The Training-Workshop on Enhancing the Contribution of Preferential Trade Agreements to Inclusive and Equitable Trade was held in Ebene, Mauritius, on 4-6 November 2015. The event forms part of a UN Development Account Project, which is jointly implemented by three other UN Regional Commissions, namely the Economic and Social Commission for Asia and the Pacific (ESCAP), the Economic Commission for Africa (ECA) and the Economic Commission for Latin America and the Caribbean (ECLAC) carrying out activities in each corresponding region.

The three-day Training-Workshop is the first collaboration between ECA and the Indian Ocean Rim Association (IORA) Secretariat. Representatives from Member States, namely Bangladesh, Comoros, India, Indonesia, Kenya, Mozambique, Mauritius, Seychelles, and South Africa participated in the Training-Workshop. In addition, representatives from academic institutions also attended the event. The following resource persons intervened on relevant topics (see below for summary of presentations):

1) Mr. Simon Mevel from ECA,
2) Prof. V.N. Attri from IORA and University of Mauritius,
3) Ms. Inés Escudero (Independent Trade and Private Sector Development Specialist),
4) Prof. Neera Verma from Kurukshetra University, and
5) Mr. Aimé Murigande from the World Trade Organization.

In addition, representatives from Mauritius and Comoros shared their country’s experiences in terms of specific trade negotiations:

1) Mr. A. Bhuglah from the Ministry of Foreign Affairs, Regional Integration and International Trade of Mauritius, and
2) Mr. Hachim Abbas from the Ministry of Economic and Foreign Trade of Comoros.

The event launched with the welcoming remarks by Mr. Simon Mevel, on behalf of ECA, mentioning the considerable changes in the trade landscape over the last 25 years with a strong increase in trade flows and in the number of trade agreements. Specifically, the development surrounding the mega-regional trade agreements –particularly the Trans-Pacific Partnership (TPP) which negotiations concluded last month, the Transatlantic Trade and Investment Partnership (TTIP) between the United States and the European Union as well as the Regional Comprehensive Economic Partnership (RCEP) between 16 countries from Asia and the Pacific– are among the latest trend.

Africa has been particularly active this year alone, namely with the establishment of a Customs Union for ECOWAS in West Africa, the launch of the COMESA-EAC-SADC Tripartite Free Trade Area, the official launch of the negotiations to create a Continental Free Trade Area (CFTA). Also important, the upcoming WTO Ministerial Conference to be held for the first time on African soil in Nairobi, Kenya in December 2015 is an event to point out, which must deliver on development issues. However, the rapid growth of trade flows and trade agreements have not reached the level of benefits for the countries and their
population equally; hence, much remains to be done to ensure that benefits from trade can be more equitable and inclusive.

Professor V.N. Attri addressed the audience focusing on the relevance and importance of Preferential Trade Agreements (PTAs) and Regional Trade Agreements (RTAs) in promoting sustainable development and balance growth in IORA member States. The understanding of the process of negotiation of PTAs/RTAs is highly desirable for the policy-makers in order to make these them inclusive and equitable.

The speaker reminded the audience that the event offers a platform to discuss the recent developments in the theory of RTAs, their economic and social impacts on the process of development of small island development States economies in Africa, Asia and the rest of the world as well as to ensure capacity building of the member States of IORA in trade and investment facilitation related issues. The workshop also serves as an opportunity to understand the link between trade and sustainable development, and the mechanics of South-South Cooperation in making PTA and RTAs more inclusive and equitable. As this occasion is the first time such training-workshop is being held in IORA, it is desirable in the future for many events of this kind be held in collaboration with ECA.

Ambassador K.V. Bhagirath, Secretary General of the Indian Ocean Rim Association (IORA), followed in welcoming the participants. Principally, the Ambassador highlighted the need for cooperation with the least developed countries (LDCs) for poverty alleviation, which will enhance the inclusiveness of PTAs and RTAs. Trade and investment facilitation are two of the priority areas of IORA; therefore, the trade facilitation component of PTAs and RTAs must be incorporated in the clauses of forthcoming trade agreements. In his speech, he also mentioned the importance of capacity building within IORA member States. The Secretary General appreciated the contribution of ECA for organizing the Training-Workshop to which six member States from Africa attended: Comoros, Kenya, Mauritius, Mozambique, South Africa, Seychelles as well as two member States from Asia: Indonesia and Bangladesh. He wished that the deliberations during the 3-day event would be fruitful and lead to practical policy outcomes.

