

Trade Policy Review Body

TRADE POLICY REVIEW
Report by the Secretariat
THE GAMBIA
Revision

This report, prepared for the second Trade Policy Review of The Gambia, has been drawn up by the WTO Secretariat on its own responsibility. The Secretariat has, as required by the Agreement establishing the Trade Policy Review Mechanism (Annex 3 of the Marrakesh Agreement Establishing the World Trade Organization), sought clarification from The Gambia on its trade policies and practices.

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Document WT/TPR/G/233 contains the policy statement submitted by The Gambia.

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SUMMARY**(1) ECONOMIC ENVIRONMENT**

1. The Gambia is a small, least developed economy, with a very narrow economic base. The external sector is heavily dependent on re-exports, tourism, and remittances from overseas. Import and export procedures are relatively simple and efficient compared with many other developing countries. The first Trade Policy Review of The Gambia was held in 2004.

2. In the past six years, real GDP growth averaged nearly 6%, driven mainly by tourism-related services, communications, and construction. Affected by the global economic crisis, real GDP decelerated to 4.6% growth in 2009 as tourist arrivals and remittances declined. These falls were partly offset by increased agricultural production. GDP growth is projected to pick up slightly in 2010 to 5%.

3. The Gambia's fiscal balance has become less dependent on external taxes during the period; trade-related taxes fell from 40% of Government revenue in 2003 to 24% in 2009, as other indirect taxes, such as sales tax, assumed greater importance.

4. Inflation peaked at 7% in February 2009, but declined to 2.6% in December, rising to around 4% in April 2010 as the Central Bank eased its previously tight monetary stance. The exchange rate is a managed float against the U.S. dollar.

5. Between 2003 and 2009, The Gambia's competitive advantage was eroded by ECOWAS tariff harmonization, increased relative efficiency of other regional ports, and real effective exchange rate appreciation. These factors impacted both formal and informal trade, with merchandise trade falling from over 70% of GDP in 2003 to under 50% in 2009.

6. With a growing trade imbalance, stemming from higher oil prices and the collapse of groundnut exports, and declines in tourist arrivals and remittances, the current account deficit rose from 5% of GDP in 2003 to over 17% in 2009. The capital and financial account remains in surplus, helped by an HIPC debt write-off in 2007. At end 2009, The Gambia's foreign exchange reserves covered more than six months of imports.

(2) TRADE AND INVESTMENT REGIMES

7. "The Gambia Incorporated: Vision 2020", adopted in 1996, remains the Government's overall guiding development policy document. It calls for the transformation of The Gambia into "a dynamic middle income country" by 2020.

8. The Ministry for Trade, Regional Integration and Employment (MOTIE) has overall responsibility for trade and competition policies, and takes the lead role in trade negotiations in collaboration with the Ministry of Foreign Affairs. Tariffs are set by the Ministry of Finance and administered by the Gambia Revenue Authority. A large number of other ministries and agencies, in coordination with NGOs and the private sector, are also involved in trade-related policy formulation through the National Committee on Trade. At present, The Gambia does not have a mission in Geneva, but MOTIE keeps close touch, directly and through the Gambian Embassy in Brussels, with developments in the WTO and other trade-related agencies.

9. A Member of the WTO since October 1996, The Gambia applies at least MFN treatment to all trading partners. The Gambia's WTO goods schedule is contained in Schedule CX and its services schedule in document GATS/SC/112. The Gambia is neither a signatory nor an observer to any of the WTO's plurilateral agreements. The Gambia has made notifications to the WTO on export subsidies and domestic support in agriculture; import licensing procedures under the Medicines Act; and its Food Safety and

Quality Bill, published in 2010. It has also supplied its most up-to-date tariff schedule and Customs legislation for this Review. It has yet to notify state trading enterprises and recent changes in intellectual property legislation.

10. The Gambia is a member of ECOWAS, whose Common External Tariff and Trade Liberalization Scheme it has adopted, and of the West African Monetary Zone.

11. The Gambia is a member of the ACP Group of States. It benefits from preferential duty-free access to the EU under the "Everything but Arms" scheme for LDCs, and, as a member of ECOWAS, is involved in ongoing negotiations with the EU for the establishment of an Economic Partnership Agreement (EPA). It also benefits from duty-free access to the United States under AGOA, although no exports have so far been recorded. Brazil, India and Korea extend duty-free access to The Gambia under their bilateral schemes for least-developed countries.

12. Policy on foreign direct investment is governed by the Gambia Investment and Export Promotion (GIEPA) Act of 2010, which replaces earlier legislation from 2001. The Gambia is open to foreign direct investment from all sources. The Government may hold all shares in "strategic" industries and, in practice, a government-held company is the sole importer of oil products; similarly, conditions are applied to investments in mining, quarrying, and petroleum extraction. Under the Act, substantial duty and tax incentives are extended to FDI of US\$250,000 or over, under Special Investment Certificates, and to export-oriented production in export processing zones.

(3) TRADE POLICY INSTRUMENTS

13. All tax administration, including Customs, is in the hands of the Gambia Revenue Authority (GRA), under the Ministry of Finance. Since 2006, The Gambia has

applied the ECOWAS common external tariff, with four *ad valorem* bands: zero rated, 5%, 10%, and 20%, corresponding to basic social goods; raw materials, capital equipment, and specific inputs; intermediate goods; and final consumer goods. In addition to the tariff, The Gambia applies a 1.55% processing fee and a 0.5% ECOWAS levy on all imports.

14. Adoption of the ECOWAS tariff has brought about significant changes in the tariff compared with 2007. Overall, the arithmetic mean rate has fallen from 19% to 14%; the number of duty-free lines has increased substantially, from under 1% to 15% of the total; the share of rates exceeding 15% has fallen from 92% to 57% of the total; and the spread of the tariff, as measured by the standard deviation from the mean, has more than doubled. There appears to be no clear pattern of tariff escalation.

15. The Gambia, with other ECOWAS member states, is negotiating the introduction of a fifth tariff band, at 35%, based on harmonization of national lists submitted by members, and of national exceptions to the ECOWAS common tariff. These changes, if adopted, are likely to provide a sharper pattern of escalation, and hence higher effective than nominal protection, to goods classed as "consumer goods" and "economic development goods", while maintaining lower rates of duty on some basic foods.

16. The Gambia's WTO bindings currently cover only agricultural goods, at rates ranging from 20% to 110%. In practice, the ECOWAS tariff, once fully in force, will effectively define the real "bound" rates of duty for The Gambia, contained in an international legal commitment.

17. The new Customs and Excise Act, 2010, incorporates the provisions of the WTO Customs Valuation Agreement, bringing The Gambia into line with other ECOWAS member states. The Act also contains WTO-related provisions for anti-dumping and countervailing measures, based on reference

prices, and for safeguards. The GRA has applied the ASYCUDA++ system of customs declaration management from mid-2010.

18. There are various schedules of exemptions and remissions, including at Ministerial discretion; in addition, goods imported for use in investment projects under SIC or for processing in EPZs are exempted from duty.

19. Excise duties and excise taxes are levied on a number of goods; excise duties at *ad valorem* rates and excise taxes at specific rates. Sales tax is generally applied at 15% on goods and services. Temporary import duties are levied on onions and potatoes in the harvesting season. Export duties are provided for in the Act, but are currently applied only to precious metal waste and scrap.

20. The Gambia maintains no MFN rules of origin. ECOWAS rules are used to identify good importable from other member states under the ECOWAS Trade Liberalization Scheme. In May 2010, Gambian and Senegalese customs authorities agreed on a six-month trial project to ease transit procedures between the two countries.

21. The Gambia maintains published lists of import and export prohibitions and conditional restrictions, but no specific import or export quotas. It is a member of, and applies import prohibitions under, the Rotterdam and Stockholm conventions on pesticides and industrial chemicals, and on persistent organic pollutants.

22. The Gambia is a member of ISO and an affiliate member of IEC, and maintains an active national Codex Committee. A road-map has been developed for the creation of a Gambia Bureau of Standards, a national electrotechnical committee has been set up with state, private sector, and NGO participation, and The Gambia is increasingly applying IEC international standards, as well as recognizing imports of equipment certified in exporting countries. The National Nutrition

Agency and National Codex Sanitary and Phyto-Sanitary Committee are working to improve SPS conditions for food and plants, with assistance from FAO, UNIDO, and WHO. All imported animal, plant, and food products must be correctly certified.

23. State-owned monopolies control the port, civil aviation, water, and electricity, as well as fixed-line telecommunications and imports of petroleum products. Petroleum prices were previously regulated, but are currently linked to world market prices. The Public Utilities Regulatory Authority (PURA) regulates water and electricity prices and oversees conditions of competition among cellphone operators.

(4) SECTORAL POLICIES

24. Agriculture accounts for one quarter of GDP and employs three quarters of the workforce. Most production is devoted to the domestic market, either for subsistence consumption, sales on local markets, or sales to the hotel trade; groundnuts remain the main export crop, although cashews (partly as re-exports) and horticultural products are also traded.

25. Duties on agricultural products are generally fixed at 20%, the highest level of duty in the ECOWAS tariff. The simple average rate on Agriculture (WTO definition) is 16.5%. All imports of animals, marine life, plants, their products, and processed foods of plant or animal origin, must be accompanied by appropriate import certificates issued in accordance with Codex Alimentarius quality control requirements. Imports of cereals, pulses or legumes, including rice, require phytosanitary certificates issued by the national plant protection service of the country of origin, and fumigation certificates issued by the exporting company or an approved company.

26. The Gambia has drawn up ambitious plans for agricultural development with FAO and IFAD assistance, including water, forestry

and fisheries management, improvement of food processing chains, development of livestock and horticulture, and expansion of regional and inter-regional trade. The objective is to complete these plans by 2015.

27. The Gambia continues to face severe difficulties in meeting export quality requirements for food-grade groundnuts. Structural problems also persist in the domestic trading mechanism. Recently, a Quality Assurance Framework for groundnuts has been proposed, which, if followed, could assist greatly in bringing the trade up to required SPS standards.

28. Rice is a staple of the Gambian diet and a major import. Improvement of domestic production and hence lower reliance on imports is a major element in Government plans, including through the New Rice for Africa (Nerica) scheme.

29. Infrastructure, including road (both main and feeder) development, will play a major role in the revitalization of agriculture. The Gambia has made great progress in improving its main road network and is working on an ambitious feeder road programme, with external assistance. Less attention has so far been paid to redevelopment of river transport, which has been identified as vital to reviving groundnut trade.

30. Fisheries are of major importance to the Gambian economy. However, the value of exports by industrial fisheries is believed to be severely underestimated, as most such fish is caught and either transhipped at sea or landed in foreign countries. A new deep-water fishing port for landing and processing industrially caught fish is due for completion by end 2010. The artisanal subsector faces different issues, in that it struggles to meet quality requirements for export markets, particularly in the EU. Recognizing this, the new Gambian fisheries policy emphasizes post-harvest quality control and the

achievement of internationally acceptable standards on SPS and quality assurance.

31. None of The Gambia's tariffs on fish or fish products are bound in the WTO. All tariffs, except for sardines, are set at 20%; the simple average rate for the sector is 19.7%. The Gambia's tariff allows for duty exemption on fishing vessels, and appears to do so on other plant and equipment used in the industry, if provided in regulations and approved by MOTIE, but not on refrigerated transport trucks, which could be of major assistance to the fishing sector.

32. The authorities have introduced new fishery legislation and regulations governing gear, fish size, and net size, and introducing new surveillance provisions. Assistance has been provided to the Gambian Navy in this regard through provision of new patrol vessels. The bilateral fisheries agreement with Senegal gives mutual fishing rights with defined parameters and contains provisions for cooperation in research, surveillance, and training.

33. Historically, The Gambia had no significant extractive industries; however, since 2006, mineral sands have been exported to China. The Mines and Quarries Act of 2005 vests ownership of all mineral resources in the State. Generally, tariffs on mineral products are set at either 5% or 10%. Offshore oil exploration has been encouraged since 2004; the Petroleum (Exploration and Production) Act established a new Ministry of Petroleum under Presidential control and declared the Gambia National Petroleum Corporation (GAMPETROL) as the sole importer of oil products.

34. Manufacturing is limited to the domestic market. Generally, consistently with the structure laid down by ECOWAS, fertilizers and pesticides, specialized machinery and equipment, industrial chemicals, and drugs and medicines bear among the lowest average rates of duty, while consumer goods bear the maximum rate of

20%. However, the specialized schedules in The Gambia's domestic tariff allow for substantial tariff concessions and exceptions.

35. A recent study of the medium- and small-scale enterprise sector by MOTIE identified many legal, fiscal, and infrastructural constraints to the development of MSMEs and made proposals to encourage the development of industry. However, without more effective regional integration, the small scale of the Gambian market will remain the most significant constraint.

36. Finance, telecommunications, and tourism-related business form the principal service sectors. The banking sector has expanded rapidly, with a recent influx of firms, particularly from Nigeria. Minimum capital requirements for banks have been more than doubled, and are to be raised again in 2010. Despite the rapid banking expansion, lending rates have not come down significantly, nor does there seem to be a significant increase in lending to productive sectors of the economy. Money-laundering legislation is in place and training assistance is being extended to the Central Bank to reinforce its capacity to deal with money laundering and similar offences.

37. As in most other developing countries, mobile telephone use (a competitive market) has expanded rapidly in recent years, while fixed-line telecommunications (a State monopoly) have stagnated. The cellphone market is open to foreign investment. Internet use is growing rapidly and 3G facilities are developing. Interconnection rates are supervised by PURA, which has also introduced a "truth in advertising" code for the industry.

38. Tourism development in 2008/09 was affected by the international economic crisis, but is now believed to be recovering. Although relatively few international airlines

provide long-haul flights to Banjul, the service is improving, and many charter providers continue to serve the country, mainly from Europe. Efforts are being made to expand the tourist season to the Northern Hemisphere summer and to improve the offer of "eco-tourism" and "responsible tourism" facilities.

(5) GENERAL OBSERVATIONS

39. Since the previous review, the authorities have taken serious steps to modernize The Gambia's trade and investment regime. A comprehensive Trade Policy Action Programme has been drafted and is in the process of adoption. New or amended laws or plans have been introduced in many fields, including customs and excise; investment incentives; intellectual property; standards/SPS; food health; competition; agriculture; fisheries; banking; telecommunications; and tourism.

40. These efforts have been encouraged and assisted by many international agencies, including via the Integrated Framework, where the Diagnostic Trade Integration Study, conducted in 2007, spurred many of the ongoing policy developments.

41. A plethora of new legislation has been passed, not all of which is yet supported by implementing regulations, and which also requires constant contact with international organizations to ensure that it remains up-to-date. The small administration's skilled human resources are necessarily limited, and consistency in policy formulation and implementation is handicapped by frequent reorganizations of ministries, ministers, and senior officials. A challenge for The Gambia will be to fulfil effectively the demands of the increasingly complex international trading system, both at multilateral and at regional levels.

II. ECONOMIC ENVIRONMENT

(1) MAIN FEATURES OF THE ECONOMY

42. The Gambia is a small, least developed economy, with a very narrow economic base. The country is heavily dependant on re-export trade, the tourism sector, and remittances from overseas. Relatively liberal trade policy, including historically lower import taxes than in neighbouring countries, and an efficient port and customs clearance service established The Gambia as an entrepôt hub for the region, with approximately 80% of exports being re-exports (mostly informally). Tourism and remittances are both large sources of foreign exchange and provide a large part of the business of and financing for the construction sector.

43. During the period under review (2003-09), real GDP growth averaged nearly 6% (Table I.1). Growth was driven mainly by tourism-related services and communications and to a lesser extent by construction activity. Consequently GDP per capita, in current value, rose from US\$258 in 2003 to US\$497 in 2008 (Table I.2). However, in the aftermath of the global economic crisis in 2008, real GDP growth decelerated to 4.6% in 2009 as tourist arrivals and remittances declined by approximately 10% and 20% respectively, and current per capita GDP (calculated in U.S. dollar terms) is estimated to have declined.¹ Furthermore, re-exports (both formal and informal) declined during the review period as The Gambia's competitive advantage in cost and efficiency was eroded due to tariff harmonization in Economic Community of West African States (ECOWAS)² and increased efficiency at other ports in the region. Indicative of this is that merchandise trade as a proportion of GDP declined from over 70% in 2003 to under 50% of GDP in 2009.³ However, the authorities recognize this as an issue and have taken measures to redress the situation, for example by reducing handling charges and improving turnaround times so as to improve efficiency at Banjul Port. On the other hand, the decline in tourism, re-exports, remittances, and construction has been partly offset by increased agricultural production, which was facilitated by favourable weather conditions and the success of the government's programme to expand rice production, including the Nerica rice project (Chapter IV(1)(v)(b)). Growth is projected to pick up slightly in 2010 to 5.0%.⁴

Table I.1
Selected macroeconomic indicators, 2003-09

	2003	2004	2005	2006	2007	2008	2009 ^a
	(Annual percentage change)						
Real GDP (at 1976/77 prices)	6.9	7.1	5.1	6.5	6.3	6.1	4.6
	(Per cent)						
Prices and interest rates							
Inflation (CPI, percentage change) ^b	17.0	14.3	5.0	2.1	5.4	3.0	..
Exchange rate							
D/US\$ (annual average) ^c	27.3	30.0	28.6	28.1	24.9	22.2	26.6
Nominal effective exchange rate (index 2005 = 100) ^d	108.2	95.8	100.0	100.5	108.1	116.9	..
Real effective exchange rate (index 2005 = 100) ^d	95.4	94.1	100.0	99.7	109.3	117.4	..
	(Per cent of GDP, unless otherwise indicated)						
Overall fiscal balance							

¹ In local currency terms, both nominal and real GDP per capita continued to increase (information provided by the IMF).

² ECOWAS is being established as a customs union of 15 states.

³ In January 2006, with a view to improving the fiscal situation and to harmonizing the tariff structure with the ECOWAS tariff, the Government increased customs duties from 18% to 20% on some items. The rate of sales tax on imports was also raised from 10% to 15%, the level that applies to most domestic goods. These increased taxes adversely affected the re-export trade.

⁴ Information provided by the authorities.

	2003	2004	2005	2006	2007	2008	2009 ^a
Total revenue and grants	18.2	25.5	21.4	22.5	22.9	20.8	24.6
Table I.1 (cont'd)							
Current revenue	15.7	20.9	19.7	21.2	21.7	19.4	19.4
Tax revenue	13.8	18.6	17.2	18.8	19.0	17.5	17.6
Grants	2.5	4.5	1.7	1.3	1.2	1.4	5.2
Expenditure and net lending	22.9	31.1	30.0	29.6	22.7	23.0	26.1
Current expenditure	17.0	16.9	18.4	18.1	16.2	17.7	17.3
Capital expenditure	6.1	14.4	11.0	11.0	6.1	4.8	8.6
Net lending	-0.2	-0.2	-0.2	0.4	0.5	0.5	0.3
Current balance	-1.3	4.0	1.4	3.1	5.5	1.7	2.1
Overall deficit	-5.9	-6.2	-9.2	-7.3	0.5	-2.2	-1.6
Saving and investment							
Gross domestic savings	10.2	9.5	6.6	5.7	11.0	..	..
Gross domestic investment	19.5	27.1	26.3	24.3	24.4	..	..
Savings-investment gap	-9.3	-17.6	-19.7	-18.6	-13.4	..	..
External sector							
Current account balance	-4.9	-6.1	-15.1	-14.6	-13.6	-16.7	-17.1
Net merchandise trade	-16.3	-26.4	-30.9	-27.2	-26.7	-26.9	-25.6
Merchandise exports	27.5	24.1	17.5	16.5	14.2	10.7	11.4
Merchandise imports	-43.9	-50.6	-48.4	-43.8	-40.9	-37.5	-37.0
Services balance	7.5	5.4	8.2	10.0	10.3	7.8	5.7
Financial account	1.8	12.0	22.3	18.7	19.1	12.5	16.5
Direct investment	3.5	14.1	13.3	14.6	12.5	8.6	9.7
Overall balance	-1.3	7.8	2.8	5.1	5.3	-4.4	0.0
Terms of trade	..	..	..	-4.4	-6.1	-16.2	-0.8
Merchandise exports (percentage change)	-7.6	-4.2	-16.4	3.8	8.8	-5.4	-1.0
Merchandise imports (percentage change)	-6.2	26.0	10.2	-0.5	18.3	15.8	-8.6
Gross official reserves (US\$ million)	62.3	84.0	96.6	118.6	141.6	112.6	177.2
In months of imports	4.6	4.3	4.5	5.5	5.5	3.8	7.2
External public debt (US\$ million)	555.2	587.6	621.4	676.7	299.4	300.7	316.4
In % of GDP	157.3	146.5	134.7	133.6	46.5	37.1	43.6
Debt service ratio (incl. fund - % of XGS)	11.1	17.7	17.7	16.5	19.5	..	..

.. Not available.

a Preliminary.

b January to June average for 2008.

c January to September average in 2009.

d An increase in the index reflects an appreciation of the dalasi.

Source: IMF (2008), *The Gambia: Selected Issues and Statistical Appendix*, Country Report No. 08/325. Viewed at: <http://www.imf.org/external/pubs/ft/scr/2008/cr08325.pdf>; IMF (2009), *The Gambia: Fifth Review Under the Three-Year Arrangement Under the Poverty Reduction and Growth Facility, and Request for a Waiver of Non-observance of Performance Criterion - Staff Report; and Press Release*, Country Report No. 09/268. Viewed at: <http://www.imf.org/external/pubs/ft/scr/2009/cr09268.pdf>; and IMF (2010), *The Gambia: Sixth Review Under the Arrangement Under the Extended Credit Facility and Request for Extension and Augmentation of the Arrangement, and Waiver of Nonobservance of Performance Criterion - Staff Report; Staff Supplement; Press Release; Statement by the Alternate Executive Director for The Gambia*, Country Report No. 10/61. Viewed at: <http://www.imf.org/external/pubs/cat/longres.cfm?sk=23690.0>.

Table I.2
Basic economic and social indicators, 2003-09

	2003	2004	2005	2006	2007	2008	2009 ^a
Real GDP, market price (US\$ million, 1976/77 prices) ^b	346.2	370.6	389.6	415.1	441.2	..	..
Current GDP, market price (US\$ million) ^b	367.1	401.0	461.3	507.7	643.5	811.1	751.0

	2003	2004	2005	2006	2007	2008	2009 ^a
GDP per capita, current market price (US\$)	257.5	272.6	305.8	328.3	409.8	496.7	434.3
Table I.2 (cont'd)							
	(Annual percentage change)						
Agriculture	20.0	14.4	2.7	1.0	2.0	..	..
Industry	5.7	3.0	6.4	13.6	8.1	..	..
Services	4.3	3.0	7.7	7.7	6.9	..	..
	(Per cent)						
Share of main sectors in GDP							
Agriculture	24.9	26.8	27.3	20.8	19.7	24.3	25.9
Crops	12.8	16.2	16.8	10.0	8.0	12.6	14.0
Livestock	8.1	8.3	8.2	8.5	9.0	8.6	8.7
Forestry	1.2	0.6	0.6	0.6	0.6	0.5	0.5
Fishing	2.8	1.7	1.7	1.7	2.1	2.7	2.7
Industry	13.1	13.6	12.8	14.3	13.1	12.0	10.7
Manufacturing	5.1	5.6	6.6	6.7	6.5	5.4	5.2
Electricity, gas, and water supply	1.4	0.8	1.0	1.0	1.5	1.5	0.6
Construction and mining	6.6	7.2	5.3	6.5	5.2	5.2	4.9
Services	52.2	53.2	54.5	58.6	60.0	58.2	56.7
Wholesale and retail trade	10.6	25.2	23.5	26.8	28.1	25.7	23.9
Hotels and restaurants	5.6	2.5	3.1	3.5	3.9	4.0	3.1
Transport, storage, and communication	17.4	11.1	12.1	11.9	11.6	9.7	9.9
Real estate, renting, and business activities	6.5	3.4	3.4	3.4	3.2	3.0	3.0
Public administration	8.3	2.2	2.3	2.5	2.7	3.6	3.6
Other services	4.0	2.5	3.1	3.4	3.6	4.2	5.2
Indirect taxes (net)	9.8	6.4	5.4	6.3	7.2	5.5	6.7
Memorandum items							
Life expectancy at birth	58.3	58.6	58.9	59.2	59.4	59.9	..
Infant (-5) mortality rate per '000 live births	..	89.0	86.0	84.0	..	..	..

.. Not available.

a Projection.

b Annual average exchange rate except January to September average in 2009.

Source: IMF (2008), *The Gambia: Selected Issues and Statistical Appendix*, Country Report No. 08/325. Viewed at: <http://www.imf.org/external/pubs/ft/scr/2008/cr08325.pdf>; IMF online information, "World Economic Outlook Database: October 2009". Viewed at: <http://www.imf.org/external/pubs/ft/weo/2009/02/weodata/weoselgr.aspx>; and information provided by the Gambian authorities.

44. To be able to sustain growth over the medium to longer term and thereby alleviate poverty, production and domestic exports need to be expanded and diversified. Expansion and diversification would require significant investment (both domestic and foreign), for which an enabling business environment needs to be created. Factors that have been identified as hindering business and investment include: the current tax structure; inadequate infrastructure; weak judicial system; high real interest rates; and lack of access to credit.⁵ In addition, future growth is vulnerable due to high levels of public debt; this would be exacerbated if there is a financing shortfall or a worsening of the terms of trade.

45. The authorities are aware of these issues and have initiated a limited reform of the tax system. In the 2010 Budget, the Government announced tax and non-tax measures, which are expected to boost revenues by 0.5% of GDP, and to reduce the country's reliance on trade taxes. The measures include: reducing the corporate income tax rate from 35% to 33%; reinstating a 5% import sales tax

⁵ World Bank (2007).

on rice; increasing the excise tax on alcohol and tobacco⁶; and raising the road tax. In addition, the authorities have taken measures to strengthen tax enforcement and compliance; these include the introduction of modern ICT tools such as ASYCUDA++ and Gamtaxnet, which would increase efficiency in domestic tax collection, especially customs clearance.

46. However, according to the IMF, more comprehensive tax reform is needed, and should include moving toward a simpler tax system with relatively low tax rates, limited exemptions, and greater reliance on consumption taxes over the medium term. Some of these concerns, such as fewer exemptions, have been addressed in the new Customs Act (Chapter II(1)(ii)(a)). Furthermore to reduce the volatility of collections, the IMF recommended that the petroleum tax, which is an important source of revenue, should be converted to an excise tax.⁷ Other issues that hamper business, such as infrastructure (transport, communications, and energy), have been raised by the authorities in the "aid for trade" questionnaire (Chapter V); increased provision and use of "aid for trade" could help The Gambia develop quickly and strengthen its export base.

(2) MACROECONOMIC POLICIES

47. The Gambia traditionally relied heavily on trade-related taxes (customs duties, sales taxes, processing and ECOWAS fees, and excise taxes), for revenue. Against this backdrop, the thrust of its trade and fiscal policies was to keep trade taxes as high as possible, but below those of neighbouring countries so as to maximize revenue from the re-export trade. However, during the period under review, the ratio of trade-related taxes to GDP declined, from 53% of tax and 40% of total revenue (including grants) in 2003 to 33% of tax revenue and 24% of total revenue in 2009⁸, while other indirect taxes, such as sales tax, assumed greater importance. The overall fiscal deficit declined during the period under review, due mainly to increased grants.⁹

48. In order to contain inflationary pressures, The Gambia generally maintained a tight monetary policy during the period under review. Inflation, as measured by the consumer price index, peaked at 7% in February 2009, due mainly to the lagged pass-through of dalasi depreciation. However, facilitated by a tight monetary policy, inflation has trended downwards, and was 2.6% in December 2009, with both food and non-food components declining. With an easier monetary policy stance by the central bank, inflation is estimated to have increased again to 4.1% in April 2010.

