; Doikhawa-Sirajganj; and Karimganj-Sherpur.

The Shipping Secretary said India also made a proposal for introducing coastal shipping between the two countries that will benefit both Bangladesh and India. A Bangladeshi team headed by Director General of Shipping has been formed to negotiate with their Indian counterpart. "If the team finds that coastal shipping will be beneficial for Bangladesh, necessary steps will be taken within next 3-6 months," he said.

The Bangladesh-India Protocol on Inland Water Transit and Trade was first signed in New Delhi on 28 March 1972. The protocol, which is usually extended after two years, expired on 31 March 2012 and remained operative under *ad hoc* arrangement from 1 April to 2 July. Its renewal was delayed as Bangladesh refused the Indian proposal to extend it for five years.

Under the protocol, the two countries have five ports of call on each side—Narayanganj, Khulna, Mongla, Sirajganj and Ashuganj in Bangladesh; and Kolkata, Haldia, Karimganj, Pandu and Silghat in India. A port of call of one side is meant to provide facilities to the vessels of the other.

Source: UNB Connect, 03.07.12.

ACTIVITIES

Nepal Case Study for European Report on Development

SAWTEE, in collaboration with Center for the Study of Labour and Migration (CESLM), organized a validation workshop on "Nepal Case Study for European Report on Development" on 16 July 2012 in Kathmandu. The study is a part of the European Report on Development (ERD), an annual report commissioned by the European Commission since 2009 that looks at the course of development cooperation in several socio-economic areas. The focus of the ERD 2012-2013—the fourth in the series—is "Development in a Changing World: Elements for a Post-2015 Global Agenda." A consortium of three European development institutes, namely, the Overseas Development Institute (ODI), the German Development Institute (DIE) and the European Centre for Development Policy Management (ECDPM), will be preparing the report.

Consultative Meeting on Draft Guidelines of CPMP Act 2063

SAWTEE, in collaboration with the Department of Commerce and Supplies Management (DoCSM), Government of Nepal, and USAID NEAT activity, organized a consultative meeting to discuss the draft Guidelines of Competition Promotion and Market Protection (CPMP) Act 2063 on 11 July 2012. SAWTEE has prepared a Guidelines to facilitate the implementation of the CPMP Act. The Guidelines clarifies the provisions of the CPMP Act and explains various methods that the implementing authorities can rely upon while enforcing the Act. In addition, the Guidelines also serves as a clear and coherent guidance of procedures for the enforcement authorities.

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