Finally, the keynote speaker, Mr. M.D. Phokeer¹, on behalf of the Minister of Foreign Affairs, Regional Integration and International Trade of Mauritius, shared with the delegates that a proposal for a PTA among the IORA members was made by Sri Lanka in 2001, which was supported by Member States including Iran, Kenya, Mauritius, Oman, Sri Lanka, Bangladesh and Yemen. He pointed out that the greatest challenge would be on how to reconcile an IORA PTA with the trade regimes of Members’ existing Free Trade Areas (FTAs) and other commitments in this field.

Theoretical as well as practical aspects of trade agreements, including social implications (i.e. gender, labor, and human rights), trade negotiation process and country-specific experiences were presented with an emphasis on how countries can take advantage of the benefits trade agreements offer. Below are key messages of interventions followed by key outcomes from the training-workshop (to be added).

4 November 2015 – Day 1

1. **Introduction and Objectives – by Simon Mevel**
The broad definition of preferential trade agreements (PTAs) is used for this Project. In that sense, PTAs are considered to be agreements between two or more countries giving reciprocal preferential market access to each other on all or some products and services; reciprocity can be partial or full. They are synonymous to the regional trade agreements (RTAs) that are “reciprocal trade agreements between two or more partners” as per WTO definition² and including free trade areas (FTAs), customs union, and

¹ Director, Regional Integration Division. Ministry of Foreign Affairs, Regional Integration and International Trade of Mauritius.
² See: [https://www.wto.org/english/tratop_e/region_e/rta_pta_e.htm](https://www.wto.org/english/tratop_e/region_e/rta_pta_e.htm)
other economic integration agreements. Although they have the same acronyms, preferential trade agreements and preferential trade arrangements should not be confounded. As per WTO definition, preferential trade arrangements refer strictly to “unilateral trade preferences” and, therefore, are non-reciprocal, not negotiated, and thus outside of the scope of this project. Preferential trade arrangements and PTAs/RTAs are against the principle of most-favoured nation (MFN) non-discriminatory treatment but have been tolerated by the WTO either through waivers, enabling clause (i.e. preferential trade agreements between developing countries) or exceptions (e.g. FTAs, Customs Union and economic integration agreements).

Looking at the historical development of PTAs/RTAs, their number multiplied. Generally, trade is seen as a positive influence to development and agreed that economic growth is closely related with expected positive direct and indirect benefits on population. At the same time, economic growth linked to trade reforms vary across countries and often resulting in unequal distribution of gains. Developing countries, especially the LDCs, are often unable to fully benefit from trade expansion due to challenges, including inadequate productive capacities, limited access to finance, high cost to trade across borders, difficulties complying with norms, standards and other regulations (e.g. sanitary and phytosanitary measures, rules of origin, etc.), labor market regulation (e.g. growing informal sectors where people work under precarious conditions), and the lack of capacity and coordination to effectively design and negotiate trade agreements.

In an attempt to address the challenges, a training-workshop of this nature aims to prepare project beneficiaries to assess and enter into trade agreements by enhancing their knowledge and capacities in three main areas, including economic impacts of trade agreements, social impacts of trade agreements and engaging in trade negotiations at the bilateral as well as the multilateral level. A highlighted key output of the UN-wide project is the creation of a knowledge sharing platform where a permanent repository of relevant materials and guidance may be accessed by Member States. This would further contribute to the exchange of knowledge and expertise, both among countries and with dedicated experts.