49. The IMF characterizes the exchange rate as a managed float, with the central bank intervening only to smooth volatility. Between 2005 and 2008, The Gambia's real effective exchange rate (REER) appreciated by over 17%, reflecting a decline in the economy's international competitiveness.

⁶ The IMF notes that collection of excise taxes on domestically produced goods has been inconsistent. For example, the excise tax on domestically produced beer has not been collected in recent years and is due to be phased in again in 2010-11.

⁷ The Government has recently decided to link domestic fuel prices to international oil prices, with a review on a quarterly basis; as a result domestic fuel prices may reflect international fluctuations in oil prices more closely.

⁸ Information provided by the authorities.

⁹ The overall fiscal deficit excluding grants declined from 8.4% of GDP in 2003 to 6.8% of GDP in 2009.

(3) BALANCE OF PAYMENTS

50. The Gambia's current account deficit fluctuated over the review period. It rose sharply to US\$135.1 million (or 16.7% of GDP) in 2008, and is estimated to have increased again to 17.1% of GDP in 2009 (Table I.3). The increase in the current account deficit was due both to a growing trade deficit, stemming from higher oil prices and the collapse of groundnut exports, and to a decline in tourist arrivals and remittances, resulting from the global economic crisis, which reduced income from services and current transfers surpluses.

Table I.3
Balance of payments, 2003-09
(US\$ million)

	2003	2004	2005	2006	2007	2008	2009 ^a
Current account balance	-18.0	-24.6	-69.6	-74.0	-87.3	-135.1	-124.1
Goods	-60.0	-105.9	-142.6	-138.1	-171.5	-218.0	-192.6
Exports, f.o.b.	101.0	96.8	80.9	84.0	91.4	86.5	85.6
Groundnuts and groundnut products	9.1	16.9	2.0	10.2	5.8	..	..
Other domestic exports	8.4	9.0	5.2	7.2	6.7	..	..
Re-exports	83.5	71.0	73.7	66.6	78.9	..	..
Imports, f.o.b.	-161.0	-202.8	-223.4	-222.2	-262.9	-304.4	-278.2
For domestic use	-100.2	-131.8	-149.7	-155.5	-184.1	..	..
For re-export	-60.7	-71.0	-73.7	-66.6	-78.9	..	..
Services (net)	27.4	21.8	37.6	50.6	66.3	62.9	43.0
Income (net)	-19.1	-35.0	-43.5	-48.0	-46.8	-45.9	-43.0
Current transfers	33.7	94.5	78.9	61.6	64.8	65.8	68.5
Capital and financial account	6.7	48.0	103.1	94.8	122.9	101.1	124.2
Official loans (net)	16.1	23.0	25.5	26.9	6.4	1.3	15.7
Foreign direct investments (net)	12.7	56.6	61.2	74.2	80.6	70.0	72.8
Other investment (net)	-22.1	-31.6	16.4	-23.7	-350.6	15.7	8.0
Errors and omissions	6.3	7.9	-20.5	5.3	-1.7	-1.3	0.0
Overall balance	-4.9	31.3	13.0	26.0	34.0	-35.3	0.2
Memorandum items							
Current account deficit/GDP (%)							
Excluding official transfers	-13.1	14.7	-20.2	-17.8	-14.8	-17.1	-19.3
Including official transfers	-4.9	-6.1	-15.1	-14.6	-13.6	-16.7	-17.1

.. Not available.

a Projection.

Source: IMF (2008), *The Gambia: Selected Issues and Statistical Appendix*, Country Report No. 08/325. Viewed at: <http://www.imf.org/external/pubs/ft/scr/2008/cr08325.pdf>; IMF (2009), *The Gambia: Fifth Review Under the Three-Year Arrangement Under the Poverty Reduction and Growth Facility, and Request for a Waiver of Non-observance of Performance Criterion - Staff Report; and Press Release*, Country Report No. 09/268. Viewed at: <http://www.imf.org/external/pubs/ft/scr/2009/cr09268.pdf>; and IMF (2010), *The Gambia: Sixth Review Under the Arrangement Under the Extended Credit Facility and Request for Extension and Augmentation of the Arrangement, and Waiver of Nonobservance of Performance Criterion - Staff Report; Staff Supplement; Press Release; Statement by the Alternate Executive Director for The Gambia*, Country Report No. 10/61. Viewed at: <http://www.imf.org/external/pubs/cat/longres.cfm?sk=23690.0>.

51. In contrast, the capital and financial account surplus increased from US\$6.7 million in 2003 to US\$124.2 million in 2009, attributable mainly to FDI inflows in the hotel and banking sectors; and disbursements from the international financial institutions, including an SDR allocation of US\$39 million in 2009. By and large, the capital and financial account surplus has been able to cover the current account deficit; however, in 2008, The Gambia had to draw down its foreign exchange reserves to cover the current account deficit. At end 2009, The Gambia's foreign exchange reserves

stood at US\$177.3 million, representing over seven months of import cover compared with US\$113 million (approximately four months of import cover) at the end of 2008.

(4) DEVELOPMENTS IN TRADE

52. The ratio of The Gambia's merchandise trade (imports and exports, including re-exports) to GDP declined from 71.4% in 2003 to 48.4% in 2009 (Table I.1). The decline in exports was more pronounced as groundnut exports collapsed and there was a decline in re-exports. The latter is of particular concern as government revenue has traditionally been highly dependent on customs duties and taxes collected on imports of goods destined for re-export. Imports as a percentage of GDP also declined during the review period reflecting The Gambia's loss of competitiveness as an entrepôt hub. The services surplus as a percentage of GDP rose from 7.5% of GDP in 2003 to over 10% of GDP in 2007, due mainly to increased tourism receipts. However it declined to 5.7% of GDP in 2009, reflecting the slowdown in tourist arrivals after the global economic crisis.

(i) Composition of trade

53. The Gambia's main imports in 2008 were food, fuels, automotive products, chemicals, and other consumer goods (Table AI.1 and Chart I.1). The composition of imported goods reflects the nature of re-exports to the sub-region, which mainly comprise bulk food items, processed foods, consumer goods, and used cars. The decline in the shares of agricultural goods and manufactures in total exports is indicative of The Gambia losing its advantage as an entrepôt hub, with price differentials narrowing between The Gambia and surrounding countries as well as other regional ports becoming more efficient. A matched product-level comparison revealed that wholesale prices in Dakar are higher than in Banjul, with the differential varying substantially, from a maximum of about 90% for sugar and a low of about 10% for rice.¹⁰ These price differences have long provided a large incentive to bring goods, both formally and informally, from The Gambia into Senegal. However, as The Gambia has harmonized its tariffs with ECOWAS rates, these price differentials have been reduced, and so have incentives to smuggle. Within manufactures, the share of automotive parts in total imports rose during the period under review. The share of fuel in total imports also rose during the period under review most likely on account of higher international oil prices.

54. According to estimates, approximately 80% of The Gambia's exports are re-exports to the sub-region, thus domestic exports are limited.¹¹ The Gambia's main exports in 2008 were groundnut and groundnut products, frozen fish, and ferrous waste and scrap (Table AI.2 and Chart I.1). The share of groundnut and groundnut products declined during the period under review. Reasons cited are drought; policy instability, and mismanagement of crop finance advances to farmers; poor transport and storage facilities; lack of investment in and maintenance of processing facilities; and little knowledge of or implementation of international standards for edible groundnuts. These factors combined to render The Gambia's groundnut production of low quality (thus lower export prices) used mainly for bird feed. On the other hand, the shares of frozen fish and ferrous waste and scrap rose during the review period.

(ii) Direction of trade

55. The Gambia's main import suppliers in 2008 were the EU, the US, China, Côte d'Ivoire, and Brazil. During the review period, the share of the EU declined, while the shares of the United States,

¹⁰ World Bank (2007).

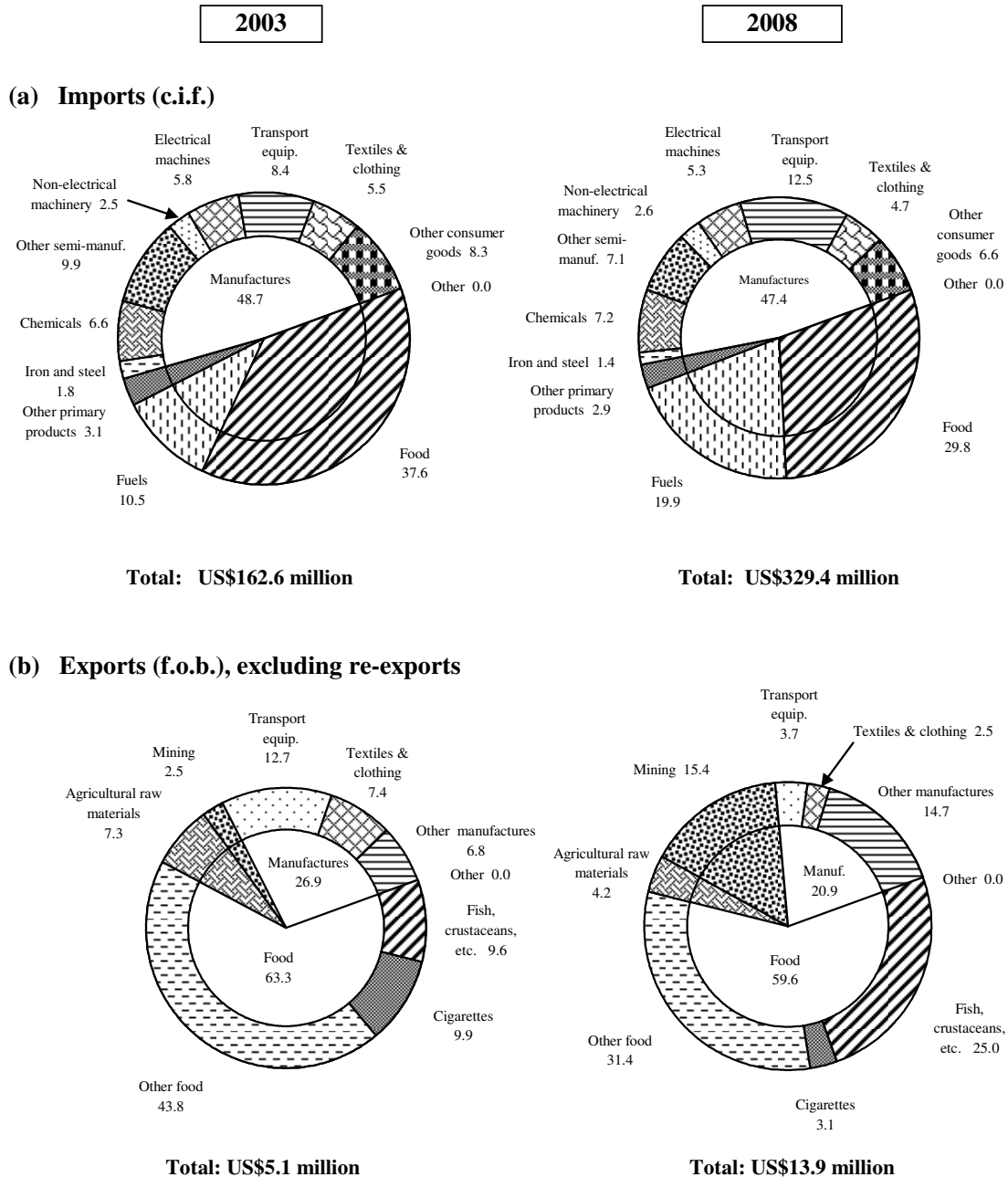
¹¹ IMF (2008).

China, and Côte d'Ivoire showed a marked increase (Table AI.3 and Chart I.2). The increase from the latter could be due to increased palm oil imports. Additionally, the share of the UAE in The Gambia's imports has risen considerably presumably due to increased oil imports.

56. The Gambia's main export destinations in 2008 were the EU, India, Senegal, Singapore, and the UAE. During the period under review, the share of the EU showed a significant decline. In contrast, the shares of Senegal, India, and Singapore increased (Table AI.4 and Chart I.2). The large increase in exports to India was most likely on account of cashew nut exports from the region (Guinea-Bissau), which are directed through The Gambia. In addition, the authorities stated that mineral sand exports to China had risen significantly in 2009.

Chart I.1 Composition of merchandise trade, 2003 and 2008

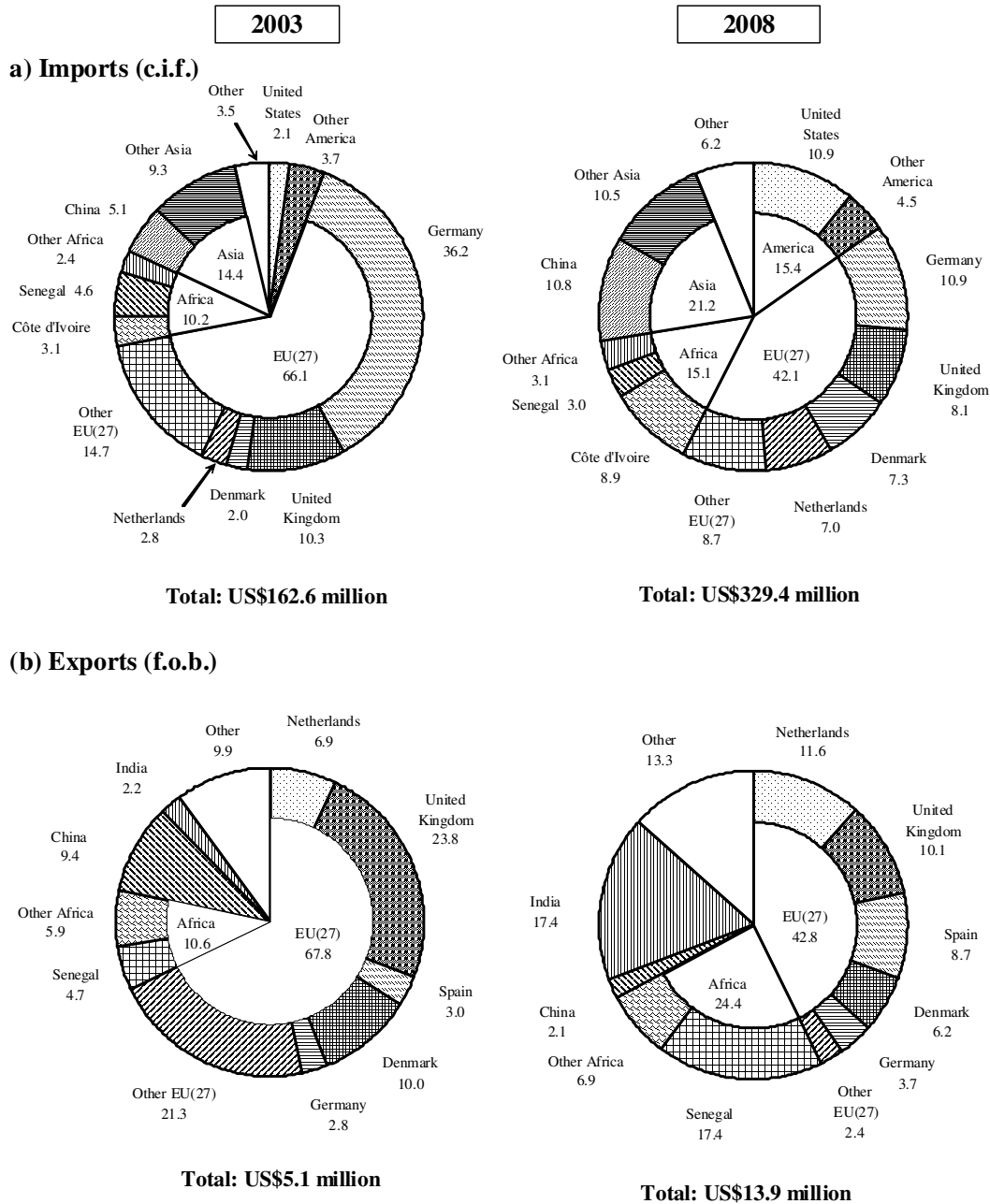
Per cent



Source : WTO Secretariat estimates, based on UNSD, Comtrade database figure (SITC Rev.3).

Chart I.2
Direction of merchandise trade, 2003 and 2008

Per cent



Source: WTO Secretariat estimates, based on UNSD, Comtrade database figure (SITC Rev.3).

(5) FOREIGN DIRECT INVESTMENT

57. Foreign direct investment (FDI) inflows were robust during the period under review. From US\$12.7 million (or 3.5% of GDP) in 2003, FDI inflows rose more than five-fold to US\$73 million (or 9.7% of GDP) in 2009. As a result, the stock of FDI also rose from US\$324 million in 2003 to US\$583 million in 2008.¹² Most investment was in the tourism services sector mainly for hotel construction, telecommunications, and in the commercial banking sector.

III. TRADE AND INVESTMENT POLICY FRAMEWORK

(1) INSTITUTIONAL AND LEGAL FRAMEWORK

(i) General

58. The Gambia, independent since 18 February 1965, maintains a presidential form of government. The President is elected by direct universal suffrage for five years; there is no constitutional limit on the number of terms. Executive power is exercised either directly by the President, or indirectly through the Cabinet, appointed by him. Legislative power is vested in a unicameral National Assembly. Cabinet members cannot by law also be members of the National Assembly.

59. Each ministry is responsible for policies in its fields of activity (Table II.1). Any proposed bill must be published in the *Gazette*, at least 14 days prior to introduction, and validated by all relevant stakeholders; it may be referred to an appropriate National Assembly Standing Committee, and then to Cabinet for approval, before consideration by the Assembly.¹³ The Constitution does not set a specific time-limit on these processes and in practice a bill may take some years going through this agenda. Once a bill is passed, the President has thirty days to give his assent or to return it to Parliament for reconsideration, along with a statement providing reasons for the request for reconsideration and any recommendations for amendment. Once the bill has been reconsidered, and approved by the Assembly by a majority of at least two thirds (with or without the amendments proposed by the President), it is forwarded again to the President, who must then give his assent within seven days. A bill passed by the National Assembly and given assent by the President becomes law as an Act.

Table II.1
Ministries, as at June 2010

Ministry of Foreign Affairs and Gambians Abroad
Ministry of Finance
Ministry of Economic Planning and Industrial Development
Ministry of Trade, Regional Integration, and Employment
Ministry of Justice
Ministry of Interior and NGO Affairs
Ministry of Agriculture
Ministry of Works, Construction, and Infrastructure

¹² UNCTAD (2004) and (2009).

¹³ The National Assembly is empowered to appoint a public appointments standing committee, a finance and public accounts standing committee, a standing committee of privileges, a standing committee on defence and security, or any other committee it considers necessary for the exercise of its functions.

Ministry of Health and Social Welfare
 Ministry of Basic and Secondary Education
 Ministry of Higher Education, Research, Science, and Technology
 Ministry of Tourism and Culture
 Ministry of Information and Communication Infrastructure
 Ministry of Energy
 Ministry of Fisheries, Water Resources, and National Assembly Matters
 Ministry of Forestry and Environment
 Ministry of Local Government and Lands
 Ministry of Youth and Sports
 Ministry of Petroleum

Source: Information provided by the Gambian authorities.

60. The Gambia's judicial system is based on a combination of English common law, Sharia law as it relates specifically to marriage, inheritance, and divorce among Muslims, and treaties and international conventions. Judicial power is vested in the courts, with the Supreme Court as the final court of appeal. A special Commercial Division was established in 2004 at the High Court to deal exclusively with commercial matters, in order to avoid delays encountered in the normal court system. However, due to capacity constraints, this goal has not been achieved and long delays remain in reaching judgement, and its execution, in commercial cases.¹⁴ An Alternative Dispute Resolution system was established in 2008 for settlements out of court, but no details have been made available of how this is working.

61. Since the last Trade Policy Review of The Gambia, four constitutional changes have been made: in 2004, the provision relating to the establishment of a National Media Commission was deleted; in 2006, limitations on the President, Vice-President, and Cabinet Ministers in engaging in trade, business or other undertakings were removed, and at the same time the President was given the power to declare a general election at any time, in the public interest; in 2007, an amendment empowered Councillors to elect the Chairmen of local government authorities from among themselves, rather than through direct election; and in May 2009, the title of "Secretary of State" was changed to "Minister".¹⁵

(ii) Laws relating to trade and investment

62. The main laws and regulations of The Gambia relating to trade and investment are presented in Table II.2.

Table II.2
Main trade-related laws and regulations, 2010

Area	Instrument/text	Entry into force
Animal health	Diseases of Animals Act	1965
Banks and financial institutions:		
Prudential requirements and supervision	Financial Institutions Act	2003
Prevention of money-laundering	Money-Laundering Act	2003
Central Bank	Central Bank Act	1992
Civil aviation	Civil Aviation Act	2004, revised 2008
Competition: domestic trade	Competition Act	2007

¹⁴ MOTIE (2010).

¹⁵ Information provided by the authorities.

Area	Instrument/text	Entry into force
Customs and excise: other public revenue	Gambia Revenue Authority Act	2004
	Income and Sales Tax Act	2004
	Customs and Excise Act	2010
	HS Tariff 2010	2010
Divestiture of State enterprises, State interest in other enterprises, and any related matter; establishment of The Gambia Divestiture Agency	Divestiture Act	2001, repealed 2009
Energy	Electricity Act	2005
Environmental standards, and environmental impact assessments	National Environment Management Act	1994
Establishment of private commercial enterprises	Companies Act	1955
	Business Registration Act	2005
Fisheries	Fisheries Act	2007
	Fisheries Regulations	2008
Food safety	Food Act	2005

Table II.2 (cont'd)

Groundnuts	Groundnuts Act	1952
	Groundnut (Standard of Quality) Regulations	1965, revised 1999
	Framework of Agreement between the Government of The Gambia and the Agri-Business Plan Association	1999
Hoarding of goods	Hoarding Prohibition Act	2009
Information and telecommunications	Information and Communications Act	2009
Insurance	Insurance Act	2003
Intellectual property:		
Copyright	Copyright Act	2004
Patents, industrial designs, and trade marks	Industrial Property Act	2007
Investment		
Company registration	Companies Act	1955
	Business Registration Act	2005
Investment incentives and free zones; creation of The Gambia Investment and Export Promotion Agency (GIEPA)	Gambia Investment and Export Promotion Act	2010
Labour	Labour Act	2007
Mining and minerals	Mines and Quarries Act	2005
Petroleum	Petroleum Act	1921, amended 1963 and 1976
	Petroleum Exploration and Production Act	2004
Phytosanitary standards	Hazardous Chemicals and Pesticides Control and Management Act	1994
Public utilities regulation	Public Utilities Regulatory Authority (PURA) Act	2001
Ports	Ports Act	1972
Posts	GAMPOST Act	2005
Public enterprises	Public Enterprise Act	2002
Public health	Public Health Act	1990
	Public Health Act (Amendment) Decree	1995
	Medicines Act	1984, amended 2007
Public procurement: establishment of The Gambia Public Procurement Authority	Public Procurement Act	2001
River transport	Inland Waterways Act	..
Road transport	Roads and Highways Act	1974
Sanitary and phytosanitary (SPS) measures	Food Act	2005
Statistics	Statistical Act	2004
Tourism	Tourism Authority Act	2001

.. Not available.

Source: Information provided by the Government of The Gambia.

(a) Customs

63. Since 2004, The Gambia Revenue Authority (GRA) has been the overall body responsible for the collection and administration of all Government revenue; the former Central Revenue Department and the Department of Customs and Excise were merged into the new Authority. Gambia's Customs and Excise legislation has been updated very recently and brought into line with WTO/WCO norms.

64. Until 2010, the 1950 Customs Act, as revised¹⁶, and its subsidiary customs regulations set out the procedures for the arrival, unloading, declaration, and storage of goods in the Gambian territory. The 1965 Customs Tariff Act, as revised in 1972, was the legal basis for the imposition of import and export duties and maintained the Brussels Definition of Value as the basis for customs valuation.

65. A new Customs and Excise Act was enacted in April 2010. Its main objectives include domestication in Gambian law of ECOWAS provisions on the common external tariff, inter-state road transit of goods, and the ECOWAS Trade Liberalization (TL) Scheme; the WTO Customs Valuation Agreement; the WCO Harmonized System Code; and the revised WCO Kyoto Protocol, as well as introduction of ASYCUDA ++ (Chapter III(1)(ii)).

66. As at June 2010, 15 companies registered in The Gambia have been certified by ECOWAS to operate under the ECOWAS TL scheme. ASYCUDA ++ has been introduced, and the staff of the GRA are undergoing training on the software. The project also included the automatization of selected border posts and it is hoped that, by the end of July 2010 ASYCUDA ++ will be fully functional.

(b) Investment

General conditions

67. The Companies Act, 1955, the Business Registration Act, 2005, and the GIEPA Act, 2010 (replacing the Investment Promotion Act, 2001 and the Free Zones Act), are the basic laws governing the establishment of businesses in The Gambia.

68. The Companies Act distinguishes between three types of company: limited by shares, limited by guarantee, and unlimited. To incorporate a company, a memorandum and articles of association must be deposited with the Registrar of Companies at the Attorney General's Office. The Act also sets out the required accounting procedures to be followed by enterprises.

69. The 2005 Business Registration Act provides for a person owning a business to file an annual return not later than 30 June each year; specifies prohibited and restricted business names e.g. "Government", "National" or names that have already been registered in The Gambia; provides for searches to be made in the register of businesses upon payment of a fee, and establishes an appeals procedure in case of refusal to register or cancellation of registration.

70. The BRA gives the Minister of Justice the power to exempt businesses from registration, and specifies that, unless exempted, all individual firms, partnerships or companies must be registered. Several businesses under the same ownership may be registered jointly. Copies of registration certificates must be displayed prominently at the headquarters. Annual returns showing the nature of

¹⁶ Last revised in 1976.

the business must be made to the Registrar, and any change of business must be notified to the Registrar. Audited accounts must be declared annually to the Commissioner-General of Taxes. The Act contains provisions against deceptive or misleading practices or descriptions of business; the payment of registration fees; and penalties for default in fulfilling its provisions.

71. According to the International Finance Corporation, the time and costs involved in establishing a business in The Gambia include: search for company name – 1-2 days, D 50; notarize company statutes – 1 day, D 150; obtain tax identification number from GRA – 1 day, D 25; payment of stamp duty and deposit of corporate tax with Commissioner of Income Tax – 1 day, stamp duty D 1,000, corporate tax deposit starting at D 5,000, incorporation certificate fee about D 5,000; register employees with Social Security and Housing Finance Corporation – 1 day, no charge; register with the Commercial Registry – 2 days, D 5,000; obtain operational licence – 1 day, D 5,000; and make a company seal – 18 days, US\$200.¹⁷

72. The new GIEPA Act, 2010 makes it clear that The Gambia is completely open to foreign and domestic investment in any "field of lawful economic activity": either through joint ventures, without any limit in foreign participation, or full ownership by Gambian and foreign citizens. Investment may be in the form of a sole proprietorship, partnership, or limited liability company. The only exclusions are activities prejudicial to national security, detrimental to the natural environment, public health or public morality, or that contravene the laws of The Gambia.

73. The Government may reserve the right to own some or all of the shares in an enterprise operating in a "strategic industry", defined as one operating in mining or in petroleum exploration and refinery. Investments relating to the exploitation of mineralogical, petroleum, and fisheries resources are subject to certain restrictions as stipulated in the Mines and Quarries Act, the Petroleum Act and Petroleum Exploration and Production Act, and the Fisheries Act. A lease or a licence must be granted by the State, and investors are expected to reach a comprehensive agreement with the Government on the terms and conditions for exploration and production (Chapter IV(3)). There is no mandatory screening of foreign investment but such screening may be conducted if there is suspicion of money laundering or terrorism financing (see Chapter IV(5)(ii)). The Gambia also maintains a few statutory state monopolies in certain areas of activity (mainly utilities, such as power).

Investment incentives

74. The new Gambia Investment and Export Promotion Agency Act (GIEPA Act) 2010, consolidates two former Acts (the Gambia Investment Promotion Act and the Free Zones Act) into one piece of legislation. The Act updates provisions for investment under Special Investment Certificates in priority sectors and geographical areas; revises export processing zone provisions; contains special provisions for micro-, small, and medium-size enterprises; and spells out the incentives available in each case (Box II.1). As in the previous legislation, the greatest range and value of incentives is given to holders of Special Investment Certificates.

Box II.1: Principal investment incentives under the GIEPA Act, 2010

Special Investment Certificate (Parts VII and IX of the Act)

Any firm investing in priority sectors and/or priority areas may apply for an SIC. Priority sectors cover:

¹⁷ See Doing Business Project online information, "Starting a Business in The Gambia". Viewed at <http://www.doingbusiness.org/exploretopics/startingbusiness/details.aspx?economyid=73>. The data refer to the costs of starting a private limited liability company in the city of Banjul.

- agriculture: all crops; dairy production, poultry, and meat processing; floriculture and horticulture; agri-processing and agri-business (production and marketing of agricultural inputs); and forestry;
- fishery: aquaculture; fish and shrimp farming; and fishing and industrial-scale fish processing;
- tourism: eco-tourism; national heritage; up-country tourism (motels, tourist camps, sport fishing, river sports or cruising); and development of four- and five-star hotels, integrated resorts, and marinas;
- forestry: development of private or community forest parks or agri-forestry plantations; and forestry production and transformation, and wild fruit preservation;
- manufacturing: assembly and packaging; processing; foundry and forging; and light pharmaceuticals and cosmetics;

Box II.1 (cont'd)

- energy: electricity generation, transmission, and distribution; renewable energy resources (solar, wind, hydro, and biochemical); and liquefied petroleum gases;
- mineral exploration and exploitation: petroleum exploration as defined in the Petroleum Act; and mining of precious stones and others as defined in the Mines and Quarries Act;
- financial services: investment banks; and housing finance institutions; and
- other services: health and veterinary clinics; river and air transportation and cargo services; and information communication technology except GSM.

Priority areas cover almost the whole territory outside the city of Banjul, i.e. Western Region (Foni, Kombo East and Kombo Central except the town of Brikama), Lower River Region, North Bank Region, Central River Region, and Upper River Region.

The following incentives are available to new investment projects or expansion of existing enterprises, in priority sectors/priority areas, of a value at least US\$250,000 (under the previous Investment Promotion Act, the minimum was US\$100,000):

- expansion projects
 - sales tax waiver for imports for one year;
- new investment projects
 - in priority sectors: five-year tax holiday covering corporate or turnover tax, depreciation allowance, and withholding tax on dividends; five-year import sales tax waiver on imported manufacturing plant, construction material, and spare parts from the date of signing of investment agreement, on raw and intermediate inputs from the date of commencement of operations, and on all products listed in the third sector of the Customs and Excise Act; and
 - in priority sectors in priority areas: eight-year tax holiday and five-year import sales tax waiver as above.

Export promotion incentives (Part X of the Act), applicable to firms outside EPZs, for any value of investment, whether or not in priority sectors or areas, exporting at least 30% of output

Ten per cent corporate or turnover tax concession for five years; access to financial planning services and advice, participation in training courses, symposia, seminars and workshops on export promotion, export market research, advertisement and publicity campaigns in foreign markets, and product design and consultancy provided by the GIEPA.

Export processing zones (Part XI of the Act)

There are three types of EPZs: EPZ for export-oriented enterprises; mixed EPZ for export-oriented investors; and sole-entity EPZ for investment and operation of a single investment enterprise.

EPZs must be licensed by the GIEPA; licences may be granted for maximum of ten years and are not transferable. EPZs may be owned by the GIEPA or by private investors licensed by the GIEPA.

EPZ investors that export at least 80% of output gain exemption from payment of import and excise duty and sales tax on goods produced within or imported into the zone, import duty on capital equipment, corporate or turnover tax, withholding tax on dividends, municipal tax, and depreciation allowance, for a maximum of ten years.

Goods brought into the Gambian customs territory are subject to normal customs procedures and import duties; except that goods may, under Customs supervision, be taken into the customs territory or exported to another EPZ for repairs, maintenance, or destruction.

Micro, small, and medium enterprises, established anywhere in the Gambian territory (Part XII of the Act)

Incentives available are: support for research and development; income tax deposit waiver; medium- to long-term loans with "affordable" interest rates; matching grants; and market survey and research support.

Source: GIEPA Act, 2010.

(2) TRADE POLICY FORMULATION AND IMPLEMENTATION

75. "The Gambia Incorporated: Vision 2020", adopted in 1996, remains the Government's overall guiding policy document. It calls for the transformation of The Gambia "into a dynamic middle income country" by 2020.¹⁸

76. Until recently, there had been no attempt to articulate a systematic trade policy agenda for The Gambia linked to poverty reduction. Consequently, the formulation and discussion of trade policy objectives and measures were only partially integrated into the development strategy framework. Many policy initiatives in trade and investment were undertaken, only to be changed later or not fully developed, either due to lack of human/financial resources or to changes of policy direction at the top level. Overall, this lack of coherence was a serious handicap to The Gambia's policy development possibilities.

77. The Ministry for Trade, Regional Integration and Employment (MOTIE) has overall responsibility for the formulation, coordination, and implementation of trade, competition, and employment policies. It takes the lead role in trade negotiations in collaboration with the Ministry of Foreign Affairs. Tariffs are set by the Ministry of Finance (MOF) and administered directly by the Gambia Revenue Authority. Other departments whose functions have a bearing on trade policy include: the Ministry of Local Government and Lands; Attorney-General's Chambers and Ministry of Interior and NGO Affairs; Ministry of Health and Social Welfare; Ministry of Economic Planning and Industrial Development; Ministry of Fisheries, Water Resources, and National Assembly Matters; Ministry of Tourism and Culture; Ministry of Information and Communication Infrastructure; Ministry of Works, Construction, and Infrastructure; and Ministry of Agriculture.

78. In the context of the Integrated Framework, in 2007 the World Bank drew up a comprehensive Diagnostic Trade Integration Strategy (DTIS) study for The Gambia, focusing on the links between trade and development in the country, and making clear proposals at the macro- and micro-levels.¹⁹ The study noted, *inter alia*, that The Gambia did not have an overall trade policy document and had limited resources to define and pursue its trade policy interests; that there was no clear guidance for the small MOTIE team in its work, a lack of specialization in areas of trade policy; virtually no formal analytical work, and a great deal of un-prioritized travel, in response to international invitations, by members of the MOTIE senior staff. The DTIS made four key recommendations regarding planning and follow-up of MOTIE activities, the structure of the Trade

¹⁸ Government of The Gambia (1996).

¹⁹ World Bank (2007).

Division, the committee structure, and formulation of a short statement of general trade policy aims (Box II.2).

79. The Government has taken a number of positive steps at the institutional level to improve internal coordination among ministries and between Government and civil society, and has strengthened the capacity of the Ministry of Trade. For example, in 2007 the Ministry revitalized the Inter-institutional Committee for Mainstreaming Trade and Trade-related Issues (MATRICOM) which was established in 2006, linking Government, private sector, and civil society.²⁰ In 2009, this committee was renamed the National Trade Policy Decision-making Committee (Box II.3). The Ministry of Trade also increased the staffing strength of the Trade Division in 2009 by creating and filling the position of a Director of Trade.

Box II.2: Summary of DTIS Study recommendations regarding institutional structure for trade

MOTIE Trade Division activities: regular planning with rolling six-monthly reviews of activities, with each professional in the Division responsible for specific activities and acting as focal point for the relevant Committee; Trade Division to be headed by an economist with relevant experience, supported by a resident technical assistant; committee structure to be formalized, with one main committee and sub-committees, EPA negotiations should have own committee; Trade Division should compose a short statement of policy objectives, which should remain valid over time.

Government-private sector dialogue: establish three-level dialogue (Head of State/Ministers level; PS/senior officials/main private sector organizations; small secretariat (possibly civil service/Gambia Chamber of Commerce and Industry)).

Export, and export-led investment, promotion: development/promotion of exports should focus on supply-side constraints; exploit regional efficiency of Port of Banjul, English-language links, open access to EU market; focus on key sectors; simplify Special Investment Certificate system, including in free zones; challenge ECOWAS attitude to free zones.

Customs procedures: simplify port procedures with a one-stop on-site office; adopt ASYCUDA ++ as customs administration system; ensure all taxpayers have unique Taxpayer Identification Numbers (TIN); adopt WTO valuation method.

Quality and standards: focus should be on (a) development of good metrology; (b) promoting awareness by officials/managers/farmers of standards requirements. Urgent need to improve groundnut quality and promote certification of fish exports for EU market. Encourage use of foreign/regional laboratories for quality/conformity assessment procedures.

Source: World Bank (2007), *The Gambia: from Entrepôt to Exporter and Eco-Tourism*, July. Viewed at: http://www.integratedframework.org/files/Gambia_DTIS_Final_July07.pdf.

²⁰ This committee was supported by ECOWAS (2008–10) through the ECOWAS Trade Negotiation Capacity Building Project to improve the capacity of the members of the committee on trade-related issues.

Box II.3: National Trade Policy Decision-Making Committee (formerly, MATTRICOM)

MATTRICOM was created by MOTIE in 2006, supported by the ECOWAS Commission, through the ECOWAS Trade Negotiation Capacity Building Project. The project, which is now in its second phase (2008-10), is focusing on building institutional capacity in trade decision making.

The objective of the Committee is to provide a forum for policy dialogue to facilitate effective formulation of coherent policy decisions and their implementation in both domestic and international trade and trade negotiations.

The Committee assists MOTIE to formulate trade policy. Its tasks are to provide advice on trade-related policy issues to ensure policy coherence and synergy in domestic and international trade issues; make inputs and technical advice for development of negotiation strategies (in this context, it has established a sub-committee on trade negotiations); coordinate and monitor approaches in areas such as the EBA, AGOA, ECOWAS, and EPA; work with MOTIE to devise strategies for integrating The Gambia into the multilateral trading system through the improvement of supply capabilities; highlight impending trade-related problems and recommend interventions and strategies for combating them; monitor implementation of trade policy; commission analytical work; and to ensure that the concerns of private-sector operators and consumer representatives are reflected in The Gambia's trade policy.

The Director of Trade at MOTIE coordinates the activities of the Committee and is assisted by a representative of the Gambia Chamber of Commerce and Industry.

Member institutions of MATTRICOM are:

- Ministry of Agriculture; Ministry of Finance; Ministry of Fisheries, Water Resources and National Assembly Matters; Ministry of Economic Planning and Industrial Development; Ministry of Foreign Affairs and Gambians Abroad; Ministry of Health and Social Welfare; Ministry of Interior and NGO Affairs; Ministry of Trade, Regional Integration, and Employment; Ministry of Tourism and Culture; and Ministry of Works, Construction, and Infrastructure;

Box II.3 (cont'd)

- Policy Analysis Unit;
- Department of Animal Health Products and Services; Gambia Police Force; Immigration Department; Gambia Ports Authority; Gambia Revenue Authority; and Gambia Tourism Authority;
- Gambia Investment and Export Promotion Agency; National Agricultural Research Institute; National Environment Agency; and Public Utility Regulatory Authority; and
- Gambia Chamber of Commerce and Industry; Association of Gambia Industrial and Fishing Companies; Association of Non-Governmental Organizations; and Gambia Manufacturers Association.

Source: Information provided by the Government of The Gambia.

80. A key conceptual element in The Gambia's future trade policy development is the "Trade Policy Action Program", drawn up in 2009 by MOTIE, with support from the West African Monetary Institute, and validated by stakeholders in January 2010. This programme, timed to be delivered over the period 2011-15, seeks to move The Gambia from a re-export economy to a producer of "real domestic export goods and services".²¹ Indicators that will be used by the Government to measure the success of the programme include increased volume and value of exports, increased output of domestic firms, inflow of foreign direct investment, remittances, donor assistance, expanded markets, better quality products, and increased ability to compete internationally.

81. The Action Program covers nine thematic areas. In terms of legal framework, it seeks improved legal drafting, business registration, and legal education, as well as improvement in the

²¹ MOTIE (2010).

courts system and the Alternative Dispute Resolution system. Regarding The Gambia's participation in global trade, it seeks improvements in capacity of ministries, clear delineation of responsibilities among ministries and agencies, and the confirmation of MOTIE as the coordinating ministry, as well as better relations with Senegal through joint projects, improvement in transit and re-export trade and the re-establishment of the Senegalo-Gambian Permanent Secretariat. The programme seeks development of a transparent import-export regime through full information on tariff and non-tariff measures, strengthening capacity in the Customs Department, rationalization of export incentives, and enhancement and diversification of the tourist sector. To facilitate trade, the programme aims to have fully automated Customs clearance at all entry points, improve airport cargo-handling facilities including the provision of cold-chain facilities, and strengthen port facilities, river and road transportation, and transit and re-export trade. Development of production capacity is to be encouraged through inter-sectoral dialogues; improved investment promotion through GIEPA; enhanced support to micro, small, and medium-scale enterprises; education and training in quality management and research into improved inputs into agriculture; development of tertiary education; financial system reform to respond more to long-term financing needs and encouragement of savings and remittances; review of land tenure and lease rights; development of road networks and other public utilities, and export trade support services through GIEPA. Provisions for domestic trade are to be improved through better market facilities, storage provisions, credit and support services, and improvements in data collection, as well as working with business to promote value addition in export products. Competition legislation has been improved by the passage of the Competition Act, and capacity is to be built up to implement its provisions, while Government procurement rules are to be reviewed and strengthened and a Consumer Protection Bill prepared. Standards-setting institutions and procedures, currently very weak, are to be reinforced, and quality standards implemented in the domestic economy. Provisions for intellectual property rights and their application, including institutions, are to be strengthened, following the passage of new legislation on industrial property and copyright in recent years (Chapter III(3)(iv)).

82. This ambitious programme is to be financed through funds identified for individual projects and included in the annual budget statements. It will require a good deal of coordination, consistency in execution, and clear priority identification to succeed. Currently, as previous studies have also noted, consistency in policy formulation and implementation is severely handicapped by the constant reshuffling of ministers and senior officials, both within and among ministries, that characterizes The Gambia's system of governance.

83. Four areas on which work is already in progress (in some cases, well advanced) are Customs reform, investment policy, quality and standards, and improvement of statistical data.

- The new Customs and Excise Act has been published and procedures are ongoing to bring it into operation (Chapter III(1)).
- As noted, the Government revised the GIPFZA Act (2001) to create the Gambia Investment and Export Promotion Agency (GIEPA) in April 2010. The new agency is responsible for both investment and export promotion and will initiate the formulation of an export development strategy for The Gambia. GIEPA is to work closely with the Gambia Revenue Authority to create a one-stop shop for business registration.
- On quality and standards, The Gambia is currently being supported under the three-year West African Quality Programme funded by the European Union in collaboration with UNIDO as executing Agency. The programme, which started in 2008, is to strengthen competitiveness of national industries and enterprises and to ensure compliance with international trade rules

and regulations, in particular the WTO TBT and SPS Agreements. The programme is currently supporting four laboratories to improve testing and acquire international accreditation: the National Agricultural Research Institute laboratory for aflatoxin testing on groundnuts, the Fisheries Laboratory for microbiology testing of fish, the National Health Laboratory for chemical testing of foods, and the Veterinary Laboratory for microbiology testing of foods of animal origin. The project is also supporting the metrology laboratory by providing it with the basic equipment necessary for the delivery of metrology services to commerce, industry, and other laboratories.

84. Work to establish the Gambia Bureau of Standards has started. A roadmap was formulated in October 2009 to guide the process of establishing the standards bureau in 2011 (see Chapter III(1)(viii)). The draft Gambia Standards Bill gained Cabinet approval in June 2010 and will be submitted to the National Assembly later in the year for enactment. As regards the recommendations of the DTIS, a number of actions have been taken by MOTIE, while others were implemented by sectors. The Ministry formulated the EIF Tier 1 project proposal, approved by the EIF Board in December 2009, which covered a number of activities in an Action Matrix for the project support to the DTIS implementation. Some sectors have begun implementation of the activities of the action matrix. A credit reference bureau created at the Central Bank of the Gambia is now functional. The rehabilitation of the Amdalaye-Jiboroh road connecting the Kaolack to Zuihuinchor route has been completed, and was opened in July 2009. Rehabilitation of the Trans-Gambia route is in progress. The new Customs and Excise Act contains provisions to facilitate imports of inputs required for exports or investment through duty-free import or lower duties for these products, thus reducing the need for duty waivers. ASYCUDA ++ was introduced in June 2010 to facilitate customs clearance of goods and to improve the quality and timeliness of trade data; since end 2007, the Ministry of Trade has published external trade statistics every six months. Following the approval of the Tier 1 project in December 2009, the Ministry of Trade, Regional Integration and Employment established a National Implementation Unit, recruiting the staff of the Unit in March 2010. The NIU has been fully operational since April 2010.

(3) PARTICIPATION IN THE WTO AND OTHER MULTILATERAL BODIES

85. The Gambia has been a Member of the WTO since 23 October 1996; it was a contracting party to the GATT from 22 February 1965. It applies MFN treatment to all trading partners other than members of ECOWAS, selected imports from which are covered by the ECOWAS Trade Liberalization scheme (section 4(i)(b) below). The Gambia's WTO goods schedule is contained in Schedule CX and its services schedule in document GATS/SC/112. The Gambia is neither a signatory nor an observer to any of the WTO's plurilateral agreements.

86. Since 2004, The Gambia has made one new national notification, updated three of its national notifications, and is involved in a common notification made on behalf of ECOWAS (Table II.3). It also made available to the Secretariat its most recent (2010) tariff in the context of this Review. The Gambia has not been involved in any dispute under the WTO Dispute Settlement Mechanism, either directly or as a third party.

Table II.3
Notifications by, or on behalf of, The Gambia to the WTO since 2004, March 2010

WTO Agreement	Description of notification	Periodicity	Document symbol of latest notification
Agreement on Agriculture			
Articles 10 and 18.2	Export subsidies	Annual	G/AG/N/GMB/3 15 September 2005 (covers years 1998-04)

Articles 10 and 18.2	Domestic support	Two yearly	G/AG/N/GMB/1/Rev.1 15 September 2005
Agreement on Import Licensing Procedures			
Article 7.3	Questionnaire on import licensing procedures (concerns Medicines Act)	Annual	G/LIC/N/3/GMB/2 27 September 2007
Committee on Trade and Development			
Enabling Clause	Notification (by Ghana, on behalf of members) of revised ECOWAS treaty	Ad hoc	WT/COMTD/N/21 26 September 2005
Agreement on Sanitary and Phytosanitary Measures			
Article 7, Annex B	Notification of Food Safety and Quality Bill (covering all food products destined for human consumption and also animal feed)	Ad hoc	G/SPS/N/GMB/1 4 March 2010

Source: WTO Secretariat.

87. The Gambia is a UN-designated least developed country, and as such benefits from the special and differential treatment provisions applicable to least developed countries under WTO Agreements. Implementation of WTO Agreements by The Gambia and its ability to derive benefits from its participation in the multilateral trading system will require significant investment in developing trade-related capacity (Chapter V).

88. The Gambia's participation in multilateral trade negotiations has, until recently, been restricted by weak inter-ministerial coordination on trade policy, and by its lack of representation in Geneva. Its stated main areas of interest are special and differential treatment, market access, and the extension of protection afforded through geographical indications to products of regional interest.

89. The Gambia's position regarding the DDA is in line with the position of the LDCs and African groups in the negotiations aiming to achieve a development-oriented round. At the conclusion of the Round, The Gambia, as an LDC within Africa, expects flexibilities accorded to developing countries, particularly the LDCs, to facilitate their integration into the global economy and enhance their development.

90. In addition to the WTO, the Gambia is a member of the following multilateral economic organizations or groupings: the Commonwealth, the UN Food and Agriculture Organization, the G-77, the World Bank and its subsidiary bodies, International Fund for Agricultural Development, International Labour Organization, International Monetary Fund, International Telecommunications Union, Islamic Development Bank, Multilateral Investment Guarantee Agency, the Organization of the Islamic Conference, the United Nations, UNCTAD, Universal Postal Union, World Customs Organization, World Intellectual Property Organization, World Meteorological Organization, and World Tourism Organization. The Gambia has also accepted the provisions of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade²², and has ratified the Stockholm Convention on Persistent Organic Pollutants.²³

²² See Rotterdam Convention online information. Viewed at: <http://www.pic.int/home.php?type=t&id=63&sid=17>.

²³ See Stockholm Convention on Persistent Organic Pollutants online information. Viewed at: <http://chm.pops.int/Countries/StatusofRatification/tabid/252/language/fr-CH/Default.aspx>.

(4) PREFERENTIAL TRADE AGREEMENTS AND ARRANGEMENTS

(i) Regional agreements

(a) African Union and African Economic Community

91. The Gambia is a founding member of the African Union, having signed the Abuja Treaty Establishing the AEC in June 1991, and is an original signatory to the New Partnership for African Development (NEPAD).

(b) ECOWAS

92. The Gambia is also a founding member of ECOWAS, established in 1975.²⁴ Since 2006, The Gambia has applied the ECOWAS common customs tariff and an ECOWAS community levy of 0.5% to all imports from outside the area. The new Customs and Excise Act introduces into The Gambia the provisions of the ECOWAS Trade Liberalization Scheme.

93. The Gambia raised its tariff on final goods from 18% to 20% in 2006 to align it to the fourth band of the CET, as well as modifying a large number of other rates, some upwards, some downwards (Chapter III(1)(iv)). With the proposed introduction of a fifth band at 35%, The Gambia submitted its proposed list of products for classification under this band in 2008. Negotiations on products for classification by ECOWAS under the common fifth band, as well as The Gambia's "Type B" list of national exceptions, are ongoing. The Government is committed to aligning The Gambia's tariff lines fully to the ECOWAS CET once the negotiations are completed.

94. The ECOWAS Trade Liberalization Scheme (ETLS) for industrial products originating from member states of the community entered into force on 1 January 1990. The objective of the scheme is to improve intra-ECOWAS trade by removing import duties and taxes on industrial products that qualify under the scheme. Since the creation of National Approval Committees by the ECOWAS Authority, the approval process under the scheme has improved. In The Gambia, the number of companies certified to operate under the scheme increased from 3 in 2006 to 15 in 2009; 4 of these companies have started exporting to the sub-region under the ETLS. However, the smooth access of ETLS certified companies to the regional market is still a challenge for expansion of intra-ECOWAS trade.

95. Within ECOWAS, bilateral trade relations between the Gambia and Senegal have long been a sore point, due to the prevalence of unrecorded flows of re-exports and, in particular, of goods in transit through Banjul port, which do not pay duty. In May 2010, joint discussions between The Gambia and Senegal resulted in an agreement, for a trial period of six months, that all transit and export trade will be accompanied by a declaration form (the ECOWAS Single Administrative Document or SAD), and classified under the appropriate Customs Procedure Code (CPC) and nomenclature. It was also agreed that checking of such goods should be done only when there is suspicion that the goods are fraudulent or prohibited, and should be strictly limited to avoid undue delays in legitimate trade.²⁵

²⁴ ECOWAS membership comprises Benin, Burkina Faso, Côte d'Ivoire, Mali, Niger, Senegal, and Togo (members of the UEMOA), the Gambia, Ghana, Guinea, Nigeria, Sierra Leone (members of the West African Monetary Zone), Cape Verde, Guinea-Bissau, and Liberia.

²⁵ *Daily Observer*, "Gambia, Senegal Customs Sign Joint Communiqué", 31 May 2010. Viewed at: <http://observer.gm/africa/gambia/article/gambia-senegal-customs-sign-joint-communique>.

96. Within ECOWAS, The Gambia is also a member of the West African Monetary Zone (WAMZ). The objective of the Zone is to establish a common currency (to be known as the eco) among its members (The Gambia, Ghana, Guinea, Liberia, Nigeria, and Sierra Leone). Successive deadlines of 2003, 2005, and 2009 have not been met; the present objective is to achieve the common currency by 2015.²⁶

97. The Gambia is also a member of the "Comité Permanent Inter-États de Lutte contre la Sécheresse dans le Sahel", whose membership comprises Burkina Faso, Cape Verde, Chad, The Gambia, Guinea-Bissau, Mali, Mauritania, Niger, and Senegal.²⁷ The focal point in The Gambia is the Ministry of Agriculture.

(ii) Bilateral agreements and arrangements

98. The Gambia has signed bilateral trade agreements with Chinese Taipei, Cuba, Iran, Nigeria, Senegal, and Tunisia. These agreements mainly cover cooperation in trade promotion activities, and do not entail any preferential market access.

(iii) Non-reciprocal preferential arrangements

(a) Overview

99. As a least developed country, The Gambia benefits from non-reciprocal duty-free preferential treatment from many industrialized countries under the Generalized System of Preferences (GSP), and under related schemes like the European Union's Everything But Arms (EBA) initiative. However, like many LDCs, The Gambia is still struggling to benefit effectively from such schemes, due to supply-side constraints.

100. Recent data from the WTO Sub-Committee on Least-Developed Countries show that all major developed markets extend duty-free, quota-free (DFQF) treatment to imports from least developed countries, in proportions ranging from 82.5% to 100% of tariff lines.²⁸ Four developing economies (China, India, Korea, and Morocco) extend DFQF or reduced-duty preferences to LDCs, including The Gambia; in China's case this is limited to countries in Africa that have diplomatic relations with China, thus excluding The Gambia.

101. If The Gambia can fulfil the rules of origin requirements in the EU market, there would appear to be little reason why it could not benefit from EBA duty-free access for its major export products (groundnuts, cashews, fisheries), even in the absence of an EPA. Furthermore, DFQF treatment for cashews, fish fillets, and non-industrial diamonds in India may be of interest to The Gambia.²⁹

²⁶ *The Guardian Nigeria*, "Waiting for West African common currency", 15 June 2009. Viewed at: http://www.nguardiannews.com/focus_record/article01/indexn2_html?pdate=150609&ptitle=Waiting%20for%20West%20African%20common%20currency.

²⁷ CILSS online information, "Presentation". Viewed at: <http://www.cilss.bf/spip.php?rubrique1>.

²⁸ WTO document WT/COMTD/LDC/W/46, 23 October 2009.