2. **The Theory of Preferential/Regional Trade Agreements: Historical Evolution and Recent Trends** – by V. N. Attri

Preferential/Regional Trade Agreements (PTAs/RTAs) have the potential to promote growth, employment, social welfare and enhancing access to markets and facilitate regional integration further benefiting consumers by providing more varied and cheaper goods and services. These contribute to economic integration, which can be categorized into seven stages: 1) Preferential Trading Area; 2) Free Trade Area; 3) Custom Union; 4) Common Market; 5) Economic Union; 6) Economic and Monetary Union; and 7) Complete Economic Integration. Regional Integration and Regional Cooperation are fundamentally different; it is important to differentiate the two given that the first refers to the economic union as occurring with the European Union and the latter in the rest of the world. The “new regionalism”–formal/informal relations involving not only states but also non-state actors such as civil societies and private companies– could benefit developing economies in the Indian Ocean rim region and thus it would be important for governments to clearly understand the rules and regulation while engaging in trade.

3. **Key Trade Agreements and the Importance of Their Sequencing for Industrialization (focus in Africa)** – by Simon Mevel

Industrialization has been identified as one of the key pillars that will drive social and economic structural transformation of Africa in the next 50 years (African Union Agenda 2063). In this context, it is important to examine whether and how trade agreements can advance or hinder Africa’s
industrialization agenda; using in the area of trade agreements, and focusing on their implications for Africa’s industrialization

While, WTO is surely an invaluable framework for multilateral trade negotiations, the right sequencing of trade policy reforms matters considerably and regionalism can truly benefit African nations. However, not all forms of regionalism have the same impact.

First, over the past 15 years data show that Africa’s exports of goods have been largely driven by trade preferences. However, and regardless of destination, Africa’s exports are concentrated in fuels and, to a lesser extent, ores and metals. Therefore, preferential schemes have generally failed to support their industrialization. Having said that, African countries may obtain improved outcomes from trade preferences if, for instance, exclusion list of products is reduced and the right balance is found between improving productive capacity for the preference-receiving country and relaxing rules of origin by the preference-giving country (e.g. AGOA and the third country fabric provision). Yet, the unpredictability of preferences makes it difficult to develop the regional value chains (RVCs) needed to sustain Africa’s industrialization.

Second, opening up Africa’s market through reciprocal agreements can clearly deliver benefits for African countries. Yet, their impact on Africa’s industrialization highly depends on initial conditions (e.g. EPAs and asymmetric protection structures between Africa and the European Union). Therefore, Africa should determine its external protection structures which do not undermine its industrialization (e.g. facilitating imports of intermediates to be used in the production of industrial products). Furthermore, greater policy space from South-South engagements than from North-South partnership suggests that African countries would gain by reinforcing ties with developing partners.

Third, recent evidence shows that reinforcing trade relationships within the African continent provides a stronger basis for industrialization and regional value chains. For example, with the Continental Free Trade Area (CFTA) in force and trade facilitation reforms in place, it is expected that the share of intra-African trade and its industrial content would strongly increase. Moreover, as higher shares of intra-regional trade tend to be associated with higher shares of regional (as opposed to foreign or imported from outside the region) value-added in intra-regional trade, the CFTA could help enhancing output of value-added products issues from the regional market, thereby supporting regional value chains.

Overall, Africa’s market should be opened progressively, and ideally intensified only when regional integration has deepened considerably. Such reforms demand that political commitments be made swiftly. African member States, individually and through the RECs, should make the necessary policy changes to enhance Africa’s competitiveness. Mobilizing required financial resources will also be crucial. Finally, it will be vital for Africa to create a social and political environment where peace and security triumph.

5 November 2015 – Day 2

4. Trade Agreements from a Business Perspective – by Inés Escudero

The perspective of the private sector was highlighted as well as the need to reflect private sector priorities in trade agreements. In particular, a clear distinction was made between norms and standards, and what the requirements are for exporting to the European Union. Preferential (tariffs) and non-preferential (quotas, antidumping measures, statistics or labeling) are applied based on rules of origin (RoO), in other words the “economic nationality” of a product, which is defined in three categories: a) change in tariff classification, b) added value, and c) specific operations. Additional provisions of RoO exist, including features such as cumulation. IORA Member States could facilitate trade by harmonizing laws, reinforcing national standards, increasing the quality and quantity of certified laboratories, training
certified auditors, offering technical assistance programs, raising firms awareness and building firms capacity.