²⁹ See Government of India (2008), copy supplied by the Gambian authorities.

(b) Bilateral relations with the European Union

102. The Gambia was a signatory to the Cotonou Agreement, which until 31 December 2007 governed bilateral preferences granted by the EU to African, Caribbean, and Pacific (ACP) States. As noted above, The Gambia also receives duty-free preferential treatment in the EU market under "Everything but Arms" (EBA) provisions.

103. In the framework of EPA negotiations, following the latest negotiation round in September 2010, the West African market access offer remains under negotiation both in terms of coverage and timeframe for liberalisation. Unresolved issues include the proposed MFN provision of the agreement and the ECOWAS request for the EU to remove agricultural subsidies with potential negative impact on West African farmers; in this area, the EU has proposed the elimination of EU export subsidies on products liberalised by West Africa. Other areas, including development cooperation and rules of origin, are reported to be making progress.

104. The Gambia continues to receive assistance from the EU under its Country Support Strategy. During 2002-07, the main focus of the strategy was on rural development and transport, with each to receive approximately 40% of the overall €37 million aid package; the rest was to be devoted to more general capacity-building. Under the 10th EDF package, for 2008-13, the main focus continues to be on the transport sector, emphasizing infrastructure and regional interconnectivity; out of a total of €76 million, 46% is to be devoted to infrastructure and regional interconnectivity (major roads, river crossing bridges); 29% to general budget support for poverty reduction and promoting access to social services, 14.5% to governance, including supporting economic and trade reforms, and the remaining 10.5% to other project support.³⁰

(c) Relations with the United States under the African Growth and Opportunity Act (AGOA)

105. The United States' African Growth and Opportunity Act (AGOA), originally enacted in 2000, offers free access for some manufactured products originating in African countries that make progress in: establishing a market-based economy; developing political pluralism and the rule of law; eliminating discriminatory barriers to U.S. trade and investment; protecting intellectual property; combating corruption; protecting human and worker rights; and removing certain practices of child labour.³¹

106. African countries eligible for preferential treatment under the AGOA will continue to receive duty-free treatment in the U.S. market for eligible products until 2015. Special provisions relating to clothing trade will continue until 2012.

107. The Gambia has been eligible for AGOA benefits since 2003, and has held a "textile visa" since April 2008, qualifying it for the special textile and clothing provisions of AGOA³²; however, statistics compiled by the U.S. Department of Commerce show that: (a) The Gambia's total exports to the United States are minimal (US\$641,000 in 2008); and (b) The Gambia's exports under AGOA provisions are even lower (US\$36,000, all agricultural products, in 2007, nil in 2008).³³ In early

³⁰ Republic of The Gambia and European Community (2007).

³¹ African Growth and Opportunity Act. Viewed at: <http://www.agoa.gov/index.html>.

³² *Gambia News*, "US grants Gambia textile visa", 12 May 2008. Viewed at: <http://www.gambianow.com/news/News/-Gambia-News-US-grants-Gambia-AGOA-textile-visa.html>.

³³ AGOA.info online information, "Bilateral trade profile: US-Gambia". Viewed at: http://www.agoa.info/?view=country_info&country=gm&story=trade.

2010, training activities on textile and clothing exports were held between the U.S. Embassy in Banjul and Gambia's West Africa Trade Hub, in an effort to create capacity for clothing exports under the AGOA.³⁴ To date, however, no such trade has arisen.

(5) INVESTMENT AGREEMENTS AND ARRANGEMENTS

108. The Gambia maintains double taxation agreements with Australia, Chinese Taipei, Denmark, Norway, Sweden, Switzerland, and the United Kingdom. Bilateral investment agreements have been concluded with Mauritania, Morocco, the Netherlands, Qatar, Spain, Switzerland, and the United Kingdom.³⁵

³⁴ *Fibre2fashion News* online information, "AGOA: Unique opportunity for clothing exports", 27 February 2010. Viewed at: http://www.fibre2fashion.com/news/apparel-news/newsdetails.aspx?news_id=82913.

³⁵ UNCTAD online information, "Country-specific Lists of DTTs". Viewed at: <http://www.unctad.org/Templates/Page.asp?intItemID=4505&lang=1>; and "Country-specific Lists of BITs". Viewed at: <http://www.unctad.org/Templates/Page.asp?intItemID=2344&lang=1>.

IV. TRADE POLICIES AND PRACTICES BY MEASURE

(1) MEASURES DIRECTLY AFFECTING IMPORTS

(i) Customs procedures and documentation

109. The Gambia Revenue Authority (GRA) is responsible for the management and administration of Customs, the administration of taxes and duties on imports, the application of Customs controls and other connected matters (see Chapter II(1)(ii)(a)). The Commissioner of Customs is responsible for the day-to-day administration of Customs. The Commissioner-General of the GRA is responsible for granting permission to manufacture goods subject to excise duties.

110. Import documentation required for customs purposes comprises: the bill of lading; certificate of origin; cargo release order; commercial invoice; packing list; customs import declaration; and technical standard/health or environmental certificate, where appropriate.³⁶

111. According to International Finance Corporation (IFC) data, the average time to complete import procedures (and the cost involved) is: 10 days for document preparation (average cost US\$287), 3 days for Customs clearance and technical control (US\$135), 8 days for ports and terminal handling (US\$190), and 2 days for inland transportation and handling (US\$310), making a total of 23 days (US\$922). The Gambia is ranked 81st out of 183 economies in the IFC's "Doing Business" ratings in terms of trading across borders; its procedural requirements and costs are considerably lower than the averages for Sub-Saharan Africa.³⁷ Compared with Senegal, The Gambia's timing is longer, but its costs are lower.

(ii) Customs valuation

112. Until 2010, The Gambia applied the Brussels Definition of Value for customs valuation of goods. However, the new Customs and Excise Act, 2010, provides for the application of the WTO Agreement on Customs Valuation on imported goods, excisable goods, and goods for export.³⁸ This brings The Gambia into line with the ECOWAS common tariff and valuation system. Consistently with the Agreement, the Commissioner General of Customs and Excise may base any decisions relating to the definition of customs value on the suggestions, opinions, comments, and explanatory notes coming from the WCO Technical Committee on Customs Valuation.

113. The Gambia has introduced standardized certificates of origin, customs and statistical nomenclature, and customs declarations (the ECOWAS single administrative document or SAD). Implementation of the ASYCUDA++ system was expected to be fully operational by July 2010. The

³⁶ Doing Business Project online information, "Trading Across the Borders in The Gambia". Viewed at: <http://www.doingbusiness.org/ExploreTopics/TradingAcrossBorders/Details.aspx?economyid=73>.

³⁷ Doing Business Project online information, "Trading Across the Borders in The Gambia". Viewed at: <http://www.doingbusiness.org/ExploreTopics/TradingAcrossBorders/Details.aspx?economyid=73>; and Doing Business Project online information, "Economy Rankings". Viewed at: <http://www.doingbusiness.org/economyrankings/>.

³⁸ Customs and Excise Act, 2010, Part XII. The ECOWAS customs tariff is already reconciled with WTO.

existence of the GRA has also greatly assisted in the streamlining of customs procedures and infrastructure by bringing all aspects of revenue administration together under one roof.

114. Customs capacity-building assistance for The Gambia in recent years includes: WCO and WTO Workshop on Customs Valuation, including Trade Facilitation and Rules of Origin for Anglophone Africa (Dar es Salaam, Tanzania) in August 2004; WCO IT Conference and Exhibition (Veracruz, Mexico) in April 2007; WCO IT Conference and Exhibition (Seoul, Republic of Korea) in April 2008; 48th Fellowship Programme for English-speakers, sponsored by Japan and the WCO (Brussels, Belgium) in September 2008; and 2nd WCO/UPU Joint Regional Training Workshop on Customs Clearance of Postal Items, supported by the NORAD Fund (Nairobi, Kenya) in July 2009.³⁹ Additional assistance has been given in areas such as application of the Harmonized System, intellectual property rights and counterfeiting, and rules of origin.

115. The Gambia is not a contracting party to the Harmonized System Convention, but applies the Convention in practice.⁴⁰ Under the new Customs and Excise Act, The Gambia applies HS 2007 in its tariff classification.

116. Regarding application of the WTO Customs Valuation Agreement and notification of its Customs legislation to the WTO, The Gambia did not make use of the five-year grace period available to developing countries under Article 20 of the Agreement. The Gambia has not yet notified the texts of its Customs legislation and regulations to the WTO, as required under Article 22 of the Agreement as interpreted by the WTO Committee on Customs Valuation⁴¹, but plans to notify the new legislation.

(iii) Rules of origin

117. The Gambia does not have rules of origin for goods coming from MFN sources. The Gambia uses ECOWAS rules of origin, in force since 1 January 2003, to define products eligible for free access under the ECOWAS Trade Liberalization Scheme.⁴² ECOWAS origin is conferred on unprocessed originating products (local or handmade products) and products that have undergone sufficient working or processing. For the latter, origin is determined by a change of tariff classification affecting one of the first four digits of the tariff and Statistical Nomenclature⁴³, with

³⁹ Information supplied by Gambian authorities.

⁴⁰ World Customs Organization online information, "List of countries, territories or customs or economic unions applying the HS (December 2009)". Viewed at: http://www.wcoomd.org/home_wco_topics_hsoverviewboxes.htm. According to the authorities, the Minister's signature to the HS Convention is pending.

⁴¹ WTO document G/VAL/5, 13 October 1995.

⁴² Additional Protocol No. III/2001 establishing the WAEMU rules of origin replaces Additional Act No. 4/96 of 10 May 1996 establishing a preferential tariff regime for trade within WAEMU, as amended by Additional Act No. 4/98. Additional Protocol No. III/2001 was revised by Additional Protocol No. 01/2009/CCEG/WAEMU.

⁴³ Regulation No. 08/2007/CM/2007 and its Annex of 6 April 2007 on the adoption of the Tariff and Statistical Nomenclature of the WAEMU Common External Tariff (CET), based on the 2007 version of the Harmonized Commodity Description and Coding System, as amended by Regulation No. 05/2008/CM/UEMOA and its Annex of 28 March 2008.

exceptions⁴⁴, or by a Community value added of at least 30% of the cost price of the goods, ex-factory and excluding tax.⁴⁵

118. The ECOWAS rules of origin also stipulate that the status of "originating industrial product" cannot be conferred on goods processed under particular regimes involving total or partial conditional relief or exemption from import duties on inputs (Article 8). According to the 2009 revision, this status cannot be conferred on such goods unless the duties and taxes payable on the materials used in the manufacturing process have been paid (revised Article 8). However, the ECOWAS Commission has still to issue a regulation on the implementation of this relaxation of its rules of origin by the member states.

119. Currently, the Gambia does not grant unilateral preferential treatment for imports from any source.

(iv) Tariffs

(a) Applied MFN tariffs

120. The Gambia applies the ECOWAS Common Customs Tariff, which is based on that originally applied by WAEMU/UEOMA. The tariff currently comprises four rates: zero, 5%, 10%, and 20%. The ECOWAS member states are negotiating the introduction of a fifth band, at 35%, based on harmonization of national lists submitted by members, and of national exceptions to the ECOWAS common tariff.

121. With the adoption of its fifth band and the national exceptions, the common tariff will show a classic pattern of escalation and is likely to provide higher effective than nominal protection to goods classed as "consumer goods" and "economic development goods". The tariff classification will consist of: Category 0: basic social goods (zero rated); Category 1: basic needs, raw material, capital equipment, and specific inputs (rate 5%); Category 2: inputs and intermediate products (rate 10%); Category 3: final consumer goods and other products n.e.s. (rate 20%); and Category 4: specific goods for economic development (rate 35%).

122. The Gambia has submitted two national lists to ECOWAS under the negotiating process: the first is for products that it wishes to be included in Category 4 and taxed at 35%, and the second is "List B" of national products on which The Gambia wishes lower rates than the common tariff to be applied, as inputs to agriculture, fisheries or other industries, or as basic food needs for the population.

123. The adoption of the ECOWAS tariff, as confirmed in The Gambia's new 2010 customs tariff, has brought about significant changes in the shape of the tariff compared with 2007 (Table III.1 and Chart III.1). Overall, the arithmetic mean rate has fallen from 19% to 14%; the number of duty-free lines has increased substantially, from under 1% to 15% of the total; the share of rates exceeding 15% has fallen from 92% to 57% of the total; and the spread of the tariff, as measured by the standard deviation from the mean, has more than doubled.

Table III.1
Structure of the MFN tariff, 2007 and 2010
(Per cent)

	2007	2010	U.R.
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⁴⁴ Regulation No. 12/2002/CM/UEMOA.

⁴⁵ Regulation No. 13/2002/CM/UEMOA.

	2007	2010	U.R.
1. Bound tariff lines (% of all tariff lines)	13.8	..	n.a.
2. Duty-free tariff lines (% of all tariff lines)	0.7	15.1	0.0
3. Non- <i>ad valorem</i> tariffs (% of all tariff lines)	0.0	0.0	0.0
4. Tariff quotas (% of all tariff lines)	0.0	0.0	0.0
5. Non- <i>ad valorem</i> tariffs with no AVEs (% of all tariff lines)	0.0	0.0	0.0
6. Simple average tariff rate	19.0	14.1	101.9
Agricultural products (WTO definition) ^a	18.9	16.5	103.8
Non-agricultural products (WTO definition) ^b	19.1	13.7	65.6
Agriculture, hunting, forestry, and fishing (ISIC 1)	19.6	15.5	104.8
Mining and quarrying (ISIC 2)	19.9	7.5	40
Manufacturing (ISIC 3)	19.0	14.1	101.2
7. Domestic tariff "spikes" (% of all tariff lines) ^c	0.0	0.0	0.0
8. International tariff "peaks" (% of all tariff lines) ^d	91.8	57.5	100.0

Table III.1 (cont'd)

9. Overall standard deviation of applied rates	3.4	7.5	22.6
10. "Nuisance" applied rates (% of all tariff lines) ^e	0.0	0.0	0.0

.. Not available.

n.a. Not applicable.

a WTO Agreement on Agriculture definitions.

b Excluding petroleum.

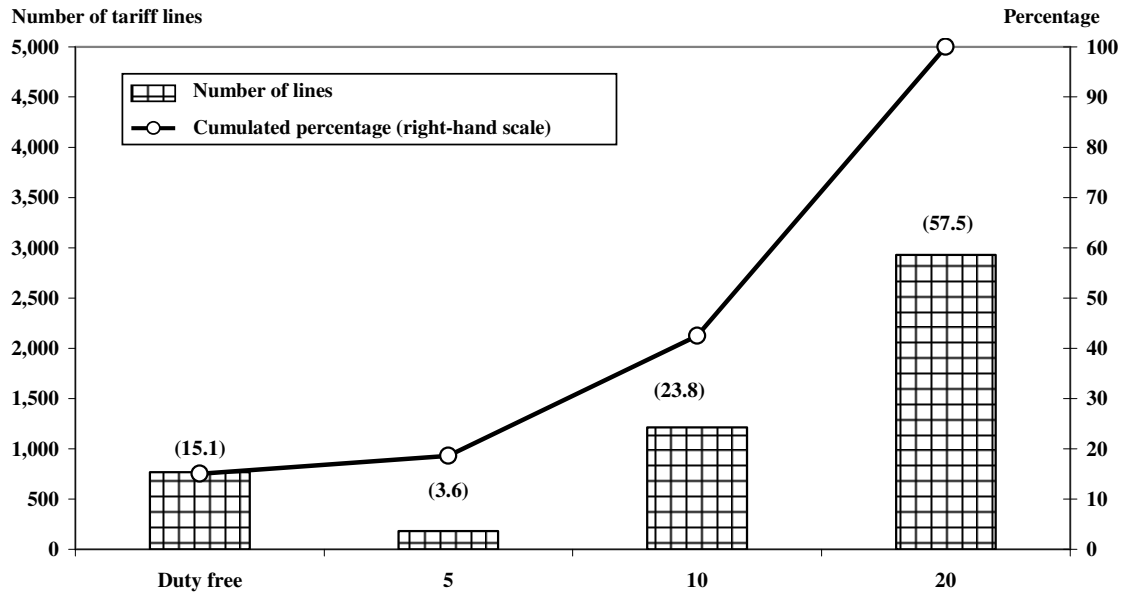
c Domestic tariff spikes are defined as those exceeding three times the overall simple average applied rate.

d International tariff peaks are defined as those exceeding 15%.

e Nuisance rates are those greater than zero, but less than or equal to 2%.

Source: WTO Secretariat calculations, based on data provided by the Gambian authorities.

Chart III.1
Breakdown of applied MFN tariff rates, 2010



Note: The figures in brackets correspond to the percentage of total lines.

Source: WTO Secretariat calculations, based on data provided by the Gambian authorities.

124. Further analysis of the Gambian tariff structure (Tables III.2 and AIII.1) shows that the average rate applied to agricultural products (WTO definition) is higher than that for non-agriculture; that within agriculture, tobacco, beverages and spirits, fruit and vegetables, coffee, tea, cocoa, sugar, etc., bear the highest average tariffs, while live animals are the only group imported entirely duty-free; and that within non-agricultural goods, inorganic chemicals, fertilizers, and aircraft enter duty free, while articles of gut, fur, silk, carpets, jewellery, ships and boats, musical instruments, furniture, and toys are universally subject to the maximum rate of 20%.

Table III.2
Summary analysis of the MFN tariff, 2010

Analysis	No. of lines	Applied 2010 rates				Imports 2008 (US\$ million)
		Simple avg. tariff (%)	Range tariff (%)	Std-dev (%)	CV	
Total	5,091	14.1	0-20	7.5	0.5	329.4
HS 01-24	726	17.3	0-20	6.1	0.4	98.3
HS 25-97	4,365	13.5	0-20	7.6	0.6	231.0
By WTO definition^a						
Agriculture	667	16.5	0-20	6.7	0.4	97.9
Live animals and products thereof	91	15.2	0-20	8.6	0.6	2.6
Dairy products	20	12.5	5-20	7.7	0.6	6.3
Coffee and tea, cocoa, sugar, etc.	124	18.6	0-20	4.4	0.2	28.5
Cut flowers and plants	32	14.4	0-20	7.2	0.5	0.0
Fruit and vegetables	156	19.7	0-20	2.1	0.1	8.6
Grains	16	15.0	0-20	8.9	0.6	27.2

Analysis	No. of lines	Applied 2010 rates				Imports 2008 (US\$ million)
		Simple avg. tariff (%)	Range tariff (%)	Std-dev (%)	CV	
Oil seeds, fats, oils, and their products	72	13.1	0-20	7.6	0.6	17.7
Beverages and spirits	37	20.0	20	0.0	0.0	1.9
Tobacco	9	20.0	20	0.0	0.0	4.4
Other agricultural products	110	13.3	0-20	7.7	0.6	0.5
Non-agriculture (excl. petroleum)	4,401	13.7	0-20	7.6	0.6	167.1
Fish and fishery products	126	19.8	10-20	1.3	0.1	0.8
Mineral products, precious stones, and precious metals	325	11.7	0-20	7.6	0.6	16.3
Metals	587	13.6	0-20	5.9	0.4	11.1
Chemicals and photographic supplies	852	10.3	0-20	7.1	0.7	25.7
Leather, rubber, footwear, and travel goods	159	18.6	5-20	3.6	0.2	4.0
Wood, pulp, paper, and furniture	254	17.5	0-20	5.3	0.3	11.0
Textiles and clothing	808	17.0	0-20	4.7	0.3	22.0
Transport equipment	133	14.0	0-20	8.7	0.6	39.7
Non-electrical machinery	517	6.2	0-20	8.9	1.4	12.9
Electrical machinery	250	17.4	0-20	5.5	0.3	14.2
Non-agricultural articles n.e.s.	390	16.6	0-20	7.0	0.4	9.3
By ISIC sector^b						
Agriculture, hunting, forestry, and fishing	285	15.5	0-20	7.8	0.5	10.0
Mining	97	7.5	0-20	4.5	0.6	0.1
Manufacturing	4,708	14.1	0-20	7.5	0.5	319.2
By stage of processing						
Raw materials	620	14.3	0-20	7.5	0.5	43.2
Semi-processed products	1,699	12.4	0-20	6.8	0.5	60.4
Fully-processed products	2,772	15.0	0-20	7.8	0.5	225.8

a Twenty-one tariff lines on petroleum products are not taken into account.

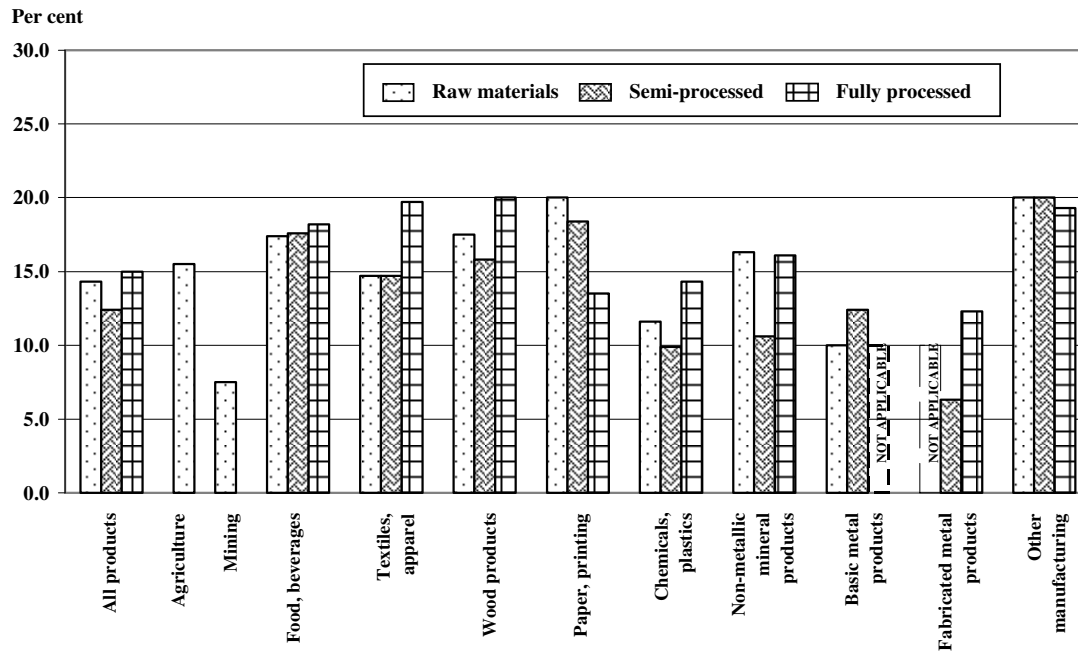
b International Standard Industrial Classification (Rev.2). Electricity, gas, and water are excluded (1 tariff line).

Note: CV = coefficient of variation.

Source: WTO Secretariat estimates, based on data provided by the Gambian authorities.

125. There is no consistent pattern of tariff escalation between or within broad industrial (ISIC 2-digit) groups (Chart III.2). There is some escalation between "agriculture" and "food"; in textiles, between raw and semi-finished materials and finished products; and a mixed picture in minerals and metals. In some fields, there is de-escalation on an average basis between the raw product and the semi-processed stage, or overall (as in "paper and printing", consistently with zero-rate access for most books).

Chart III.2
Tariff escalation by ISIC 2-digit industry, 2010



Source : WTO Secretariat estimates, based on data provided by the Gambian authorities.

(b) Tariff bindings

126. Bound tariffs in The Gambia's WTO schedule cover 708 HS six-digit items, covering 13.8% of all tariff lines, according to the WTO tariff database. In addition to products covered by the Agreement on Agriculture, all of which are required to be bound, The Gambia has bound tariffs on gemstones (HS 7102, 7103), silver waste and scrap, other goldsmiths' and silversmiths' wares (HS ex 7112.90, 7114), and motor vehicles (HS 8702, 8703).⁴⁶

127. As in many developing or least developed countries, there is substantial "water" in the gap between applied and bound rates. Most bound tariffs are fixed at a ceiling rate of 110%, although a number of lines in other HS Chapters are fully or partially bound at rates from 20% to 85%.

128. In practice, the ECOWAS common external tariff is effectively the "bound" tariff for The Gambia, as it is a legal commitment, within the framework of its regional agreement, to apply these rates on an MFN basis.

(c) Tariff exemptions, concessions, and suspensions

129. Duty and tax exemptions are contained in the Third Schedule to the Customs and Excise Act.

⁴⁶ WTO Tariff Schedule CX. Viewed at: http://www.wto.org/english/tratop_e/schedules_e/goods_schedules_table_e.htm#gg.

- Part A includes goods for use by the President, the armed forces, Commonwealth and other governments, certain goods imported under diplomatic privileges or by aid agencies, by the African Development Bank for official use, bona fide gifts to charitable institutions, consumables imported for use in religious services, materials and equipment for use by or for disabled, blind or physically handicapped persons, badges and record books for the President's Award Scheme, goods for the Desert Locust and Red Locust Control Organizations, goods for military canteen organizations, equipment, drugs and motor vehicles for the Medical Research Council, passenger cars imported by military and police personnel returning from peace-keeping duties outside The Gambia, rewards and prizes obtained by Gambian sports-men and -women, and equipment and parts for the rehabilitation of power-generating plant imported before 2003.
- Part B (General Exemption) includes operations-related goods for aircraft operations by designated airlines, containers and pallets, effects of deceased persons, fish, crustaceans and molluscs landed by Gambian canoes or vessels, life-saving marine apparatus, passengers' baggage in general, protective clothing and equipment, samples, ships and other vessels, goods for national museums, seeds for sowing, breeding animals, semen and fish ova, raw materials for manufacture of medicaments, plastic sheetings for agri-, flori- or horticultural use, hatching eggs, power generating equipment, chemical fertilizers, medical hygienic bags, and ship-loading equipment. Currently, the exemption for import of empty containers may be particularly significant in view of the growing export of mineral sands.⁴⁷
- Part C (Special Duty Rate) specifies that capital goods, plant and machinery for investment, with written approval of the Minister, as well as cold-storage equipment and refrigerated-goods transport vehicles imported by farmers, with the written approval of the Director of Agriculture, are importable duty free.

130. The Minister of Finance and Economic Affairs may also remit any duty, in whole or in part, if he finds it is in the public interest to do so, on goods imported by registered non-profit institutions approved by the Government; raw materials for use in the manufacture of insecticides, fungicides, and similar products; component parts used in the manufacture of agricultural and horticultural equipment; capital equipment and machinery imported for use in licensed customs bonded factories for export; goods imported by oil exploration companies in accordance with the Petroleum Act 2004; and goods for official-aid-funded projects.⁴⁸

(d) Duty suspensions

131. The Second Schedule to the 2010 Customs and Excise Act allows for the Minister to suspend import duties on refined petroleum products. Currently these duties are not suspended and the products bear a duty of 20%, apart from aircraft fuels, which are zero-rated.

⁴⁷ According to Gambian Customs, in 2009 and 2010, imports of empty containers for this purpose far exceeded the number of loaded containers imported with goods.

⁴⁸ Customs and Excise Act, 2010, section 190.

(e) Bilateral tariff preferences

132. The 2010 Customs and Excise Act provides for arrangements to be made between The Gambia and another government with respect to the mutual relief of duty.⁴⁹

(v) **Other charges affecting imports**

(a) Other duties and charges

133. The Gambia applies a processing fee of 1.55% and a 0.5% ECOWAS levy on the c.i.f. value of all imports.

134. The Gambia has bound "other duties and charges" on its WTO bound tariff lines at 10%. Thus, again, there is flexibility between applied and bound rates.

(b) Excise duties, excise taxes, and environmental taxes

135. Excise duties are charged on either the retail sales price or the price at which goods are sold on between manufacturers. Rates are applied on: fruit juices and other non-alcoholic beverages (at 5%); wines (10%) and spirits (15%); cigarettes and refined petroleum products (10%); precious metals and articles thereof (5%); and motor vehicles, and a few other products including nails and soap (at 5%). Mobile phone services bear an excise tax of 10%, based on the price charged between non-related buyers and sellers. In addition to the schedule of excise duties, excise taxes are charged at specific rates on a number of items (Table AIII.2). Imported soft drinks and imported beer are subject to higher rates than the corresponding domestic items. In addition, The Gambia imposes an environmental tax on unmanufactured tobacco at D 75/kg; tobacco products at D 10/kg; and used vehicles at D 1,000 per unit.

(c) Sales tax

136. The Gambia imposes sales tax on goods and services, including imports. The general rate is set at 15%; however, refined petroleum products are taxed at 10%, and telecommunications services at 18%. The value of imported goods for sales tax purposes is the value including all duties and charges paid on import into The Gambia, and including the value of any incidental services such as packaging, insurance, transportation, guarantee costs or any other services giving rise to commission.

137. Registered manufacturers are allowed input tax credits for the sales tax payable on capital goods (plant or equipment, but not motor vehicles), or goods used in manufacturing taxable products.⁵⁰

(d) Temporary duties

138. The Gambia levies additional import duties on onions and potatoes during the harvesting season in order to protect local producers.

⁴⁹ Customs and Excise Act, 2010, section 162.

⁵⁰ Income and Sales Tax Act, 2004, sections 142, 155, and 159.

(vi) Contingency measures

139. Under anti-dumping and countervailing provisions contained in the 2010 Customs and Excise Act, the Minister establishes an advisory committee of not more than ten persons to investigate cases of dumping or subsidization of goods exported to The Gambia. Provisional measures may be taken 60 days after the start of any investigation. If the Minister is satisfied that goods are dumped, or that governmental or public subsidies are being given, and that this causes or threatens material injury to an established industry in The Gambia, or retards materially the establishment of an industry, he may accept an exporter's offer of an increase in price to the extent of the dumping margin or subsidy, or impose an anti-dumping or countervailing duty, which should not exceed the dumping margin or subsidy found to exist.⁵¹

140. Provision is made in Sections 171-172 of the Act for anti-dumping or countervailing duties to be based on: the difference between a domestic reference price (DRP) (i.e. minimum buying or guaranteed price from domestic producers, as declared every three months by the Minister of Trade) and an import reference price (average quoted price at a major international marketing centre for the goods), or between the DRP and zero; plus freight, insurance, handling and wharfage charges, clearing and forwarding charges (standardized at 1% of c.i.f. value), and pre-shipment inspection fees of 2% of f.o.b. value.

141. The Gambia does not maintain any anti-dumping or countervailing duties at present.

142. Under Section 163 of the Act, the Minister may also impose on any goods imported into The Gambia "such conditions or rates of duty as he may deem necessary to protect The Gambia's interest where the country of importation practices unfair or restrictive trade practices on Gambian goods exported to that country". No definition is given of what may be considered "unfair or restrictive" trade practices, nor are any time limits specified.

143. The Gambia maintains no safeguard measures at present.

(vii) Import prohibitions, licensing, and restrictions**(a) Prohibitions**

144. Prohibited imports are contained in the Eighth Schedule of the 2010 Customs and Excise Act. They include false or counterfeit money; indecent or obscene articles, matches containing white phosphorous; denatured spirits, unless duly certified; articles deceptively marked with Gambian coats of arms; advertisements for cures for cancer, tuberculosis or venereal/sexual diseases or complaints; distilled spirits containing specified essential oils or chemicals that are injurious to health; manufactures falsely labelled as of Gambian origin; firearms, ammunition etc., imported by post; goods that do not meet the Gambian Bureau of Standards requirements or that are certified by a public medical officer as hazardous to health; seditious, scandalous or immoral literature; waste and sludge deposits; any goods prohibited under the terms of any international convention to which The Gambia is a signatory; skimmed milk, if not clearly identified; any organic phosphorous compound; and "exhausted" tea.

145. Under the provisions of the Rotterdam Convention, The Gambia has banned imports of DNO, parathion, dustable powders of benomyl, thiram and carbofuran, ethylene dichloride and oxide, and monocrotophos. Under the Stockholm Convention, The Gambia bans all imports of

⁵¹ Customs and Excise Act, 2010, sections 170-172.

persistent organic pollutants (POPs) listed in Annex A (see Chapter II(3) for The Gambia's participation in these Conventions).⁵²

(b) Quantitative and other restrictions

146. The Gambia maintains no specific quotas on any imports.

147. Imports of the following goods are conditionally restricted: tear gas and similar substances, and their propellants, other than permitted by the Minister of Interior; alcoholic spirits, unless certified as aged in wood for at least three years (however, no certificate is needed for bitters, liqueurs, cordials, gin, Geneva, hollands schnapps, rum, or spirits imported for medical, industrial or scientific purposes); postal franking machines, except as permitted by GAMPOST; Boy Scout or Girl Guide badges, except under permission of the relevant Commissioner; firearms silencers, except as permitted by the Minister of Interior; precious metals from Sierra Leone, Liberia, Guinea Conakry, Côte d'Ivoire, Ghana, Nigeria, Niger, Mauritania, Cape Verde, except under permit from the Minister of Finance; used motor vehicles, except with official certificate of roadworthiness; machines for duplicating keys; handcuffs, except under licence by the Minister of Interior; live fish not native to The Gambia, except under licence by the Minister of Fisheries; and any goods prohibited under the terms of any international convention to which The Gambia is a signatory.

(c) Licensing

148. As well as those mentioned above, The Gambia maintains import certification provisions regarding food products, in connection with health and sanitary provisions of the Food Act 2005 (section (ix)(b) below).

(viii) Technical regulations and standards

(a) Institutional and legal framework

149. According to the International Organization for Standardization (ISO), The Gambia does not yet have a national standards body (NSB), but a Standards Focal Point (GAMSFP) has been established within the Ministry of Trade as a precursor of the NSB. The GAMSFP was admitted as an ISO correspondent member on 1 January 2009. GAMSFP has been working closely with the National Codex Committee, the Weights and Measures Bureau, and the West African Quality Programme on several activities: standards development, information on standards, training services, metrology, calibration services, testing, inspection, etc.

150. The Gambia has also benefited from advice and assistance from the Commonwealth Secretariat and the International Trade Centre WTO/UNCTAD in designing the roadmap for establishment of the full Gambian Bureau of Standards (Table III.3).

⁵² Annex A comprises Aldrin, Chlordane, Chlordecone, Dieldrin, Endrin, Heptachlor, Hexabromobiphenyl, Hexachlorodiphenyl ether and heptabromodiphenyl ether, Hexachlorobenzene (HCB), Alpha hexachlorocyclohexane, Beta hexachlorocyclohexane, Lindane, Mirex, Pentachlorobenzene, Polychlorinated biphenyls (PCB), Tetrabromodiphenyl ether and pentabromodiphenyl ether, and Toxaphene. See Stockholm Convention on Persistent Organic Pollutants online information, "What are POPs?". Viewed at: <http://chm.pops.int/Convention/ThePOPs/tabid/673/language/fr-CH/Default.aspx>.

Table III.3
Roadmap for establishment of the Gambian Bureau of Standards, 2010

Programme	Activities	Executing institution	Time frame
1. Legal and organizational preparatory committee	Identify institutions for the Legal and Institutional Provisions (LIP) Committee to finalize work on the legal and institutional framework for the establishment of a Gambia Bureau of Standards	MOTIE	Done
	Launch of the LIP Committee	MOTIE	October 2009
2. Development of the Legal Framework	Develop a legal framework for the Gambia Bureau of Standards	LIP Committee Ministry of Justice	October 2009
3. Development of the Institutional Framework	Develop an institutional framework for the Gambia Bureau of Standards (improve or adopt the structure proposed in the Commonwealth report)	LIP Committee	November 2009
Table III.3 (cont'd)			
4. Budget for the Gambia Bureau of Standards	Draft a budget for the first four years of the Bureau to reflect the estimated cost each year based on the expected expansion of the Bureau to full operations	LIP Committee	December 2009
	Identify possible areas or activities of the Bureau that may generate revenue for the Bureau	LIP Committee	December 2009
5. Validation workshop	Organize a stakeholders' workshop to validate the draft Standards Act	MOTIE LIP Committee	January 2010
6. Cabinet endorsement	Seek Cabinet endorsement for the establishment of a Gambia Bureau of Standards	MOTIE	February 2010
7. Budgetary provision for the Bureau	Prepare a budgetary provision for first-year operations of the Gambia Bureau of Standards	MOTIE	March/April 2010
8. Enactment of the legislation	Present the legislation establishing the Gambia Bureau of Standards to the National Assembly for its enactment	MOTIE	June 2010 ^a
9. Appointment of the Board of Directors	Prepare for and appoint a Board of Directors for the Gambia Bureau of Standards	MOTIE	November 2010
10. Appointment of Executive Director	Appoint an Executive Director for the Gambia Bureau of Standards	MOTIE Board of Directors	December 2010
11. Gambia Bureau of Standards	Commence operations of the Gambia Bureau of Standards	Board of Directors	January 2011

a Second sitting of the National Assembly.

Source: Information provided by the Gambian authorities.

(b) Electro-technical standards

151. The Gambia has participated in the Affiliate Country Programme of the International Electrotechnical Committee (IEC) since March 2008.

152. The authorities have established the Gambia National Electrotechnical Committee (GNEC) under the auspices of the Public Utilities Regulatory Authority (PURA), with State, private sector, and NGO participation (Table III.4). The aim of this committee is to participate in the work of the IEC and promote the use of standards at a national level.

153. Under the Affiliate Country Programme, PURA/GNEC has access to 200 IEC International Standards for national adaptation free of charge. To date, it has received approximately 30 IEC International Standards for consideration, and is considering or has adopted 5 as national standards.⁵³ These relate to guidelines on minimum quality of service and reliability standards for electricity, and

⁵³ International Electrotechnical Committee online information, "The Gambia National Electrotechnical Committee". Viewed at: http://www.iec.ch/online_news/etech/arch_2009/etech_0209/family_2.htm.

type approval guidelines for registration of radio communication, telecommunications, and electrical equipment.⁵⁴ According to the authorities, a consultant was appointed in 2010 under technical assistance from ITU to develop a framework for type approval of telecommunications equipment. In addition, The Gambia has adopted the Common Guidelines on Minimum Quality of Service and Reliability Standards for Electricity, developed by the African Forum of Utilities Regulators (AFUR).⁵⁵

Table III.4
Membership of GNEC, 2010

Institutions	Sector	Vote
National Water and Electricity Company (NAWEC)	Operations	1
Gambia Telecommunications Company (GAMTEL)	Operations	1
Ministry of Information and Communication Infrastructure	Policy	1
Ministry for Energy	Policy	1
Ministry for Trade, Regional Integration, and Employment	Policy	1
New Gambia Industrialists	Private Sector	1
Consumer Protection Association of The Gambia (CPAG)	Civil society	1
Gambia Revenue Authority (GRA) (Customs)	Policy	1
Public Utilities Regulatory Authority (PURA)	Regulator	2
PURA, Directorate of Technical Regulation	Secretariat	n.a.

n.a. Not applicable.

Note: The ministries names are updated.

Source: Public Utilities Regulatory Authority (PURA), *Equipment Standards*. Viewed at: http://pura.gm/index.php?option=com_content&task=view&id=101&Itemid=148&limit=1&limitstart=.

154. Pending the completion of draft type-approval procedures under the Information Communications Act, 2009, PURA management decided to allow electrotechnical equipment into The Gambia that has been certified by international standards bodies such as CE (European Community), FCC (United States), IEC, Russian type-approval laboratories, or any other internationally recognized body. Prior to sending the equipment, a copy of the type-approval certificate, safety and EMC certificate, and technical information should be sent to PURA by e-mail, fax or post. A one-time flat type-approval fee of US\$200.00 is required per equipment model.⁵⁶

(ix) Sanitary and phytosanitary measures

(a) Institutional and legal framework

155. The Food Act, 2005 provides the main framework for SPS standards-setting and compliance in the Gambia. Overall responsibility for coordinating food health and nutrition issues is vested in the National Nutrition Agency (NaNA) within the Office of the Vice-President (Table III.5). The National Codex Sanitary and Phyto-Sanitary Committee (NCSPSC), the Food Control Advisory Board, and the Food Compliance Committee have responsibility for the application of the Act and development of measures for animal, plant, and food protection.

⁵⁴ PURA online information, "Type Approval Draft Guidelines". Viewed at: http://pura.gm/index.php?option=com_content&task=view&id=13&Itemid=141.

⁵⁵ African Forum for Utility Regulators online information. Viewed at: http://afurnet.org/index.php?option=com_content&view=frontpage&Itemid=135&lang=en.

⁵⁶ PURA, circular letter to type approval enquirers, 15 August 2009.

156. On quality and standards, The Gambia is currently being supported under the three-year West African Quality Programme funded by the European Union in collaboration with UNIDO as executing agency. The programme, which started in 2008, is to strengthen competitiveness of national industries and enterprises and to ensure compliance with international trade rules and regulations, in particular the WTO TBT and SPS Agreements. The programme is currently supporting four laboratories to improve testing and acquire international accreditation: the National Agricultural Research Institute laboratory, for aflatoxin testing on groundnuts; the Fisheries laboratory, for microbiology testing of fish; the National Health laboratory, for chemical testing of foods; and the Veterinary laboratory, for microbiology testing of foods of animal origin. The project is also supporting the metrology laboratory by providing the basic equipment necessary for the delivery of metrology services to commerce, industry, and other laboratories.

Table III.5
National Nutrition Agency and related bodies, including ministerial responsibilities, 2010

Name of agency: structure	Functions
National Nutrition Agency (NaNA): Advisory Board consists of an independent Chairperson (knowledgeable in food control), PS Office of Vice-President, PS Finance, Executive Director, and two private-sector representatives	Coordination of all nutrition-related activities, information on food safety issues, intersectoral action on national nutrition policy, and development of legislation on nutrition; policy analysis and recommendations on nutrition-related outcomes of development policies; development of standards for nutrition strategies and programmes; support and capacity development for stakeholders; advocacy and communication to increase national awareness on nutrition; monitoring and evaluation of nutrition policy and programmes; and national resource centre on nutrition issues
National Codex Committee: Sub-Committee of NaNA	Link with Codex Alimentarius
Food Control Advisory Board: Chair of NaNA, PS Health, PS Agriculture, PS Trade, Executive Director of NaNA, rep. of food manufacturers, rep. of Consumers' Association, NaNA provides Secretariat	Advises NaNA on food control issues including sale, manufacturing, distribution, import, export, and labelling; proposes appointment of technical bodies on food safety and control; and discusses any other food safety matters
Compliance Committee: Chair appointed by NaNA Advisory Board, reps of ministries of Health, Agriculture, Fisheries, Education, Trade, Tourism, rep. of NaNA, rep. of Association of NGOs, rep. of Consumers' Association, rep. of GCCI (food sector)	Coordination of inspectors; conflict resolution among ministries/agencies; and resolution of gaps/overlaps in food control regime
Ministerial responsibilities	
Agriculture	Control, licensing, inspection of poultry establishments, slaughterhouses, inspection of live and dead animals, control of poultry and animal products on farms and production sites
Agriculture, Environment Agency	Control of food production and harvesting on farms, including control of pesticides residues and mycotoxins
Fisheries	Control of fish and fish processing, including in-port inspections
GRA, Health	Control of imported goods at border posts, airports, and seaports
Health	Control of meat, poultry, milk, and other processed foods of plant or animal origin; and certification of food businesses
Health, Local government	Food hygiene, safety and sanitation in hospitals, clinics, food establishments, markets, and streets
Health, Tourism	Control of foods in restaurants, hotels, schools, and other boarding facilities
Standards and Consumer Protection Bureau	Weights and measures

Source: Food Act 2005.

157. The Gambia has also received assistance from FAO, UNIDO, and WHO in updating and completing the Food Act, in finalizing three NCSPSC standards (for food labelling, fats and oils and a food advertising code) and in planning the establishment of a unified Gambia Food Safety and Quality Control Agency. Various activities have been undertaken recently, for example, the National Codex Alimentarius and SPS Committee, with the support of UNIDO, undertook a review of food safety management in 2009; FAO, under its Biosecurity Support Project, provided funding for the development of a Biosecurity Framework Policy; and the OIE (World Organization for Animal Health) sent a mission to review the "Performance of Veterinary Service" in October 2009.

According to a spokesman, the FAO regards The Gambia as a good example for other member countries of how the Codex and SPS committees can be combined.⁵⁷

158. A new Food Safety and Quality Bill, covering all food products destined for human consumption as well as animal feed, has recently been drafted under the responsibility of the NCSPC and notified to the WTO under the procedures of the SPS Agreement.⁵⁸ The Bill is to establish general principles, as well as provisions and organizational processes, to ensure safety of food and feed at the national level. It proposes structures and mechanisms for food safety control within the Gambia. When enacted, it will apply to all activities and all areas of the safety of foods and animal feeds affecting the health of consumers, as well as to all stages of production, transformation, and distribution of food commodities, which are undertaken in the course of a food business.

159. In relation to imports of food, Article 12 of the Bill provides that the Vice-President may make "provision for ensuring that the safety measures applied to imported and exported food and feed are at least equivalent to those on foods produced within The Gambia", while Article 13 states that "Food and feed imported into The Gambia for placing on the market shall comply with the relevant requirements of this Law, or ... with conditions recognised by the relevant competent authority to be at least equivalent thereto or, where a specific agreement exists between The Gambia and the exporting country, with the requirements contained therein."

160. The Bill is expected to be enacted in 2010 and to enter into force in 2011.

(b) Import certification, risk assessment, and other implementation activities

161. All imports of animals, marine life, plants, their products, and processed foods of plant or animal origin, must be accompanied by an import certificate issued in accordance with Codex Alimentarius quality control requirements. In addition, no food item may be imported into The Gambia without: a certificate from the manufacturer that it was manufactured in accordance with an existing standard or code of conduct pertaining to the product; or where such standard or code of conduct does not exist, any international standard laid down by the Codex Alimentarius Commission; or a certificate issued by the government of the exporting country that its sale in that country would not contravene the law.

162. Imports of cereals, pulses or legumes, including rice, require phytosanitary certificates issued by the national plant protection service of the country of origin, and fumigation certificates issued by the exporting company or an approved company.

163. The Minister of Health may, at any time, issue regulations providing that food items may not be imported unless manufactured in accordance with specified standards. In recent months, action has been taken against consignments of chicken and of eggs that were manifestly unhealthy.

164. At present, The Gambia has no agencies or laboratories capable of carrying out risk assessment activities.

⁵⁷ FreshPlaza online information, "Gambia: Improved food safety increases food supply: FAO boss", 23 October 2009. Viewed at: http://www.freshplaza.com/news_detail.asp?id=52778; and allAfrica.com online information, "Gambia: Non-State actors consulted on food safety agency", 24 February 2010. Viewed at: <http://allafrica.com/stories/201002251030.html>.

⁵⁸ WTO document G/SPS/N/GMB/1, 4 March 2010; the text of the Bill is available at the WTO Secretariat.

(2) MEASURES DIRECTLY AFFECTING EXPORTS**(i) Customs procedures and documentation**

165. The Customs Department within the Gambia Revenue Authority is responsible for Customs procedures and documentation for exports.

166. Documentation required for exports from The Gambia comprises: the bill of lading; certificate of origin; commercial invoice; Customs export declaration; packing list; and technical standard or health certificate, as required.⁵⁹

167. Compared to other Sub-Saharan African countries, The Gambia is relatively well placed in terms of export procedures, timing, and documentation. Overall, according to the International Finance Corporation data, export procedures take, on average, 24 days, with an average cost of US\$831 per container. As is the case for imports, The Gambia is ranked well above the Sub-Saharan African average; however, the time needed is somewhat longer, although the overall costs are lower, than in neighbouring Senegal, indicating that competition is fierce at the sub-regional level, and port and infrastructure improvements need continuing attention.

(ii) Export duties

168. The Fourth Schedule of the Customs and Excise Act, 2010, contains provision for export duties to be levied on a wide range of goods. However, in practice, the only goods subject to export duties are waste and scrap of precious metals, taxed at 5%.

(iii) Prohibitions, restrictions, and licensing

169. The Eighth Schedule of the Customs and Excise Act contains a broad definition of export prohibitions, i.e. "All goods the exportation of which is prohibited under this Act or any law for the time being in force in The Gambia".⁶⁰

170. In addition, the Act prohibits export by post of all firearms and ammunition of all types, and other articles having the appearance of lethal weapons.

171. A similarly broad definition of restricted exports is given in the Schedule: "All goods the exportation of which is regulated under this Act or any law being in force in The Gambia".

172. The Act also restricts exports of rough or uncut diamonds, except under licence issued by the Minister⁶¹; goods officially exported by or on behalf of the Armed Forces or the Government; and warehoused goods, goods under duty drawback, and goods for transshipment shipped in vessels of less than 250 registered tonnes.

⁵⁹ Doing Business Project online information, "Trading Across Borders in The Gambia". Viewed at: <http://www.doingbusiness.org/ExploreTopics/TradingAcrossBorders/Details.aspx?economyid=73>.

⁶⁰ Customs and Excise Act, 2010, sections 99-100, and Eighth Schedule.

⁶¹ However, The Gambia is not listed as a participant in the Kimberley Process to prevent the exportation of "conflict" diamonds. See Kimberley Process online information, "Participants World Map". Viewed at: http://www.kimberleyprocess.com/structure/participants_world_map_en.html.

(iv) Fiscal measures and official support

173. Until recently, there was no agency in The Gambia specifically charged with promoting exports. The closest equivalent was GIPFZA, the former investment promotion and free zones authority, which was responsible for promoting inward investment, both in general and under a limited number of free zones.⁶²

174. In March 2010, GIPFZA was abolished and replaced by the Gambia Investment and Export Promotion Agency (GIEPA) (see Chapter II(1)(ii)(b)), which is now responsible for investment and export promotion policy relating both to Special Investment Certificates (SICs) and to export processing zones (EPZs). The Special Investment Certificate scheme is available for investments in goods and services, both for production aimed at domestic consumption and for export. By contrast, the free zones programme was aimed principally at production for export (Box II.1).

175. Experience with free zones in The Gambia (as in many other developing countries) was less than satisfactory. In contrast to the Special Investment Certificate scheme, relatively few firms took advantage of free zone possibilities. This may simply have been because the SIC scheme is of more general application, easier to obtain, and without restrictions relating to sale of goods produced on the domestic market or into other ECOWAS markets.⁶³

(v) Finance, insurance, and guarantees

176. The Government does not provide or participate in export financing. It has no scheme to cover political risk or other types of insurance guarantees.

(vi) Promotion and marketing assistance

177. In the past, the Government provided some financial support for the participation of Gambian businessmen in trade fairs, by covering the costs of setting up stands and providing a daily subsistence allowance. This assistance has been discontinued.

178. The Gambia Chamber of Commerce and Industry (GCCI) organizes biennial trade fairs in the country: the most recent was in November 2009.⁶⁴ GCCI, in cooperation with GIEPA, also coordinates participation of its members in other international trade fairs, on request from international partners.⁶⁵

⁶² World Bank (2007), Chapter 4. The DTIS' views on export promotion appear rather inconsistent: on the one hand it states that "The absence of a separate export promotion agency is probably appropriate for a small country like The Gambia", while on the other it welcomes the imminent review of export-oriented investment schemes, which "provides an excellent opportunity to make the process of setting up an export-oriented investment in The Gambia easier and more transparent".

⁶³ World Bank (2007), Chapter 4. The DTIS noted "the ECOWAS practice of not allowing exports from free zones into ECOWAS", and suggests that the Gambian Government "should press for a change, to allow exports from free zones into ECOWAS on payment of the appropriate duties".

⁶⁴ *Daily Observer*, "Gambia: Trade Fair Successful", 2 December 2009. Viewed at: <http://allafrica.com/stories/200912030434.html>.

⁶⁵ According to the authorities, Gambian participation in international trade fairs in 2010 includes fairs in Belgium, Germany, Iran, Romania, Senegal, Turkey, and the United States.

(3) MEASURES AFFECTING PRODUCTION AND TRADE**(i) Incentives**

179. As noted in Chapter II, the principal legal instrument for investment in production and trade is now the GIEPA Act, and the principal policy measure is the Special Investment Certificate (SIC). According to the authorities, some US\$174 million has been invested in operations under the SIC; between 2002 and 2009, 65 registered companies or projects entered into operation under the scheme, with 15 currently in the pipeline for approval.

180. Specific incentives are also provided for holders of a petroleum production licence, under the Petroleum Act (see Chapter IV(3)).

(ii) State enterprises and privatization

181. The Gambia has been slow to reform state enterprises. In principle, there were two phases of reform: between 1986 and 1994, and from 2001 onwards. The 2001 divestiture programme was supported by the World Bank under the Trade Gateway project.⁶⁶

182. In 2001, the Gambia Divestiture Agency (GDA) was established under the Divestiture Act. Its objectives were to: (i) plan, manage, and implement the State's divestiture programme in respect of public enterprises and public interest; (ii) develop criteria for the selection of public assets to be divested; (iii) prepare public enterprises for divestiture; (iv) ensure consistency in procedures for divestiture; and (v) evaluate all state divestitures. The GDA made recommendations to a sub-committee on divestiture tasked with considering the wider policy implications of such recommendations. Final decisions were taken by Cabinet.

183. The GDA had the authority to adopt any of the following divestiture methods: public offering of shares; sale of shares by private placement; negotiated sales where pre-emption rights existed and had been exercised; sale of assets, including liquidation; attracting new private investments in public enterprises; employee/management buyout; and leasing or award of a management contract.

184. The framework for divestiture developed by the GDA covered 16 public enterprises, following a two-track approach. Track I enterprises were those considered to be of "key importance" to the economy; four of these – GAMTEL, Gambia Civil Aviation Authority, Gambia Public Transport Corporation, and National Water and Electricity Company Ltd. – were statutory monopolies, while the Gambia Ports Authority was a de facto monopoly. Track II enterprises were those considered not to be in need of major legislative or regulatory measures before divestiture. Government's decision to privatize or not was contingent on the completion of specific studies, and on the development of regulatory capacity; the aim was to avoid replacing public monopolies with unregulated private monopolies.

185. It appears that little, if any, progress was achieved in the privatization and divestiture process, except in telecommunications, where GAMTEL's operations were opened up to substantive competition in mobile telephony (Chapter IV(5)(iii)). In addition, in 2004 the Gambia National Petroleum Company (GAMPETROLEUM) was established under the Petroleum (Exploration and

⁶⁶ See WTO (2004), for details of these reform programmes.

Production) Act, with a monopoly on the import of petroleum products, hence a State Trading Enterprise as defined in GATT 1994.⁶⁷

186. In December 2009, the National Assembly repealed the Divestiture Act, and all the rights, assets, liabilities interests, and obligations of the GDA were transferred to the Ministry of Finance and Economic Affairs. The Minister stated in the Assembly that the role and mandate of the agency had been diminishing over time, and that the divestiture programme had not gone according to plan⁶⁸; there are no plans to revive the programme.