5. **Making PTAs Inclusive and Gender Sensitive** – by NeeraVerma

While distinguishing “equality” vis-à-vis “equity” and the importance of inclusiveness in economic development, the inclusion of social clause complement trade agreements and ensure equitable labor standards. Trends show that social clause mainly concentrate in North-South RTAs; however, RTAs of emerging and developing economies are modestly on the rise. Labor standards and conditions lead to domestic legislations and cooperation activities between signatory parties cover issues such as trade unions, health and occupational safety, among other. In addition, RTAs increasing refer to ILO instruments, particularly the 1998 Declaration of Fundamental Principles and Rights at Work.

Although gender and trade policy nexus remains to be mainstreamed, direct conflict between trade rules and human rights of women and trade norms that often undermine the livelihoods and well-being of women stands as a growing concern. Trade agreements often diminish the capacity of state to protect, promote and fulfill the economic and social rights of women. Case studies from ASEAN and SADC show major gender initiatives geared towards women empowerment. In order to obtain an improved gender balance in PTAs, the following are recommended: i) placing women at the center of trade policy analysis and deliberations so that trade policy change may not be made at the expense of the quality of the lives of women; ii) making policy-review gender-oriented; iii) giving easy access to women to social safety nets schemes; iv) enhancing trade related capacity building among women; and v) providing necessary resources to ensure gender equality in the region.

6. **Trade Negotiations beyond the WTO Framework and Cross-Cutting Themes (Human Rights, Inclusiveness, etc.)** – by V.N. Attri

The World Trade Organization (WTO) does not restrict PTAs. WTO Plus (WTO+) refers to additional commitments to those already agreed to at the multilateral level, such as provisions that either (a) addresses a trade issue or topic that is not dealt with in current WTO rules, or (b) deals with a WTO issue or topic in a way that is superior to the way the issue is dealt with in the WTO system. Issues that are perhaps more effectively addressed through PTAs include trade in services, intellectual property, trade facilitation, among other. WTO Extra (WTO-X) refers to commitments that deal with issues beyond the current WTO mandate, such as labor standards, environmental laws, among other.

Human rights provisions are increasingly included in PTAs; however not all of them contain social law with a greater degree of trade liberalization and public concerns. Often, including human rights provisions is the politician’s response to such public concerns. In addition, “It is believed that PTAs comprised of ‘Hard Law’ can withhold economic benefits, and thus can have a real benefit to substantially reduce human rights violations.”

7. **WTO: Rules for PTAs/RTAs and Negotiation Process** – by AiméMurigande

Trade liberalization may be characterized as ‘unilateral’ or ‘reciprocal’ with selective or generalized members. The different levels of RTA’s implications include, from least to most economic and political integration: 1) Partial Scope, 2) Free Trade Area, 3) Customs Union, 4) Common Market, and 5) Economic Union. Trends show that free trade agreements account for the majority of RTAs that are notified and in force (87%) and mostly are bilateral (81%) between developed-developing countries (39%), and amongst developing countries (39%).

The majority of WTO member is composed by developing countries, namely reaching 70%. Decisions may be taken at different levels, from highest to lowest: 1) Ministerial, 2) General Council, 3) Councils, and 4) Committees. The Doha Development negotiation, launched in 2001, is the first multilateral round
specifically dedicated to development matters. There are nine negotiation groups (Agriculture, Non-Agricultural Market Access (NAMA), Services, Trade-Related aspects of Intellectual Property Rights (TRIPS), Trade Facilitation, Trade and Environment, Dispute Settlement, Development issues, Rules) and principles (Transparency and Inclusiveness, Bottom-up approach, etc.). While solidarity among developing countries exists, disagreement among them also reflects a wide scope of interests. It is inaccurate to only acknowledge North-South split; South-South splits are also present. Finally, the Doha negotiation is a complex dynamic difficult to conclude, with large number of issues, each with a large number of sub-topics, high ambition and a numerous players, where consensus is the main decision making process and “nothing is agreed until everything is agreed.”