(iii) Competition policy and price controls

(a) Competition policy

187. Competition policy in The Gambia is regulated by the Competition Act, 2007.⁶⁹

188. The Act, which covers supply of both goods and services in The Gambia, sets out the core elements of a competition regime administered by a five-member, independent Competition Commission appointed by the President.⁷⁰ The Competition Commission was appointed in October 2008.⁷¹ The Commission's powers of investigation extend to all classes of cases, and to the search for evidence to determine whether enterprises have complied. The Commission may, subject to conflict of interest provisions, delegate its work to a designated Ministry or State agency.

189. The Act prohibits two forms of restrictive business practices: collusive horizontal arrangements (that have the object or effect of preventing, restricting or distorting competition, by in any way fixing the selling or purchase price of the goods or services, or sharing markets or sources of supply), and bid-rigging agreements (where one of the parties to the agreement agrees not to submit a bid or tender in response to a call or request for bids or tenders; or the parties to the agreement agree on the price, terms or conditions of a bid or tender to be submitted in response to a call or request for bids or tenders), on the grounds that they are inherently anti-competitive.⁷²

190. The Commission is also mandated to take remedial action on certain restrictive business practices if these are shown to have anti-competitive effects. These include:

⁶⁷ Article XVII of GATT 1947. All state trading enterprises are to be notified under Article XVII.4.

⁶⁸ *Daily Observer*, "Divestiture Agency Act Repealed", 18 December 2009. Viewed at: <http://allafrica.com/stories/200912180861.html>.

⁶⁹ First attempts to draft a Competition Bill were made in 2001, with assistance from the Commonwealth Secretariat. See WTO (2004).

⁷⁰ Despite the Commission's independence, the Minister of Trade, Regional Integration, and Employment may, by order, request the Commission not to investigate a case, or to discontinue an investigation, or to impose no penalty on an enterprise, if national security or the Gambia's international obligations would be affected.

⁷¹ *Daily Observer*, "Competition Commission inaugurated", 29 October 2008. Viewed at: <http://allafrica.com/stories/200810300634.html>.

⁷² The Act defines such agreements as those implemented or intended to be implemented in The Gambia, thus technically allowing for the regulations to cover agreements not formally concluded in The Gambia. It is recognized that, in practice, the Commission would not be able to establish jurisdiction unless one or more of the parties concerned were legally registered in The Gambia. The Act does not contain provisions allowing for the exchange of information with competition authorities in other countries.

- non-collusive horizontal arrangements in which the parties supply 30% of goods or services in the market concerned, and which the Commission has reasonable grounds to believe have anti-competitive effects;
- monopoly situations, defined as situations in which 30% or more of goods and services of a given description are supplied or acquired by one enterprise; a benchmark of 70% is applied in the case of three or fewer enterprises. The Commission must have reasonable grounds to believe that the enterprises or enterprise in the monopoly situation is engaging in conduct that has the object of preventing, restricting or distorting competition, or in any other way constitutes an exploitation of monopoly power;
- vertical agreements in which the Commission has reasonable grounds to believe that one or more parties are in a monopoly situation; and
- mergers, where one of the parties carries on its business in The Gambia, or is operated or controlled by a body corporate incorporated in The Gambia, and where either both parties, following the merger, account for, either as a supplier or buyer, 30% of a particular market for goods or services; or one of the parties to the merger has, prior to the merger, a market share of 30% or more, either as a buyer or a supplier. The Commission must have reasonable grounds to believe that the creation of the merger may result or may be expected to result in a substantial lessening of competition.

191. Notable trade-related exceptions to the provisions of the Act include: activities of a statutory monopoly; any practices or agreements expressly required or authorized by an enactment; any practice, conduct or agreement relating to export of goods from The Gambia or the supply of services outside The Gambia; any agreement or conduct relating to the protection, exercise, licensing or assignment of rights under copyright, design, patents or trade mark, or other intellectual property rights; any practice, conduct or arrangement approved or required under an international agreement to which The Gambia is a party; any agreement or conduct relating to activities within a free zone under the control of GIPFZA/GIEPA.

192. The penalties and remedies that may be imposed by the Commission are: a directive to cease to be party to the agreement or to terminate or modify the agreement, or its parts contravening the prohibition; and/or the imposition of a financial penalty, where the breach of the prohibition has been committed intentionally or negligently. The maximum penalty is 10% of turnover assessed over the period during which the breach was committed.

193. When the Commission has determined that there are adverse effects on competition, it may issue directives to an enterprise seeking to remedy, mitigate, or prevent identified adverse effects or any detrimental effects on users or consumers. In relation to prospective mergers, directives may include blocking the merger or imposing requirements as to the divestment of assets or the pursuit of a certain course of conduct to allow the merger to proceed. The Act also allows for the adoption of interim measures by the Commission, and for enterprises to offer undertakings or commitments relating to their future conduct. The Commission may determine a case on the basis of an undertaking, if its concerns about anti-competitive behaviour are fully addressed.

194. In order to enforce directives issued or undertakings agreed, the Commission may use all its powers of investigation to establish whether an enterprise has complied; it must hear representations from the enterprise before delivering a verdict of non-compliance, and must receive a court order from the Commercial Division of the High Court of The Gambia to enforce compliance.

195. The Commission is required to publish the reasons for all its decisions; all decisions, determinations and directives may be appealed before the Commercial Division of the High Court.

(b) Price controls

196. Under the provisions of the 1974 Price Control Act, the Minister of Finance, in collaboration with the Minister of Trade, Regional Integration and Employment, has power to declare and to implement price controls on commodities or classes of commodities. The Act established a Price Control Committee, designed to help, and provides for the appointment of price controllers and price inspectors.

197. At present, there are no price controls imposed under the Act.

(iv) Intellectual property

198. Since the previous review of The Gambia, two major changes have been made in The Gambia's protection of industrial property (Table III.6). A new Copyright Act entered into force in April 2004, and the Industrial Property Act, 1999/2005, entered into force on 2 April 2007; both Acts modernize The Gambia's IP legislation, replacing outdated United Kingdom laws.

(a) Industrial property

199. The Industrial Property Act repealed three UK Acts previously applicable in The Gambia: the Patents Act 1925, which protected UK-granted patents in The Gambia by local re-registration; the Designs (Protection) Act 1936, which gave automatic local protection to UK design registrations; and the Trade Marks Act 1916, which established a national trade mark system based on the UK law before 1938, extending only to goods.

Table III.6
Main intellectual property legislation, 2010

Subject	Legislation
Copyright and related rights	Copyright Act, 2004, replacing the United Kingdom Copyright Act, 1915
Patents (including employees' inventions)	Industrial Property Act, 2007 Patents registered under the United Kingdom Patents Act, 1925, remain in force for the unexpired period of protection, subject to payment of appropriate fees
Trade marks (including unfair competition)	Industrial Property Act, 2007 Trade marks registered under the UK's Trade Marks Act, 1916, remain in force; they will be due for renewal within the same period as under that Act or ten years from the entry into operation of the Industrial Property Act, whichever is earlier, and upon renewal will be reclassified in accordance with the International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement
Industrial designs and utility models	Industrial Property Act, 2007 Industrial designs registered or under application in the UK shall be considered as valid in The Gambia if an application is made within 12 months of the entry into force of the Act

Source: Information provided by the Gambian authorities.

200. According to the authorities, implementing regulations for the Act are currently being drafted.

201. The Act provides for the registration/grant of patents, utility models, industrial designs and trade marks. The international classification system of the Nice Agreement is applied. Service marks may be registered. Multi-class applications may be possible. Paris Convention priority may now be claimed. Provisions are retained for the publication of accepted trade mark applications and for oppositions.

202. The term of trade mark protection is ten years from the date of filing. Subsisting trade mark registrations are deemed to remain registered under the new system and will be renewable at expiry of their 14-year terms until 2 April 2017, when all such marks, remaining un-renewed, will be renewable. Licensing of trade marks is now available, subject to detailed control by the Minister. ARIPO patents are recognized, but not ARIPO trade mark registrations because The Gambia has not yet subscribed to the relevant Protocol; nevertheless, the authorities state that they will facilitate registration of trade marks under ARIPO.⁷³

203. Applications for registration of trade marks must be filed with the Registrar General. Protection is granted for ten years from the filing date of the application, and the registered trade mark must be published in the national *Gazette*. In practice, capacity constraints have led to a backlog of 12 years in the publication of registered trade marks, thus hampering the enforcement of trade mark protection. No information is available on how the non-utilization of patents is dealt with, nor on the procedures for the renewal of patents. There are no provisions relating to parallel imports or issuing compulsory licences in respect of provisions relating to patents.

204. Enforcement is through the High Court, which has jurisdiction to hear cases under the Act and grant injunctions against infringements. Beneficiaries of protection may initiate proceedings in writing, requesting that the court issue an injunction to prevent infringement or potential infringement, or any unlawful act. The court may also award compensation or order any other remedy deemed appropriate.

(b) Copyright

205. The Gambia's Copyright Act, 2004, entered into force on 28 April 2004. It covers all original literary, artistic, musical, sound recording, audio-visual, choreographic works, derivative works, programme-carrying signals, computer programs, and folklore, created by Gambian citizens or corporate bodies, first published in The Gambia, covered by international protection treaties to which The Gambia is a party, published in a country that is a party to a treaty to which The Gambia also belongs, or published by the United Nations and its specialized agencies, the African Union, or ECOWAS. Economic and moral rights of authors are protected until 50 years after the death of the last surviving author, or in the case of a collective or audiovisual work, from the date the work was first made or published. Works of applied art receive 25 years' protection. The Act also contains provisions for the protection of performers' rights and those of broadcasting organizations and producers of recorded material. Copyright infringement falls under the jurisdiction of the High Court, which may issue injunctions, authorize seizure of articles and order destruction of copies. Risk of continued infringement may be subject to a fine of up to D 100,000; infringement of copyright "by gross negligence and for profit-making purposes" may be punished by a fine of D 500,000 and/or up to three years' imprisonment.

(c) Membership of international organizations

206. The Gambia has been a member of the World Intellectual Property Organization (WIPO) since 1980, and acceded to the Paris Convention in 1992 and the Berne Convention in 1993. It has been a signatory to the Patent Cooperation Treaty since 1997, the Patent Law Treaty since 2000, and

⁷³ Spoor and Fisher online information, "Gambia: New Industrial Property Act is brought into force". Viewed at: <http://www.spoor.com/home/index.php?ipkMenuID=&ipkArticleID=95>.

has been a member of the African Regional Industrial Property Organization (ARIPO) since 1985, covering patents but not, to date, trade marks.⁷⁴

(d) Notification

207. The Gambia has yet to notify its intellectual property legislation to the WTO.

⁷⁴ WIPO online information, "Guide to Intellectual Property Worldwide". Viewed at: <http://www.wipo.int/about-ip/en/ipworldwide/country.htm>. ARIPO contracting parties are: Botswana, The Gambia, Ghana, Kenya, Lesotho, Malawi, Mozambique, Sierra Leone, Sudan, Swaziland, Tanzania, Uganda, Zambia, and Zimbabwe.

IV. TRADE POLICIES BY SECTOR

(1) AGRICULTURE

(i) Introduction

208. Agriculture contributes 26% to The Gambia's GDP and provides employment and income for over 75% of the work force. Farming is the only means of support and income creation for the majority of rural families. In terms of land use, more than one third of The Gambia's arable land is devoted to millet, and another third to groundnuts. Sorghum, maize, and rice (dryland, irrigated, and swamp) are also major crops. Groundnuts remain the main cash crop and export product. Other agricultural outputs, mainly for local consumption, include sesame, cassava (tapioca), palm kernels, cattle, sheep, and goats.

209. The Gambia is classed as a food-insecure country, i.e. one where people do not have enough access at all times to enough food for a full and healthy life. The FAO estimated that, in 2006, 29% of the people were undernourished, although it recognized that progress was being made towards greater food security.⁷⁵

210. According to the authorities, major crop output grew rapidly, by 29%, in the period 2007-09. The main increases were in millet, maize, sorghum, and irrigated and upland (Nerica) rice.⁷⁶ Crop cultivation varies according to climatic zones in The Gambia (Box IV.1).

Box IV.1: Major climatic zones in The Gambia

Based on the rainfall pattern, there are three major agri-ecological zones in Gambia.

In the Sahel-Savannah zone, total annual rainfall is less than 900 mm. Soils have low water retention capacity; thus rapidly maturing, drought tolerant crops, principally maize, early millet and "Findo" millet (*digitaria exilis*) are cultivated in this zone, with important livestock rearing in addition.

The Sudano-Sahelian, or riverine, zone has moderately high annual rainfall of 900-1,000 mm. Main production in this area includes early millet, groundnuts, sorghum, maize, cotton, and irrigated rice. This zone contributes around 75% of national crop production, including all cotton production, as well as livestock and artisanal fish production.

The Guinea-Savannah zone, located around the coastline, has high and fairly reliable annual rainfall of 1,000 mm and over. Major cereals produced in this zone comprise late varieties such as late millet, sorghum, and upland rice.

Source: Gambian authorities.

⁷⁵ FAO (2009c), Technical Annex, Table 2; and FAO (2009a). Data apply to the period 2004-06.

⁷⁶ Nerica (New Rice for Africa) rice varieties have been developed especially for African growing and nutrition conditions by the Africa Rice Centre (originally West African Rice Development Association, WARDA) a 23-member multi-country organization covering West, Central, East and North Africa. See WARDA online information. Viewed at: <http://www.warda.org/>.

(ii) **Plans for agricultural development**

211. In 2008, the Ministry of Agriculture set out a "Ten-Issue Plan for Agricultural Transformation", comprising: an agricultural policy and regulatory framework seeking the transformation of the agricultural sector from largely subsistence to larger scale commercial farming; development of an agriculture sector strategy, to be led by the Ministry of Agriculture; increasing investment in agriculture, assisted by the Gambia Chamber of Commerce and Industry (GCCCI), the tourism sector, and GIEPA; promotion of agricultural technology promotion, particularly for processing and transformation; development and implementation of a food industry strategy, emphasizing promotion and improvement of local recipes, and addressing weaknesses such as poor cold chain integrity, inadequate storage, absence of wholesale markets and packaging materials, poor post-harvest handling, and limited business skills; creation of an agricultural development bank, separate from the commercial banking system, to support sustainable medium- and long-term investments in agriculture; promotion of agricultural information and communication through print and broadcast media; empowerment of producer organizations at national, regional, district and village levels; agri-business promotion, channelled through organizations such as the GCCCI and the National Trade Fair; and participatory monitoring and evaluation systems to involve beneficiaries directly in all aspects of assessments and increase their capacity to judge the benefits of interventions.⁷⁷

212. In 2009, the Ministry of Agriculture and Natural Resources, under the framework of the NEPAD Comprehensive African Agriculture Development Programme, set out the "Agriculture and Natural Resources Gambia National Agricultural Investment Programme" (ANR-GNAIP), to be completed by 2015. Responsibility is shared by the Ministries of Agriculture; Fisheries, Water Resources, and National Assembly Matters; and Forestry and Environment. The programme has six main elements: improvement of water management for rice production (estimated cost US\$38 million); improved management of other shared resources (principally devoted to transhumance, shared forest resource management and support to fisheries resource management (US\$15.6 million); development of agricultural chains and market promotion, through the development of food processing chains, strengthening of financial and market information services, and research, and promotion of regional and inter-regional trade (US\$10 million); prevention and management of food crises and other disasters through increased social protection of vulnerable groups and effective networking and coordination between producers and buyers (US\$40.5 million); sustainable farm management via facilitation of smallholders, particularly female farmers, through credit, extension information and services, and education (US\$22.3 million); and institutional capacity-building for programme implementation (US\$2.3 million).⁷⁸

213. By June 2010, the six relevant task forces had been established, and agreement had been reached on consultancies to be funded by FAO. Operational plans were to be drawn up by end-July 2010.⁷⁹

⁷⁷ *Daily Observer*, "Ten-issues plan for agricultural transformation", 8 January 2008. Viewed at: <http://observer.gm/africa/gambia/banjul/article/2008/1/8/ten-issues-plan-for-agricultural-transformation>.

⁷⁸ NEPAD-CAADP (2009).

⁷⁹ Information supplied by Gambian authorities.

(iii) Patterns of imports and exports

214. According to the authorities, the main agricultural imports into The Gambia in 2007-09 were rice (broken, husked, and paddy), refined sugar, and vegetable oils (linseed, palm and soya). Much of this trade is reflected in the export data as re-exports, although groundnuts, groundnut oil and cake, produced locally, are significant domestic exports (Tables IV.1 and IV.2).

215. According to the FAO, the main exports from the Gambia in 2007 were refined sugar (mainly as re-exports), and groundnuts, groundnut oil and cake (Table IV.2).

Table IV.1
Main food product imports, 2007-09
(US\$ '000)

Product	2007	2008	2009
Rice, including broken rice	21,444.9	22,358.6	31,194.6
Sugar	15,755.6	11,334.7	12,365.6
Vegetable oils	15,313.7	21,422.1	12,611.4
Wheat and maize flour	5,640.0	8,719.2	7,400.2
Tomato paste	4,880.0	3,624.7	3,468.4
Tea	2,412.3	2,399.4	1,685.6
Poultry meat	983.1	653.6	1,811.9

Source: Information provided by the Gambian authorities.

Table IV.2
Major agricultural exports, including re-exports, 2007

Product	Quantity (tonnes)	Value (US\$'000)	Unit value (US\$/tonne)
Refined sugar	60,000	19,200	320
Shelled groundnuts	17,000	7,500	441
Groundnut oil	1,850	3,238	1,750
Groundnut cake	7,182	1,519	212
Mangoes, mangosteens, guavas	952	982	1,032
Cotton linters	305	330	108
Green beans	150	213	1,420
Fresh vegetables, n.e.s.	175	107	611
Frozen vegetables	45	78	1,733
Leguminous vegetables, n.e.s.	43	62	1,442
Prepared groundnuts	495	49	99
Pepper (Piper spp.)	121	47	388
Veg. in temp. preservatives	18	37	2,056
Dry calfskins	8	22	2,750
Cashew nuts, with shell	196	20	102
Eggplants (aubergines)	16	16	1,000
Cattle meat	8	16	2,000
Food preparation n.e.s.	10	15	1,500
Cotton lint	80	11	138
Prepared nuts (excl. groundnuts)	95	10	105

Source: FAOSTAT online information, "Gambia: Imports and Exports 2007". Viewed at: <http://faostat.fao.org/site/342/default.aspx>.

(iv) Import policy

216. Tariffs on agricultural products are generally fixed at 20%, the highest level of duty in The Gambia's schedule. Live animals, rice, oilseeds other than groundnut, and other seeds and straw are zero-rated; milk products, some vegetable oils, and some forage products enter at 5%; and unfermented green tea, other vegetable oils and other animal feeds are in the 10% band (Table AIV.1).

217. All agricultural tariffs are bound in The Gambia's WTO schedule, mostly at 110%, with some exceptions at 20%, 25%, 30%, 35%, 40%, 80% or 85% (Chapter III(1)(iv)(b) and Table AIII.1). Also, all imports of animals, marine life, plants, their products, and processed foods of plant or animal origin, must be accompanied by appropriate import certificates issued in accordance with Codex Alimentarius quality control requirements (Chapter III(1)(ix)). Imports of cereals, pulses or legumes, including rice, require phytosanitary certificates issued by the national plant protection service of the country of origin, and fumigation certificates issued by the exporting company or an approved company.

(v) Promotion of agricultural development and exports

218. The Government's policy for agriculture and natural resources for 2001-20 aimed to boost production both through expansion of the productive area and via increased productivity. Access to technology, development of autonomous producer associations and groupings, and facilitation of access to inputs were to be facilitated, while provision of extension and research services was to be coordinated primarily via the National Agricultural Research Institute (NARI). Prominence was to be given to micro-finance institutions (rotating savings and credit associations and accumulating savings and credit associations).⁸⁰ The network of village savings and credit associations (VISACAs) was also to be expanded. To that end, the Central Bank drafted a Regulatory Framework for Rural Financial Institutions.

219. The Government works closely with IFAD in promoting agricultural development. Examples of ongoing IFAD projects, mainly aimed at development of crops and livestock for the domestic market, rather than for international trade, are: the Livestock and Horticulture Development Project, developing vegetable growing and small animal and poultry raising on kafos, or collectively-run village gardens; the Rural Finance Project, working with existing institutions to promote microfinance, seeking to establish 180 rural branches of microfinance institutions and almost 3,000 GAWFA groups delivering financial services such as savings, loans, and insurance to about 180,000 rural clients, more than half of them women; and the Participatory Integrated-Watershed Development Project, whose objectives include strengthening the capacity of rural communities and their service providers to manage the watershed in a sustainable manner and providing the resources local communities need to implement watershed management, targeting poor smallholders who depend mainly on upland crops and lowland rice cultivation for their livelihoods.

(vi) Specific products

(a) Groundnuts

220. Historically (having been introduced in the 1830s), groundnuts have been the principal export from The Gambia. However, the sector has experienced many vicissitudes, linked with difficulties of

⁸⁰ For example, the Gambia's Women's Finance Association (GAWFA), which is also supported by the African Development Bank.

cultivation, socio-economic developments (from slavery through to migrant labour ("strange farmers"), and managerial difficulties.

221. The commercial crop is a small and variable proportion of total production. In recent years, the tonnage and value of annual sales have fluctuated considerably: declining from around 60,000 tonnes in 2001/02 to some 3,000 tonnes in 2002/03, rising to just over 30,000 tonnes in 2004/05 and falling again to some 22,000 tonnes in 2008/09. In the past crop year, commercial sales rose again to 33,000 tonnes.

222. Government policies towards the crop have moved from management of a nationalized industry to the unsuccessful privatization of the sector, and most recently to severe financial difficulties for the Gambia Agricultural Marketing Company (GAMCO), the monopoly buying agency, and consequently for growers and cooperatives.⁸¹

223. Like most other agricultural products, groundnuts protected by a tariff of 20%.

224. Currently, minimum reference producer prices for unshelled groundnuts are determined by an inter-professional association comprising all stakeholders, including the Gambia Groundnut Corporation (GCC), in relation to the five-year average of the world market (f.o.b.) price. Producers frequently get better prices for their product on local informal markets simply by shelling.

225. Gambian groundnuts have suffered from severe, long-term quality problems, particularly from contamination by aflatoxins, which bar entry to export markets for edible products. A 2006 report commissioned for MOTIE and financed by the European Union assessed the production and processing practices applied in the industry from farm level to final processing, and identified shortcomings in the production chain that could lead to contamination with aflatoxins.⁸² The report presented a four-step strategy and action plan for implementation by the industry: to decide on projected end-uses for the groundnuts and groundnut products; to develop a field school system that would allow farmers to acquire the skills and knowledge for producing nuts of higher quality, foster awareness of the aflatoxin problem, and learn how contamination can be prevented; to improve facilities for post-harvest storage, transport, and processing; and to implement good hygienic practices and impose quality control systems throughout the industry, taking Codex Alimentarius recommendations as a guideline.⁸³

226. In 2009, a report by Dutch and Danish consultants on a Groundnuts Quality Assurance Framework identified short-term and longer term actions that needed to be taken, including to revitalize the fleet of river barges and tugboats to bring groundnuts to market (the "single most important action"); to decide on, and enforce, recommendations on pesticide use; to implement quality segregation and ensure strict hygiene practices at depots to prevent the spread of disease; to

⁸¹ See World Bank (2007), Chapter 9, for a historical overview of the sector and its management. Also see *Afrol News*, "Gambian peanut growers get paid, one year late", 25 October 2009. Viewed at: <http://www.afrol.com/articles/22185>.

⁸² ECORYS Research and Consulting (2006).

⁸³ See, for example: Codex Alimentarius Recommended International Code of Hygienic Practice for Groundnuts (Peanuts), CAC/RFP 22-1979; Codex Standard for Peanuts, Codex Stan 200-1995; Code of Practice for the Prevention and Reduction of Aflatoxin Contamination in Peanuts, CAC-RFP 55-2004 (Codex Alimentarius online information, "Current Official Standards". Viewed at: <http://www.codexalimentarius.net/search/advancedsearch.do>).

ensure that operators engaged in groundnut marketing have sufficient finance to purchase farmers' stock; and, through farmers' field schools, to enhance farmer capacity to grow quality groundnuts. It also made recommendations for an improved legal framework based on the 2005 Food Act; improving facilities for cooperative produce marketing societies to segregate different qualities of stock; and for improved aeration of stores if stock cannot be moved quickly.⁸⁴

227. The Gambia Groundnut Corporation (GGC), which was revived in 2007, is The Gambia's largest groundnut buyer, and provides seeds and fertilizer to farmers. Following earlier criticism of the marketing system, the authorities state that the management has taken steps to reduce the need for credit buying by growers by providing crop financing at the buying point, on a revolving basis related to inventories. The authorities, with World Bank support, have conducted technical and financial audits of the GGC and consideration is being given to participative arrangements with private sector partners to add value to production of oil, edible groundnuts, and animal feed products.

(b) Rice

228. Rice is a staple of the Gambian diet; The Gambia has the highest per capita rice consumption of the Sahelian countries and the third highest in West Africa. In rural areas, rice provides about 75% of total calorie intake and about 45% of protein intake.⁸⁵ Rice is one of The Gambia's major agricultural imports (Table IV.1).

229. For many years, promotion of rice growing has been a major input into nutrition policy and import substitution in The Gambia.⁸⁶ Since 2006, rice growing has been given new impetus with the introduction of Nerica (New Rice for Africa) hybrid varieties, some developed in The Gambia itself, which are both higher yielding and better suited to the range of growing conditions in the country.

230. The combination of new varieties and other important inputs, such as provision of fertilizer, development of cooperatives, and focus on women growers, has already increased rice output and productivity (yield per hectare) substantially, and the Government's aim is for the country to reach self-sufficiency and become an exporter of rice. Cooperation with official external assistance providers, such as Chinese Taipei, and NGOs working in the country, has been an important element in the programme.⁸⁷

(c) Livestock

231. Policies to promote the livestock sector in The Gambia have varied during the years. The most recent livestock policies were formulated in 2003 and revised in 2009. Livestock and horticulture, jointly, were the subject of major AfDB/IFAD studies published in 2005 and 2008 in the context of the Livestock and Horticulture Development Project. This seeks to develop local community-based activities in horticultural production, marketing and processing, small ruminant and

⁸⁴ ECORYS/Scanagri for Delegation of the European Commission in The Gambia (2009).

⁸⁵ Wawa Jaiteh (2005).

⁸⁶ The first major rice-growing project was started under the colonial government in 1953-54; community-based rice-development schemes were initiated with assistance from Chinese Taipei in the mid 1960s.

⁸⁷ See, for example, Catholic Relief Services online information, "Better Rice Eases Hunger Fears in Gambia". Viewed at: <http://crs.org/the-gambia/better-rice/>.

poultry production and marketing, capacity building through promotion of good agricultural practice, and development of entrepreneurship.⁸⁸

232. The 2003 policy framework sought to promote private sector participation in livestock production and marketing, with a view to increase cattle producers' offtake rates, promote exports to the sub-region, increase access and coverage of services, and promote livestock processing and poultry production as well as the rearing of other short-cycle species such as rabbits.

233. The revised policy, validated in 2009, seeks to improve production of livestock to meet 75% of domestic demand by 2015, and increase milk production by 25% over present levels; to make policy advice, regulation, delivery services and essential inputs available, affordable and accessible in every region; to ensure that value chains in the sector (production, processing and marketing) are efficient, effective and linked to markets; to harmonize national policies with regional and international policies; and to enforce guidelines, measures and regulations to ensure sustainable development of land, water and genetic resources.⁸⁹

234. The Food Act of 2005 allocates responsibility for animal health to the Ministry of Agriculture, which cooperates at the port with public health inspectors of the Ministry of Health and Social Welfare. Control of importation and exportation of livestock and products of animal origin, as well as domestic control of animal establishments, is assigned to the Department of Animal Health Products and Services (formerly, Veterinary Services). Slaughterhouses are under the control of the Ministry of Health and Social Welfare.

235. The new draft Food Safety and Quality Bill, under consideration, covers all aspects of safety of food and animal feed, but not livestock as such. It enshrines the precautionary principle in Gambian law, contains provisions for inspection of food and feed, and requires all imported food and feed to comply with its provisions, or with conditions recognized by the competent authority to be at least equivalent thereto, or to comply with the provisions of any agreement between The Gambia and any other country. The Bill would establish a Food Safety Authority, responsible to the Vice-President; a Scientific Committee; and a Stakeholder Consultative Forum.

236. In 2008, a comprehensive review of the poultry sector was carried out for the FAO in the light of the feared pandemic of avian flu.⁹⁰ In relation to international trade, it noted that the largest imports into The Gambia were of frozen poultry meat, mainly from the EU and Brazil, and mainly between October and March for the hotel sector. There was also a regular trade in day-old chicks from Senegal. Earlier studies, conducted in 2000, reported that the import of frozen poultry was having a serious effect on the marketing of locally produced chicken.

237. According to the authorities, 60% of The Gambia's supplies of day-old chicks currently originate from Senegal, with the remainder coming mainly from the EU (mainly Belgium and the Netherlands). Imports of frozen chicken legs may pose two problems: for public health through inadequate maintenance of the cold chain (shipments have been rejected by public health inspectors at the port) and for farmers in The Gambia through low prices (seen as dumped or subsidized products). Provisions of the 2010 Customs and Excise Act may permit the authorities to take anti-dumping or countervailing measures (Chapter III(1)(vi)). The authorities state that capacity building is in

⁸⁸ See African Development Fund (2005); International Fund for Agricultural Development (2008); and African Development Bank Group (2008).

⁸⁹ Information provided by the Ministry of Agriculture.

⁹⁰ Touray (2008).

progress on two demonstration sites for chicken farming on an industrial scale to satisfy the local market.

238. The new Gambia Livestock Marketing Agency, established in 2010, aims to introduce a price determination scheme for "fair" prices for cattle and other livestock sold in the country, as well as developing registration for butchers and livestock dealers, training butchers, and providing other technical assistance and equipment to improve livestock marketing practices.

(d) Horticulture

239. Horticulture in The Gambia is conducted both on smallholdings (family farms of less than 1 hectare to 5 hectares) and a small number of larger industrial-scale enterprises. It is estimated that horticulture may provide up to 4% of GDP and employ up to 65% of rural and peri-urban dwellers, particularly women and youth.⁹¹

240. The development of the sector has targeted: local market consumption (feeding the people), sales to the tourist industry, and export, principally to the EU, mainly the United Kingdom, the Netherlands, and Belgium. There are three main types of production: large-scale commercial farming (100 hectares and over), principally for export markets; medium-scale enterprises (5 to 25 hectares), including a large number of commercial and communal gardens operated frequently by women's groups; and small-scale growers, either individual or group gardens, again operated mainly by women, catering for local markets or the greater Banjul area. The Ministry of Agriculture estimates that the last category makes up 85% of total fruit and vegetable production.

241. The potential for growth of horticulture, both for domestic and export markets, is considerable. A wide variety of temperate and tropical fruit and vegetables can be grown in The Gambia's fertile soils. However, this potential has not been fulfilled to date. Constraints on development of the export trade have included shortfalls in road transport, lack of air-freight capacity, inability of a small economy to supply sufficient product to be interesting for sea freight, and the highly variable and sporadic nature of demand in the face of sharp competition from other preferential sources in the EU market, including North African countries, which have clear advantages in transport and distance.⁹² According to EU data, the structure of EU imports from The Gambia moved between 2004 and 2009 from vegetables such as green beans and potatoes (which are subject to severe competition from both North African and other African sources) to focus more on tropical fruits such as pineapples and mangoes.⁹³

242. Although there is a substantial volume of cross-border trade, opportunities for increased exports to the regional market (notably to Senegal) also appear to be constrained by factors including currency fluctuations between the dalasi and the CFA franc, large-scale subsidized imports of horticultural products from European sources, notably the Netherlands, and difficulties of transport and storage.⁹⁴

243. The development of domestic sales to the tourist industry has considerable promise, particularly as the peak growing season for fruit and vegetables in The Gambia coincides with the

⁹¹ Gambia National Women Farmers' Association online information. Viewed at: <http://www.nawfa.org/horticulture.html>; and information from the authorities.

⁹² World Bank (2007).

⁹³ EUROSTAT partner data for 2004-09.

⁹⁴ World Bank (2007); and discussions with the authorities.

peak tourist season. In both export and local hotel markets, high and consistent quality (and for exports, consistent maintenance of importing countries' quality requirements) is of prime importance.

244. As noted above, the Livestock and Horticulture Development Project seeks to develop good horticultural practice and improve marketing.

(2) FISHERIES

(i) Status of the sector: resources, production, and exports

245. Gambia's fishery resources depend on marine, brackish and fresh water, from the Atlantic Ocean, through the estuary waters of the River Gambia, upstream to the river border with Senegal. The sector consists of both artisanal and industrial fisheries. Fish is an important part of the national diet, supplying about 40% of animal protein consumed in The Gambia. Responsibility for management, development, and conservation of fisheries resources currently rests with the Ministry of Fisheries, Water Resources and National Assembly Matters, with the Fisheries Department as its technical institution. FAO statistics show that fish, crustaceans, and molluscs catches in The Gambia in the period 2001-07 varied between 32,000 tonnes (2004) and 43,574 tonnes (2007).⁹⁵ The greatest part of the catch is artisanal; the total catch by industrial fishing vessels was estimated at around 3,000 tonnes in 2007.⁹⁶

246. FAO sources suggest that the sector contributes between 8% and 12% of GDP, and that even this may be seriously undervalued as statistics are only collected for Atlantic coastal fishing; many fish are offloaded in foreign ports or bought directly from the boats before catches are weighed; GDP data relating to fisheries, based on the production method, do not give true estimates of value⁹⁷; and cross-checks with other local data, including the consumer price index, suggest serious underestimation.⁹⁸ Although The Gambia's fishery resources (both sea and brackish water) have been characterized as extremely rich⁹⁹, recent, though sketchy, data suggest that demersal fish stocks are overfished and declining, while small pelagic fish stocks are thought to remain relatively high.¹⁰⁰

247. The policy framework for the fishing sector in The Gambia is laid down in the 2007 Fisheries Policy and Fisheries Act, 2008 Fisheries Regulations and Fisheries Strategy, and 2009 Fisheries Management Plan (for shrimp, sardinella, sole, and catfish); these replaced legislation from the 1990s. The Fisheries Policy of The Gambia, developed with FAO assistance, sets out nine principal objectives: rational and long-term utilization of marine and inland fishing resources; using fish to improve nutritional standards; increasing employment opportunities in the sector; increasing net foreign exchange earnings; expanding participation of Gambian entrepreneurs; developing aquaculture; improving institutional capacity and the legal framework for the sector; strengthening regional and international collaboration in sustainable fisheries management; and strengthening institutional linkages with other relevant sectors.

⁹⁵ FAO (2009b).

⁹⁶ Tobey et al. (2009).

⁹⁷ Official GDP data estimate that fishing contributed 2.7% of GDP in 2009, up from 1.7% in 2004-06.

⁹⁸ Secka et al. (2005).

⁹⁹ Studies by FAO/Norwegian Institute of Marine Research (sea resources) and French Institute for Research and Development (estuarine resources) quoted in Government of The Gambia (2007).

¹⁰⁰ Tobey et al. (2009).

(ii) Industrial fishing

248. In 2007, 32 industrial fishing vessels were licensed to operate in Gambian waters. Industrial fishing primarily targets high-value, bottom-feeding demersal marine creatures (sole, shrimp, snappers, cuttlefish, and octopus). All industrial vessels are foreign owned, although some employ Gambian crews. Although Gambian regulations require catches to be landed in the country, industrial vessels generally land their catches in foreign ports or tranship to factory vessels on the high seas. The fish is thus processed, packaged and labelled as products originating from other countries. This seriously understates the real volume and value of fish caught and exported by Gambian vessels, and is stated as representing a major economic loss for The Gambia.¹⁰¹

249. Plans have been in place for some considerable time to construct a new deep-water fishing port at Banjul, with support from the African Development Bank and the Arab Bank for Economic Development (BADEA). The project is expected to be completed by end 2010.

(iii) Artisanal fishing

250. It is estimated that some 200,000 Gambians are directly or indirectly dependent on artisanal fishing for their livelihoods. Most of the artisanal catch is sold, in dried or smoked form, within The Gambia or neighbouring countries, although some high-value varieties (e.g. shrimp, sole, sea bream, and lobster) are sold for freezing and export.

251. Fish processing plants in The Gambia take their supplies principally from artisanal fishers. There are about 20 locally registered fish processing firms; only 8 factories have so far been certified to export their products to European Union countries.¹⁰² In 2007 it was reported that only five out of seven existing plants were in operation, due to shortages of fish, high prices and irregular supplies of electricity, and high cost of finance.¹⁰³ Processed fish are principally exported to the Netherlands, Germany, and Spain.

252. The development of adequate quality, both for the domestic market and even more for export, is a major concern in the fish trade. Recognizing this, the Gambian fisheries policy emphasizes post-harvest quality control and the achievement of internationally acceptable standards on SPS and quality assurance.

253. The new fisheries regulations impose a sliding scale of annual fees on artisanal fisheries depending on boat size and technology, averaging some D 500. Regulations also cover gear, mesh size, and minimum fish size. At the national level, the regulations are enforced through a Fisheries Advisory Committee¹⁰⁴, while at local level, control is devolved to Community Fisheries Centres.

254. The Fisheries Act empowers the Minister of Fisheries, Water Resources, and National Assembly Matters to declare Special Management Areas for community-based fisheries management,

¹⁰¹ Government of The Gambia (2007); and Tobey et al. (2009).

¹⁰² Government of The Gambia (2007).

¹⁰³ Tobey et al. (2009).

¹⁰⁴ Membership comprises: Permanent Secretaries of the Ministries of Fisheries, Water Resources and National Assembly Matters, Trade, Regional Integration and Employment, Local Government, and Health; Commander of the Gambian navy; Executive Director, National Environment Agency; Director General, Gambia Maritime Agency; representatives from industrial fisheries, artisanal fisheries, and aquaculture sectors; and Director of Fisheries (information provided by the Gambian authorities).

establish open and closed seasons, define minimum fish size regulations, and impose gear and fishing method restrictions. A Fisheries Monitoring, Control, and Surveillance (MCS) Unit, to enforce fisheries management systems and protect resources from illegal, unregulated, and unreported fishing, has been established in collaboration with the Gambia navy.

(iv) Trade policy for fisheries

255. None of The Gambia's tariffs on fish or fish products are bound in the WTO. All tariffs, except for sardines (10%), are set at 20%.

256. The Gambia's tariff allows for duty exemption on fishing vessels. It also appears to do so on other plant and equipment used in the industry, if provided in regulations and approved by the Minister of Trade, Regional Integration and Employment, but not on refrigerated transport trucks (the concession applies only to such vehicles imported by farmers), which could be a major assistance to the fishing sector.¹⁰⁵

(v) International agreements by The Gambia on fisheries

257. The Gambia maintains no agreement on fisheries with any country or customs area other than Senegal. The only protocol on fishing between the EU and The Gambia expired in 1986.

258. The Senegalo-Gambian Agreement on Maritime Fisheries¹⁰⁶, signed in 1992 and updated by successive protocols, currently provides for reciprocal fishing rights for Senegalese and Gambian vessels up to 750 gross registered tonnes (grt) for small pelagic fish; 850 grt for purse seiners, hook and longline fishing; 1,000 grt for shrimp boats; and 1,500 grt for fish or cephalopod vessels. It also regulates net mesh size, catch declaration provisions, embarkation of observers, employment of deckhands, rights of innocent passage¹⁰⁷, and provides for training of Gambian nationals in Senegalese fisheries and maritime schools, cooperation on fisheries research, and fisheries surveillance cooperation.¹⁰⁸

259. The Gambia is also a member of the Sub-Regional Fisheries Commission (SRFC), with Senegal, Mauritania, Guinea-Bissau, Guinea, Cape Verde, and Sierra Leone. The SFRC, established in 1985, maintains international agreements on access to fishery resources, sub-regional cooperation on the right of pursuit, and surveillance in the area, as well as promoting fisheries management policies, promoting research, and monitoring, control, and surveillance of fisheries.¹⁰⁹

¹⁰⁵ The Gambia National Customs Tariff, Third Schedule, Parts B and C.

¹⁰⁶ See Protocol of Application of the Senegalo-Gambian Agreement in the field of Maritime Fisheries, Dakar, 1994. Viewed at: http://www.fao.org/fishery/shared/faolextrans.jsp?&xp_faoLexLang=E&xp_lang=en&xp_ISIS_MFN=003167.

¹⁰⁷ "Innocent passage" means the right of ships to engage in continuous and expeditious surface passage through the territorial sea and archipelagic waters of foreign coastal states in a manner not prejudicial to its peace, good order, or security.

¹⁰⁸ See Protocol of Implementation of the Agreement between the Republic of The Gambia and the Republic of Senegal on the Area of Maritime Fisheries, Banjul, April 2008.

¹⁰⁹ See SRFC online information. Viewed at: www.csrpsp.org/.

(3) EXTRACTIVE INDUSTRIES

260. The Gambia has historically had no significant extractive industries. According to the Government, coastal sand resources may contain quartz sand suitable for glass manufacture. Exploitation began in 2006 of raised beach sands containing valuable minerals, including ilmenite and rutile (minerals used in pigments), and zircon, a refractory material; a substantial export trade has developed in mineral sands to China, with 47,335 tonnes exported in 2009.¹¹⁰

261. The Mines and Quarries Act, 2005, confirms that ownership of all minerals, including under the sea-bed and the continental shelf, resides in the State, and that all mining exploration and production must be licensed. Reconnaissance licences for major mining operations are granted for one year, retention licences for one year, annually extensible to five years, prospecting licences for a maximum of three, and mining licences for a maximum of 25 years. Generally, tariffs on mineral products are set at either 5% or 10%.

262. Since 2004, the Government has been encouraging petroleum exploration offshore. The Gambia continental shelf, part of the Casamance-Bissau sub-basin, is believed to have potential oil resources. In 2004, a new Petroleum (Exploration and Production) Act was passed, establishing the Ministry for Petroleum, under the direct control of the President, and establishing the Gambia National Petroleum Company (GAMPETROLEUM), which is currently the monopoly importer of petroleum products. Exploration licences were issued in 2006 to a Canadian/Cypriot company, Buried Hill Energy.¹¹¹ The Income and Sales Tax Act, 2004, is reported to have been amended in 2007 to provide for taxation of "excess" profits by oil exploration companies.¹¹²

263. At present, The Gambia depends entirely on imports for its oil and gas supplies. There is no specific domestic taxation on oil products. Generally, import duties on oil products are suspended, and excise and sales taxes are each levied at 10% (Chapter III(1)(v)).

(4) MANUFACTURING

264. Manufacturing industry in the Gambia is generally very small scale, and limited to the local market. The sector includes soap making, a brewery, a foundry, cement bagging, fish processing, bicycle assembly, and various small-scale industries including furniture and handicrafts for the tourist sector.

265. Generally, consistently with the structure laid down by ECOWAS, fertilizers and pesticides, specialized machinery and equipment, industrial chemicals, and drugs and medicines bear among the lowest average rates of duty, even before concessions are extended, while consumer goods bear the

¹¹⁰ The project was begun with Australian and Chinese investment in 2006, interrupted in 2008 and subsequently restarted (United States Geological Survey, 2006 and 2008; and information provided by the authorities).

¹¹¹ Buried Hill Energy online information. Viewed at: <http://www.buriedhill.com/index.php>. See also *Oil Voice*, "Buried Hill Energy Enters Into Exploration, Production and Development Licenses in Gambia", 12 September 2006. Viewed at: http://www.oilvoice.com/n/Buried_Hill_Energy_Enters_Into_Exploration_Production_and_Development_Licenses_in_Gambia/e1287042.aspx.

¹¹² *Daily Observer*, "Income Sales Tax Bill Amended", 14 December 2007. Viewed at: <http://observer.gm/africa/gambia/banjul/article/2007/12/14/income-sales-tax-bill-amended>.

maximum rate of 20% (Table AIV.2). However, the specialized schedules in The Gambia's domestic tariff allow for substantial tariff concessions and exceptions.

266. In 2008, the then Department of State for Trade, Industry and Employment published a review of the micro, small and medium enterprise sector (MSME)¹¹³, combined with a national action plan. The study identified many constraints to the development of MSMEs, from business registration costs and constraints, the fiscal and monetary environment (in particular, the cumulative effect of national and local taxes), access to financing, road and river transport infrastructure constraints, and lack of business development advisory services. It proposed 11 areas of action, to be undertaken over a 5-year period, covering: improvements in the legal, institutional and policy environment for MSMEs; improvement of social protection, safe working conditions and financial security; increasing access to micro-finance and other financial resources; encouraging development of new products and services; promotion of enterprise culture, access to management skills training and stronger linkages between MSMEs and the formal sector; improvement of infrastructure, especially roads and energy supply; encouragement of MSME clusters, networks and incubators; provision of fiscal incentives for MSMEs; and export promotion.

267. This ambitious programme requires a substantial degree of cooperation and coordination among a large number of government ministries and agencies, private sector operators, and external assistance providers.

(5) SERVICES

(i) WTO bindings

268. The Gambia has undertaken commitments under the GATS in 12 service subsectors. It is one of the least developed countries that have undertaken the highest number of commitments in the context of the Uruguay Round and subsequent negotiations on services. Commercial presence (mode 3) is subject to one horizontal limitation, namely that companies and individuals satisfy certain registration requirements, which include the payment of fees and deposits, prior to establishment. No binding commitments have been made on measures affecting market access or national treatment for the presence of natural persons, with the exception of the entry and stay of natural persons employed in management and expert jobs for the implementation of foreign investment. In these specific cases, approval is needed from the office of the President and is subject to satisfaction of a number of criteria, including the payment of a payroll tax, and a minimum investment requirement.

(i) Financial services

(a) Banking

269. The Gambia's financial system consists of the Central Bank of The Gambia, 14 commercial banks, 39 foreign exchange bureaux, 11 insurance companies, the Social Security and Household Financing Corporation (SSHFC – a state-owned social security and contractual savings institution), the Department of Posts (which manages savings accounts), 67 credit unions, 61 registered Village Savings and Credit Associations (VISACAs), and a large number of informal savings and credit associations.

270. Legislation currently in force comprises the Central Bank Act, 1992, and the Financial Institutions Act and Money Laundering Act, both of 2003.

¹¹³ DOSTIE (2008).

271. The Central Bank of The Gambia supervises the banking subsector, conducts monetary policy and is mandated to promote "sound financial structure and credit exchange conditions conducive to the orderly and balanced economic development of the country".

272. Under the Financial Institutions Act, all financial institutions are required to obtain a licence from the Central Bank before beginning operations. As part of its approval process, the Bank considers the following criteria: capital adequacy, and the source of the institution's capital; the character of directors and owners; the address of the registered office; memoranda and articles of association; the certificate of registration and incorporation; medium-term business plan; feasibility study; and any other information the Central Bank deems, in the course of its enquiry, to be necessary. No fees are charged for licences.

273. No special conditions are attached to the establishment of foreign banks, or to the opening by foreigners of bank accounts in The Gambia, or to Gambian residents contracting loans from an overseas bank. However, Gambian residents need written permission from the Central Bank before opening an account overseas.

274. The minimum capital requirement for banks established in The Gambia is to be raised from D 60 million (approximately US\$2.3 million) to D 150 million by end 2010, and to D 200 million (roughly US\$7.6 million) by end 2012.

275. The banking system has grown considerably in recent years, with a rapid increase in the number of foreign-owned (many Nigerian) banks (Table IV.3).

Table IV.3
Banks and similar financial institutions, June 2010

Name	Main ownership	Services provided
Access Bank Ltd.	Nigerian/Gambian	Full services
Arab-Gambian Islamic Bank	Gambian	Islamic banking
Bank PHB (formerly, International Bank for Commerce (IBC))	Nigerian	Full services
Ecobank Group Ltd. (ETI)	West African (ECOWAS)	Full services
First International Bank (FIBank)	Nigerian	Full services
Guaranty Trust Bank Ltd. (GTBank)	Nigerian/Gambian	Full services
International Commercial Bank (ICBank)	International (Swiss holding company)	Full services
Oceanic Bank	Nigerian	Full services
Prime Bank Ltd.	Lebanese/Canadian	Full services

Table IV.3 (cont'd)

Sahelo-Saharienne Bank for Investment and Commerce	Libyan	Full services
Skye Bank	Nigerian	Full services
Standard Chartered Bank (Gambia) Ltd.	United Kingdom	Full services
Trust Bank Ltd	Gambian/Ghanaian	Full services
Zenith Bank (Gambia) Ltd.	Nigerian	Full services
Reliance Financial Services (non-bank financial institution)	Gambian	Domestic deposit and loan services

Source: Central Bank of The Gambia online information, "Financial System: The Banks". Viewed at: <http://www.cb.gm/finance-system/thebanks.html>; and Access Gambia Web Directory online information, "Banks in Gambia". Viewed at: <http://www.accessgambia.com/banks.html>.

276. To attract local deposits and encourage use of banks, the minimum deposit needed to open a bank account has recently been reduced to D 200.¹¹⁴ The Central Bank reports very strong growth in deposit liabilities in 2009-10. However, despite the rapid expansion of the number of banks, lending rates have not come down significantly; according to the Central Bank, this may be because of the wish of banks to strengthen their balance sheets. Nor does there seem to have been an upsurge of lending to productive sectors of the economy.

277. The 2003 Money Laundering Act requires financial institutions (broadly defined in Annex I of the Act) to, *inter alia*, establish the true identity of customers and persons (including corporate entities) seeking to enter into a business relationship. Where a financial institution has reason to suspect money laundering, it is required to submit a complete written report to the supervisory authority, appointed by the Minister of Finance. Under the Act, customers undertaking transactions of a value over D 200,000 (and of any value where it is suspected that drug trafficking or other crime is involved) must be identified; information must be sought on the origin and destination of transactions of over D 500,000 (individuals) or D 2 million (corporate bodies) that are "surrounded by conditions of unusual or unjustified complexity and appear to have no economic justification or lawful object" and, if they are suspected as being related to money laundering, these must be reported to the supervisory authority. Anyone leaving The Gambia with over D 200,000, or its equivalent in cash or negotiable bearer instruments, should report to the supervisory authority.

278. The Gambia is a member of GIABA, the Intergovernmental Group against Money Laundering in West Africa. In 2007, a report on technical assistance needs by GIABA highlighted a number of shortcomings in the implementation of the Act, including: delays in implementing the law and appointing a supervisory authority; a lax "know your customer" (KYC) culture; lack of clarity as to the role of the supervisory authority; possible inter-agency conflict in the operation of different sections of the Act (e.g. between the supervisory authority and the police); and omissions from the list of proscribed offences.

279. The report concluded that The Gambia had serious capacity and resource constraints in implementing the law, and that fighting money laundering appeared to be a low priority, "especially given the perception of some key stakeholders that money laundering was merely a potential, and not a real, problem...". It identified a wide range of technical assistance needs and programmes that could be applied in The Gambia, while stressing the need for the authorities to demonstrate "firm commitment to the diligent implementation of the law".¹¹⁵

280. In December 2009, a regional workshop for English-speaking countries in West Africa was held in The Gambia, at which the Government expressed the high premium it placed on capacity building in this area, especially for law enforcement agents and the judicial apparatus. The workshop's objective was to raise awareness on how to identify money-laundering targets, to equip participants with various investigative techniques and expose them to evidentiary requirements necessary to prove common elements of money laundering, and to create a networking forum and information sharing for law enforcement agencies in the fight against global economic crimes.¹¹⁶

¹¹⁴ Note that the minimum deposit in a Post Office account is D 100 (section (iii)(b) below).

¹¹⁵ Inter-Governmental Action Group against Money-Laundering in West Africa (2007).

¹¹⁶ *Daily Observer*, "Money Laundering is a Global Economic Threat Says Minister Sonko", 2 December 2009. Viewed at: <http://allafrica.com/stories/200912030443.html>.

281. GIABA is also providing other technical assistance and training to the Central Bank, which is seeking to strengthen its Financial Intelligence Unit to reinforce its capacity to deal with money laundering and similar offences.¹¹⁷

(b) Insurance

282. The insurance subsector comprises 12 companies, all privately owned. With the exception of IGi Gamstar Life and Health Assurance Company Ltd., Gambia National Insurance Company Ltd. and Great Alliance Insurance Company Ltd. all companies operate only non-life insurance. Gamstar Life and Health Assurance Company Ltd. is the first separate subsidiary insurance company operating only life and long-term insurance in The Gambia. Most insurance companies operating in The Gambia are members of the Insurance Association of The Gambia (IAG).¹¹⁸

283. The Insurance Act 2003 and the Insurance Regulations 2005 set out the basic requirements, such as conditions for registration of insurance companies and insurance agents, paid-up capital, deposits for every class of business, conditions for mergers and acquisitions, the amount of solvency margin and components of its calculation, as well as investment requirements.

284. Regulation of the insurance industry is the responsibility of the Central Bank, which appoints the Commissioner of Insurance. The broad criteria for establishing an insurance company are the same as those applying to banks and other financial institutions. Upon incorporation or registration, a company or an association must provide the Commissioner with certified copies of its memorandum and articles of association, as registered, and the Commissioner, with approval of the Central Bank, grants registration as an insurer and issues a licence to the applicant. Insurance brokers are required to maintain capital of D 100,000 and to deposit D 25,000 in Government securities with the Central Bank.¹¹⁹

285. Cross-border provision of insurance services is allowed: Gambian residents may freely purchase insurance abroad. Motor insurance under the "Brown Card" system for ECOWAS provides Gambian residents with cover in other member States, and vice-versa.

(iii) Telecommunications and postal services

(a) Telecommunications

286. The main recent development in The Gambia's telecommunications sector and policy, as in other African countries, has been the rapid growth of mobile phone availability and use, in contrast to the relatively limited fixed-line access. This has been spurred by the liberalization of the cellular sector, while fixed-line telephony has remained in the hands of the public monopoly.

287. The Gambia ICT Development Index (IDI) moved up 11 places to rank 11th in 2007, the highest rank gain of any country in the region. Most of the improvement is due to higher mobile cellular penetration, but the growing number of Internet users per 100 inhabitants and increasing

¹¹⁷ Information provided by the authorities.