When establishing a preferential trade regime in favour of some trade partners (e.g., through the formation of an RTA), third parties should not face higher barriers than those existing before the formation of the RTA, and the RTA must provide mutual/reciprocal trade concessions. Entering a RTA, a WTO member should invoke of one GATT XXI and GATS V provisions, depending on the parties ‘developing’ or ‘developed’ engagement and either trade in goods or services, and comply with the relevant conditions.

6 November 2015 – Day 3

8. **Mauritius: Trade Negotiations within the Tripartite Region – by A. Bhuglah**

The IORA project of PTA will be confronted by similar problems as those faced by COMESA-EAC-SADC Tripartite, raising the question “Is a PTA between IORA member States feasible?” In that sense, key questions that are raised are as follow:

a) How existing trade regimes are going to be harmonized knowing that some of them are already in Customs Unions?

b) What about those that are above trade regimes but do not belong to IORA (e.g. Kenya, Tanzania are in EAC and in IORA, while Burundi, Rwanda and Uganda are in EAC but not in IORA)?

c) What about countries member to IORA that are not even member of WTO (e.g. Yemen)?

Indeed, IORA member States already have their own trade regimes (e.g. SADC, SACU, EAC, Gulf CC, ASEAN, etc.). A member State cannot be in 2 Customs Unions at the same time (it is legally and technically not possible); it must decide. Therefore, it is appropriate to carefully explore feasibility of PTA for IORA in such context and how to move forward in this complex regional integration agenda. One advice would be to start smaller (e.g. PTA) to first create confidence and get the business moving.

In the case of the experience from the Tripartite, bringing together twenty-six member States, the main concern is that some countries belong to more than one REC and have the choice to make as far as selecting one Customs Union. The Tripartite is seen as the solution by providing a bigger area to bring more visibility in overlapping memberships and by agreeing to merge COMESA, EAC and SADC. However, negotiations are complex and take time. Technically, it appears easy but in practicality, there are a number of problems.

Tripartite negotiations started back in 2008 with Tripartite FTA on goods just launched on 10 June 2015. However, not all issues (e.g. tariffs schedule, Rules of Origin, trade remedies) have been finalized. It should also be highlighted that the Tripartite is not only about trade making negotiations, but even more complex. It includes an industrial pillar to allow manufacturing to take place; it also considers the need to allow goods to move more easily from one country to another—thanks to an infrastructure pillar and, in particular, the creation of corridors; additionally, it envisages the movement of business persons. Tripartite negotiations are conducted in 2 phases:

1) Trade in goods (concluded last June); and

2) Trade in services, intellectual property rights, competition policies, cross-border investments, etc.
Perhaps most importantly, the Tripartite has created a dynamic on the African continent. CFTA negotiations have been officially launched on 15 June 2015 and difficulties lay ahead for the fifty-four member States to come together. IORA’s tasks ahead may not be easy with extremely heterogeneous countries.

9. **Comoros: EPA Experience Towards the Complete Signature – by H.M. Abbas**

Comoros faced challenges in preparing for negotiations given the large disparity of development needs in addition to the lack of consultation meetings that would allow key development areas to be taken into consideration. Negotiation topics included Market Access, EU Export Subsidies, and “double zero” mechanism (no LDCs signer should introduce a subsidy that would facilitate and increase the export of agricultural products to the European market). Despite Comoros submission of the list of commitments in 2008, Comoros has recovered its offer of goods and its exclusion list to revise and incorporate omissions and errors. Comoros recommends basic principles to guide negotiations, including extended transitional period, a scheduled review clause, i.e. every 5 years, and flexibility in executing forward, among other. Major actions are concluded, such as learning more about EU funding instruments including the Regional Programs (PIR, PIN) and other facilities and introduce the priority projects, and establishing a monitoring and evaluation of the implementation of the EPA, among other.

The promotion of growth and development, the strengthening of regional integration, the strengthening of South-South trade and the preservation of the achievements of Cotonou should remain the fundamental objective in the negotiations towards a full EPA. Thus, on the basis of quantified options or costs specified in the matrix, it is important to take into account the specific interests of the Comoros that fit into this approach and are inspired by the vision of the ESA. To achieve this, Comoros initiated major economic reforms and the legal framework improvements. For instance, the Regulation-1528-1507- states that all countries that will not sign the full EPA will be removed from the GSP: MFN and EBA initiative. In working towards a full EPA, Comoros suggests to specifically define the notion of "substantially all trade" (i.e. 80% liberalization and 20% of excluded products), review the safeguard measures to protect the LDCs risk re-inventory and re-export of the contracting parties, consider safeguard measures, among other.

10. **Briefing on the 10th WTO Ministerial Conference (MC10) – by Aimé Murigande**

During the 9th Ministerial Conference in Bali, Ministers instructed to clearly define a work program on the remaining Doha Development Agenda issues (deadline of November 2014 and extension of July 2015 missed). The work program was to be developed in a way that is consistent with the guidance provided at the 8th Ministerial Conference, including the need to look at ways that may allow Members to overcome the most critical and fundamental stumbling blocks. The Trade Negotiations Chair (TNC) includes Agriculture, NAMA, and Services as some of the toughest issues and the need to address them in a more integrated way. Although members have sought to address these three pillars concurrently, some have expressed their reluctance to engage in new NAMA and Services terms until more progress is made on Agriculture negotiations.

There are three potential outcomes of the MC10: 1) Export competition in Agriculture (export subsidies, export finance, food aid, state trading enterprises); 2) LDC and Development issues (DFQF market access, preferential rules of origin, services waiver); and 3) Transparency issues (rules on anti-dumping, fishery subsidies, RTAs). However, deliveries from the MC10 will not be viable as a satisfactory conclusion of the Doha Round. Members agree that core issues of the Doha Round. Nevertheless, there is no consensus on how these negotiations should take place.
Key Outcomes

1) If it is widely recognized that trade is a viable tool to favor economic growth, appropriate trade policy reforms -based on theoretical and empirical evidence- are required to lead to more equitable and inclusive outcomes.

2) Particularly, evidence shows that the right sequencing of trade agreements significantly matters for industrialization (e.g. ECA empirically demonstrated that African countries would be more competitive in the global trade sphere if they are able to first effectively deepen regional integration). Industrialization has been identified as one of the key pillars that will drive social and economic structural transformation of Africa in the next 50 years (African Union Agenda 2063).

3) While the WTO offers an appropriate framework for multilateral trade negotiations, regionalism (especially regional integration) clearly benefits developing economies. South-South trade agreements are expected to generate larger trade and income gains for developing countries than North-South arrangements. Moreover, if well designed such agreements could be more conducive for equitable and inclusive trade.

4) The involvement of private sector is also crucial to increase the market access. Understanding what a business needs will lead to a better acceptance of any preferential/regional trade agreement’s results.

5) Non-tariff norms and standards are amongst the main barriers to trade. Governments and the private sector should work closely in order to tackle the main barriers affecting the country’s exports. Governments can also play an active role in facilitating the compliance of international norms and standards. Besides, taking advantage of the opportunities offered by PTAs/RTAs requires that rules of origin must be clearly understood by governments and business alike.

6) The inclusion of labor provisions and other social clauses (including gender empowerment, etc.) into trade agreements should not be overlooked. Such issues are important to potentially make benefits from trade more inclusive and equitable. They are also particularly essential in securing wider support from the population and giving credibility to exiting and forthcoming trade agreements.

7) Similarly, the inclusion of WTO+ and WTO-Extra provisions should be carefully thought out when designing PTAs/RTAs. This requires clear understanding by policymakers of the corresponding provisions which can be enhanced through specific capacity building activities.

8) Technical assistance and capacity building activities through this type of training-workshops should be more frequent (and cover all sub-regions) to enable all stakeholders to better understand the issues related with trade facilitation and investment- one of the priority areas of IORA.

9) Further capacity building is also required to better prepare for and conduct trade negotiations as well as equipping the private sector to better take advantage of negotiated trade agreements.

10) Reaching meaningful development outcomes at the 10th WTO Ministerial Conference in Nairobi is of high importance.

11) Commitments that relate to PTAs/RTAs must be effectively translated into implementation on the ground.

12) Peace and security are essential to create a more conducive environment.
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