¹¹⁸ Current membership of IAG is: International Insurance Co. Ltd.; IGi Gamstar Insurance Co. Ltd.; Gambia National Insurance Co. Ltd.; Great Alliance Insurance Co. Ltd.; Sunshine Insurance Co. Ltd.; Prime Insurance Co. Ltd.; Global Security Insurance Co. Ltd.; Capital Express Insurance Co. Ltd.; and Takaful Gambia Ltd. (Islamic insurance company).

¹¹⁹ The Gambia Insurance Act 2003.

literacy rates also contribute to the higher ranking.¹²⁰ The penetration of fixed-line Internet has continued to grow since the ITU report was published, and mobile internet is also becoming available; all cellular operators have applied for 3G licences.¹²¹

288. The Information and Communications Act, 2009, creates the legal and enabling environment to improve the quality and service delivery of telecommunication services, and clarify the roles of stakeholders. It establishes the principle that policy and regulation should be technology-neutral and that there should be an open and competitive market. It clarifies the respective roles of the Ministry of Information and Communications Infrastructure, as the governing ministry, and the authority to be established to administer the Act. The Act contains provisions for licensing of networks and operators, fair competition (including on abuse of dominant position, and cartels), local loop unbundling, spectrum management, and universal service provision.¹²²

289. Fixed-line services are provided on a monopoly basis by the government-owned Gambia Telecommunication Company (GAMTEL). Cellular telephony provision has grown rapidly since liberalization in 2001. There are currently four service providers: GAMCEL (subsidiary of GAMTEL), AFRICELL Gambia, COMIUM Gambia, and Q-CELL. AFRICELL is the biggest network provider with wider nationwide coverage. Q-CELL is Gambian owned with foreign partners and The Gambia's first 3G provider. AFRICELL and COMIUM are foreign-owned companies. All carriers have concluded roaming agreements, which are still expensive.¹²³ Discussions with the authorities suggest that there may be approximately 800,000 cell phones in use in the Gambia. Because of interconnection costs among different networks, many people possess more than one SIM card and multi-SIM phones are widely available.

290. Regulation of the telecommunications subsector is entrusted to the Public Utilities Regulatory Authority (PURA). Cellphone tariffs generally are not regulated, but PURA regulates interconnection agreements among cellphone operators and has negotiated reductions in interconnection tariffs, currently at D 0.15 per minute. Recently, PURA has also introduced a code of ethics for advertisement and sponsorships, supported by enforcement regulations, aimed at increasing truth in advertising. It is applicable to all sectors but particularly to communications, and it appears to have had a positive effect in clarifying the structure of tariffs in the sector.¹²⁴

(b) Postal services

291. Until 2005, postal services were operated by the Department of Posts, under 1912 legislation that gave the Department the monopoly for collecting, sending, despatching, and distributing letters and parcels. Following a study of the Department's operations in 2004/05, the Gambia Postal Services Corporation (GAMPOST) Act was passed in December 2005. GAMPOST is a Gambia government agency, under the Ministry of Information, Communications and Information Technology

¹²⁰ ITU (2009).

¹²¹ Information provided by the authorities.

¹²² Information and Communications Act, 2009. Viewed at: <http://www.doscit.gm/>.

¹²³ International phone tariffs from The Gambia are divided into three zones, in increasing order of price: Senegal (Zone 1), Western Europe, United States and Canada (Zone 2), and the rest of the world, including other African countries (Zone 3). The international gateway is governed by GAMTEL.

¹²⁴ The Gambia Public Utilities Regulatory Authority (2009).

(MOICI), managing a network of 12 post offices.¹²⁵ Express courier services are open to private competition; other forms of postal services have yet to be liberalized.

292. GAMPOST has been a member of the Universal Postal Union (UPU) since 1974¹²⁶, and is a member of the Pan African Postal Union. The Gambia is one of the 19 countries benefiting from the integrated postal reform and development plan (IPDP), created by the UPU International Bureau's Development Cooperation Directorate (DCDEV), to put the postal reform process on track in countries wishing to benefit from such an approach, and training workshops in the different regions.¹²⁷ The Gambia has received training and technical assistance from UPU in such areas as quality standards, tracking of postal items, as well as material assistance in the form of a new vehicle.

293. GAMPOST also offers certain financial services, namely savings accounts, money transfers, and cashing of postal orders. The minimum deposit required for savings accounts is D 100. Currently, GAMPOST manages funds of some D 8 million for some 7,340 customers.

(iv) Transport

(a) Road transport

294. Road transport is the main mode for the movement of persons and goods in The Gambia. Since its previous review, The Gambia has made considerable progress in upgrading its road network. By end 2009, nearly 900 km of the 1,000 km network of (main) roads, connecting all main towns in the country, had been completed either to sealed (tar) or high-grade gravel standard. The Government is now working on the rehabilitation of the 2,500 km network of feeder roads; some 52 km were upgraded to sealed standard in 2009, and a study for financing of a further 240 km was under review. Finance for the network has come from multiple sources including the EU, Gulf states, and Chinese Taipei.¹²⁸

295. The Gambia has completely liberalized its road transport services, and private operators compete with The Gambia Public Transport Company (GPTC). Operators seeking to transport freight or passengers on routes between The Gambia and Senegal are required to obtain a permit, under a bilateral Road Transport Agreement. These permits are delivered by the Minister responsible for transport in either country. The cost of issuance in The Gambia is D 500. There is currently no regulatory authority for the subsector, and private operators are free to set their prices. Cabotage is allowed.

(b) Port operations, and maritime and river transport

296. Regulation of port operations, and maritime and river transport is under the mandate of The Gambia Ports Authority (GPA), a state enterprise. Banjul port is The Gambia's main maritime commercial port, serving as a gateway for the entry of goods and for re-exportation to countries in the sub-region. Quay length is 750 metres, and the maximum length of vessels allowed at wharves is

¹²⁵ GAMPOST online information, "Financial services". Viewed at: <http://www.gampost.gm/financial-services.htm>.

¹²⁶ Universal Postal Union online information, "Members by alphabetical order". Viewed at: <http://www.upu.int/members/en/members.html>.

¹²⁷ Universal Postal Union online information, "IPDP root and branch postal reform". Viewed at: http://www.upu.int/union_postale/2006/en/2006-1_ipdp_root_and_branch_postal_reform.html.

¹²⁸ Information supplied by the authorities for this Review.

182.9 metres. The port offers approximately 38,000 m² of uncovered storage area and 3,000 m² of covered storage area.

297. Cargo throughput, measured in tonnes, grew steadily between 2004 and 2009, by 50%, generally reflecting sustained growth in the volume of both imports and exports over the period (Table IV.4). The volume of goods exported, however, is generally only around 10% of that the volume imported through the port.

Table IV.4
Banjul Port, cargo throughput, 2003-09
(Tonnes)

	2003	2004	2005	2006	2007	2008	2009
Imports	939,847	860,813	898,675	932,220	1,032,392	1,130,462	..
Exports	91,325	95,954	84,836	119,683	107,985	130,547	..
Total	1,031,172	956,767	983,511	1,051,903	1,140,377	1,261,009	1,440,546

.. Not available.

Source: Information provided by the Gambian authorities.

298. Although the Ports Act 1972 envisages the possibility of certain services, notably pilotage, being provided by operators other than the GPA, in practice the GPA maintains a monopoly on all port services.

299. The Gambia does not have its own national carrier. Cabotage by foreign carriers is authorized under the Ports Act, 1972.

300. The responsibilities of the Gambia Ports Authority are set out in the Ports Act. The GPA determines berthing, mooring and anchoring locations, and approaches to the port, and sets ships' dues relating to these operations. It sets and collects harbour dues, based on the number of passengers and the volumes of freight. The GPA sets rates for the provision of services and use of equipment relating to handling of goods, carriage of passengers, use of any gear, tackle, tools, instruments or staging supplied by the GPA, use of dockyard and dockyard services; and the use of ferries and river craft for passengers and goods. Charges are the same for imports and exports. Since 2008, certain charges, notably for conventional cargo handling, have been markedly reduced to maintain the competitive position of the Banjul port (Table IV.5), and the storage area for containers has been doubled to 10,000 km². The port authorities are also considering dredging the river access channel, only 9.5 metres depth at high water, to 12-13 metres to allow larger ships to access the port.

301. The Ports (Ferries) Regulations of 1972 require all vessels operating in Gambian territorial waters to obtain a licence from the GPA. The GPA has been the sole operator of cross-river ferries since 2001.

302. Inland river transport is regulated by the GPA. Currently, there is one private-sector operator with two barges, while the Gambia Groundnut Corporation has its own transport system. River transport is, in principle, open to private-sector entrants. Road transport remains the preferred option for most forms of freight and passenger transport.

Table IV.5
Charges and dues at Banjul Port, 2009/10

Description	Value
Port charges	
Pilotage	A composite charge based on the size of the vessel
Berthing	First 24 hours: €0.15 per GRT Succeeding ½ days: €0.09 per GRT
Berthing party	Berthing: €46.55 Unberthing €46.55; surcharging €60.80
Buoys and lights	€0.28 per NRT
Harbour dues	Discharged: €1.45 per tonne for bulk; €34.20/TEU ^a for containers Loaded: €1.45 per tonne
Other charges	Mooring: €121.60 Container handling: D 750 for 20 foot container; D 1,500 for 40 foot container Conventional cargo: direct delivery: D 15 per tonne; stacking: D 30 per tonne
Tariffs on empty containers and use of cranes	
Crane standby charge	This charge was abolished in 2007
User charge	€142.50 per hour for container vessels
Bulk cargo charge	€4.24 per tonne
Hourly charge	D 50 for usage other than vessel operation
Empty container charges (€), daily	Shore handling €12/TEU
Day 1-10	No charge
Day 11-20	0.70
Day 21-30	1.40
Day 31-40	2.85
From 41 st day	5.70

a Twenty-foot equivalent unit.

Source: Information provided by the Gambian authorities.

(c) Air transport

303. Gambia has no national airline. Currently, only two airlines – Brussels Airlines and Royal Air Maroc – provide scheduled long-haul flights to Banjul. Other scheduled carriers include Virgin Nigeria, Arik Air (Nigeria), Elysian Airlines (Cameroon), Spanair, Mauritana Airways, and ASky (Togo). Most tourist arrivals in The Gambia are by charter flights, either with specialized charter operators' aircraft or using the two airlines mentioned above. Airlines currently involved in the charter trade with The Gambia include Viking Airlines, Thomas Cook, Monarch, Transavia, and Tui Arkefly.¹²⁹

304. Data from the authorities show that passengers arriving in The Gambia from European destinations increased from some 97,000 in 2004 to some 135,000 in 2007, before falling to 125,000 in 2009. Regional passengers have declined markedly, from 37,000 in 2004 to 25,000 in 2009.

305. The Gambia is a signatory to the Yamoussoukro Declaration on creation of a single African air space¹³⁰, and the Banjul Accord for the accelerated implementation of the Yamoussoukro Declaration. The latter brings together seven West African states¹³¹, and establishes a platform for negotiating traffic rights and market access, as well for harmonizing air transport regulations.

¹²⁹ Information provided by the authorities.

¹³⁰ African Union (2005).

¹³¹ Cape Verde, The Gambia, Ghana, Guinea, Liberia, Nigeria, and Sierra Leone.

According to the authorities, the declaration has not been implemented. The Banjul Accord group of states have allocated traffic rights to each member under the agreement. The Gambia pursues an open-skies policy.

306. Banjul International Airport is managed by the state-owned Gambia Civil Aviation Authority (GCAA). It handles between 280,000 and 300,000 passenger movements per year, and 2,300 to 3,000 tonnes of cargo (Table IV.6). The GCAA collects landing fees and passenger taxes.

Table IV.6
Passenger and cargo traffic through Banjul International Airport, 2003-08

	2003	2004	2005	2006	2007	2008
Scheduled passengers	139,561	135,926	107,636	143,481	108,325	..
Non-scheduled passengers	145,902	151,192	181,516	162,755	223,512	..
Scheduled cargo (kg)	92,343	73,674	99,556	52,115	134,242	..
Non-scheduled cargo (kg)	9,587	1,185	306	22,313	705	..

.. Not available.

Source: The Gambia Transport Statistics 2003-07.

(v) Tourism

307. The tourism industry's share of The Gambia's GDP is estimated to have increased from 12% in 2001 to 17% in 2007, the peak year; and to have fallen again to below 13% with the economic crisis of 2008-09. The industry is estimated to provide 4.1% of employment directly and through its overall impact on the economy, 9.9%.¹³² The services account of the balance of payments is expected to improve slightly in 2010 owing to a small recovery in tourism.¹³³

308. Industry sources indicate that the relative share of business, tourism compared with private (mostly charter) tourism has been increasing, rising from 39% in 2003 to 44% in 2008; the value of tourist-related exports increased from US\$57 million to US\$83.5 million in the same period.¹³⁴

309. The main tourism season in The Gambia is from November to March. Besides its Atlantic-coast beach resorts, The Gambia's main advantages are its culture¹³⁵, and its variety of wildlife and ecosystems, including abundant birdlife and natural reserves. Only two airlines currently operate scheduled long-haul flights to Banjul, but many charter tour operators and travel agencies, particularly in Europe, propose The Gambia as one of many possible destinations¹³⁶, while a few independent operators focus almost exclusively on The Gambia. According to the Ministry of Tourism, charter tourist arrivals increased by nearly 70% between 2004 and 2009 (Table IV.7).

¹³² World Travel and Tourism Council (2010). IMF data show travel income increasing from US\$51 million in 2003 to US\$84 million in 2007 (see Chapter I, Table I.3).

¹³³ Economist Intelligence Unit (2010).

¹³⁴ World Travel and Tourism Council (2010).

¹³⁵ For example, "Roots" tourism is attracting African-American visitors.

¹³⁶ See Access Gambia online information, "Gambian Based Travel Agencies". Viewed at: <http://www.accessgambia.com/information/travel-agencies.html>; and Wordtravels online information, "Holiday Travel Agents and Tour Operators". Viewed at: <http://www.wordtravels.com/Travelguide/Countries/Gambia/Tour%20Operators>.

310. The policy framework for the tourism subsector is provided by the National Tourism Master Plan, under which executive responsibility has been delegated to The Gambia Tourist Authority (GTA). GTA's mission statement states that "...the country's main marketing objective is to go up-market and attract more high spending tourists." It is aware that to achieve this it must: adhere to the principles of the Responsible Tourism Policy, improve product quality, encourage the development of added value products, promote year-round tourism, encourage investors to fund up-country and up-river tourism ventures, and reinforce safety and security.

Table IV.7
Tourism indicators, 2004-09

	2004	2005	2006	2007	2008	2009
Overall tourist arrivals ('000)	..	..	..	..	..	..
Charter tourist arrivals ('000)	90,095	107,094	124,800	142,626	146,759	152,379
Average length of stay (days)	..	11.2	11.5	10.4	9.9	..
Average daily expenditure (D)	..	..	882	975	1,347	..

.. Not available.

Source: Ministry of Tourism.

311. The Tourism Development Master Plan was agreed by Cabinet in 2007. It incorporates the Responsible Tourism policy, introduced in 2004, as well as many aspects of eco-tourism development.¹³⁷ The Government, assisted by external studies¹³⁸, is conscious of the need to improve the positive impact of the tourist sector on the economy. The policy recognizes a number of initiatives that have been taken to add local value to the tourist sector and increase backward linkages to the local economy, such as the "Gambia is Good" (GiG) initiative, a UK-supported programme that promotes high-quality growing and marketing of vegetables and fruit by Gambian smallholders for sale to hotels.¹³⁹ Marketing of eco-tourism and the development of river voyages, birdwatching trips, and cultural activities have also been a main focus of The Gambia's tourism development strategy. Gambia has also signed up to international initiatives promoting child protection in the tourism sector and has maintained legislation in this area since 2003.¹⁴⁰

312. Under the provisions of the GIEPA Act, certain investments are eligible for the incentives associated with special investor status (Chapter II(4)). These relate to eco-tourism, the development of "up-country tourism" (motels, tourist camps, sport fishing, river cruising), and the development of four- or five-star hotels. To develop tourism during the so-called "green season" (the Northern hemisphere summer), the Government maintains seasonal incentives for tour operators, hotels, and ground handlers, applicable during May to end October. These are: a 25% discount on aircraft handling charges for all flights; a 25% discount on landing and parking fees for all tourist flights; and a 50% reduction in sales tax for hotels and ground handlers.

¹³⁷ Information provided by Ministry of Tourism and Culture, August 2009. See also Access Gambia online information, "Policy For Responsible Tourism in Gambia". Viewed at: <http://www.accessgambia.com/information/responsible-travel-policy.html>.

¹³⁸ See, for example Mitchell and Faal (2008).

¹³⁹ See Concern Universal online information, "Gambia is Good: A Miracle of Marketing". Viewed at: http://www.concernuniversal.org/index.php?/working_in_partnership/gambia_is_good.

¹⁴⁰ See ECPAT UK (2005).

V. AID FOR TRADE

(1) OVERVIEW

313. The Gambia's development agenda is directed by its Vision 2020 and its Second Poverty Reduction Strategy Paper (PRSP II, 2007-11). While the importance of trade is recognized in achieving the country's development objectives, and trade has been mainstreamed into certain sectoral policies, it has not yet been systematically mainstreamed at an operational level within the national development strategy for 2007-11.

314. In the absence of an operational strategy to mainstream trade, development partners face constraints in aligning their support to national trade priorities. A framework for aid coordination exists under the Ministry of Finance, but the programme of assistance has been undertaken on the basis of donor roundtable meetings, the last of which was held in 2008 in London. Donors have sought to align their support with the priorities established in the national development strategy (the PRSP). With only a small pool of resident donors, mobilization of the development community presents a challenge for the Government. The Government is increasingly turning to south-south partners to provide assistance; for example, a number of donors from the Arab region and from Asia are actively involved in development assistance.

315. The Gambia has been a beneficiary of the Integrated Framework (IF), since its launch in 1997. In late 2009, the Government accessed funding under the Enhanced IF (EIF) Trust Fund to implement a Tier 1 project, stemming from the Diagnostic Trade Integration Study (DTIS) validated by the Government in 2007. The EIF project provides an opportunity to enhance trade policy formulation in the Gambia and to ensure that trade is mainstreamed at an operational level in the successor document to the current national development strategy which expires in 2011.

316. Since its last Review, Gambia has benefited from 159 TRTA activities, nearly 75% of which were provided by the WTO. However, the absence of a resident diplomatic mission in Geneva, coupled with human resource and institutional constraints, limit the participation of The Gambia in the multilateral trading system as well as in the ongoing DDA negotiations.

(2) MAINSTREAMING TRADE INTO THE NATIONAL DEVELOPMENT FRAMEWORK

(i) Mainstreaming at the policy level

317. The Gambia's long-term development strategy is laid out in its Vision 2020, which aims at eradicating poverty through sustained economic growth. One of its goals is to transform The Gambia into a trading and export-oriented agricultural and manufacturing nation. It also aims to strengthen and diversify the production base of the economy. Trade expansion is also one of the cornerstones of Gambia's foreign economic relations.

318. The goals and objectives of Vision 2020 are being implemented through the PRSP II, which focuses on five pillars, including enhancing the capacity and output of productive sectors, i.e. agriculture, fisheries, industry, trade, and tourism. The PRSP II for 2007-11, recognizes the role of trade and advocates that the Government pursue an export-oriented strategy. It equally recognizes the need to enhance development and diversification of trade-related services in the Gambia and to develop links to other sectors of the economy. While the PRSP-II considerably increased the attention to economic growth and trade version, and has specific discussions on some key export sectors, such as tourism and fishing, it lacks a detailed strategy for export development. Elaboration

of a new PRSP to start in 2011 provides an opportunity to further mainstream trade at an operational level within the national development strategy. Support from the Enhanced Integrated Framework (EIF) should assist in a process that is key to ensuring future donor support is aligned with The Gambia's trade needs.

(ii) Enhanced Integrated Framework

319. Trade matters are the responsibilities of the Ministry of Trade, Regional Integration, and Employment. The Committee on mainstreaming trade and trade related matters (MATTRICOM) has recently been transformed into the National Trade Policy Decision-Making Committee (see Chapter II(2)). The formulation and implementation of a trade policy remains an institutional challenge for the Government, but one for which the Integrated Framework is providing assistance.

320. The Gambia was one of the first five LDCs to hold trade Round Tables under the first version of the Integrated Framework launched in 1997. An IF project, implemented from April 2002 to August 2003, supported a comprehensive study on the Gambia's export potential and developed, with assistance from the ITC, export strategies for horticulture, fishery, groundnuts, tourism, and niche manufacturing.¹⁴¹ A full Diagnostic Trade Integration Study (DTIS) was validated by the Government in July 2007 (also see Chapter II(2)).¹⁴²

321. One outcome of the EIF process in the Gambia was the establishment of a National Steering Committee (NSC) in 2007, to oversee the implementation of the EIF programme. The NSC is chaired by the Permanent Secretary of the Ministry of Trade and Employment and includes representatives from relevant government ministries, chamber of commerce, and the resident donors.¹⁴³ The NSC meetings have not been regular, as it meets only when there is an EIF programme/project to be approved.

322. A Ministerial oversight committee on EIF has been constituted, chaired by the Minister of Trade and Employment (MTE).¹⁴⁴ Although the NSC has the authority to approve EIF projects, it is required to submit periodic progress reports to the oversight committee for guidance and advice. The

¹⁴¹ A number of activities were held under the same IF project (2002-03). A group of exporters and government representatives, from the horticulture and fishery sectors, undertook a tour to Belgium, the Netherlands, and the United Kingdom, which resulted in the establishment of concrete business contacts with European firms. For the horticulture sector, training workshops were arranged to provide assistance to local enterprises for the purchase of inputs such as seeds, fertilizers, and pesticides. For tourism, a tour to Ghana and Burkina Faso was conducted, followed by a training of trainers workshop and on-site seminars aimed at improving design and quality of artisanal products for the tourism industry. Workshops on fishery reviewed new techniques, and equipment and facilities were provided to fishermen and fish processors.

¹⁴² World Bank (2007).

¹⁴³ These are: the Office of the President, Ministries of Finance and Economic Affairs, Tourism, Agriculture, Fisheries and Water Resources, Works, Construction and Infrastructure, the National Planning Commission, the Gambia Chamber of Commerce and Industry, the World Bank, UNDP, and the EU.

¹⁴⁴ This Committee consists of the Ministries of Finance and Economic Affairs, Tourism, Agriculture, Fisheries and Water Resources, Works, Construction, Infrastructure, and the Ministry of Economic Planning and Industrial Development.

frequency of meetings of this oversight body will also depend on progress, as well as needs that may arise, during implementation of the EIF.¹⁴⁵

323. With funding from the EIF Trust Fund Tier 1, The Gambia put in place a National Implementation Unit (NIU) in early 2010. The NIU consists of a National Coordinator, Programme Officer, Finance Officer and support staff. The NIU, under the leadership of the EIF National Focal Point (Permanent Secretary, Ministry of Trade and Employment), is working on advancing The Gambia's trade mainstreaming.¹⁴⁶

(iii) Mainstreaming at the government-donor partnership level

324. The Gambia has a small pool of resident development partners. The EIF NSC includes key development partners with a view to facilitating resource mobilization for trade capacity-building activities. Within the Government, the Aid Coordination and Central Project Management Unit in the Ministry of Finance works in close collaboration with the Ministry of Economic Planning and Industrial Development, and is responsible for overall donor coordination. The Ministry of Finance also acts as the central depository of all data relating to aid. Under this framework of central aid coordination, multilateral aid is the exclusive domain of the Ministry of Finance, while bilateral aid is dealt with by the Ministry of Foreign Affairs. Relations with UN agencies, including UN aid, are coordinated by the Policy Analysis Unit of the Office of the President. Aid from NGOs is handled by the Government's NGO Affairs Unit.

325. Formal dialogues have been held with the donor community under the umbrella of Roundtable Conferences, organized jointly with the UNDP. At the last Roundtable Conference held in London in 2008, the Government presented an "Aid Effectiveness Action Plan" on the basis of the Paris Principles of ownership, alignment, harmonization, result-based management and accountability. It was attended by 27 bilateral, multilateral, and other donor agencies including Bretton Woods Institutions. Development partners pledged financial support of US\$175 million.

326. The RoundTable conference and discussions with donors take place in the framework of the PRSP. The World Bank and the African Development Bank (AfDB) have aligned their support in a joint assistance strategy spanning four years (2008-11), for the implementation of the PRSP II. The development priorities identified in the United Nations Development Assistance Framework (UNDAF) are aligned with the Government's PRSP II and its long-term plan (Vision 2020). The lack of an operational strategy to mainstream trade into the existing PRSP created difficulties for donors seeking to align their support of the Government's stated export development goals.

(iv) Aid-for-trade needs

327. The Gambia responded to the aid-for-trade questionnaire, a joint OECD/WTO exercise feeding into the WTO Second Global Review on Aid for Trade, in July 2009. In its response, it identified its aid-for-trade priorities, in the order of importance: (i) trade policy analysis, negotiation,

¹⁴⁵ The Ministerial oversight committee held its first meeting in 2010.

¹⁴⁶ The Government expects to develop Tier 2 projects for funding from within and outside of the EIF Trust Fund. The MTE is expected to map all donors' contribution in trade, and coordinate their assistance and sector focus, in coordination with the donor facilitator (EU), the local office of the UNDP and the World Bank, especially to avoid duplication and to take maximum advantage of donors' financing, particularly the World Bank planned project for growth and competitiveness.

and implementation; (ii) network infrastructure (power, water, and telecom); (iii) regional integration.

328. The DTIS, undertaken in 2007, recommended improvements in infrastructure, including the transport, communications, and energy sectors to consolidate The Gambia's position as a regional gateway. It also makes detailed recommendations on strengthening and diversifying production of goods and services of key sectors of importance to the country, such as tourism, groundnuts, other agriculture, and fisheries, coupled with sector-specific reforms.

329. Developing the regional road network and improving port performance and river transport is key for the Gambia to consolidate its role as a transit hub. While the Gambia has received assistance in the transport sector, especially in road transport, the Government is seeking support for efficiency improvements in the port of Banjul in order to remain competitive in the region. The river transport infrastructure also needs substantial investment, to make an efficient link with the port. These are some of the Government's immediate priorities.

330. Inadequate infrastructure and limitations on productive capacities weaken The Gambia's ability to enhance its exports. Certain infrastructure services also impede export potential. The cost of electricity has been a key factor in the performance of the tourism sector as well as other sectors, such as fisheries, which need uninterrupted power supply for processing and cold storage facilities (also see Chapter IV(2)).¹⁴⁷ Investment in the landing facilities for artisanal fishing as well as the establishment of a deep-water fishing port for industrial vessels could greatly contribute to exports of fish and fish products from the Gambia.

331. The Gambia faces challenges related to compliance with standards required by its trading partners, due to limited technical, human, and standards-related infrastructure constraints. A number of agencies and donors support SPS capacity-building in The Gambia. A USAID-funded study on SPS capacity in Gambia in 2006, provided a strategy for the integration of the SPS systems of the ECOWAS member states.¹⁴⁸ A project on the harmonization of TBT and SPS measures in the ECOWAS region was funded by the EU in 2006.¹⁴⁹ At present, under the West Africa Quality Support Programme, funded by the EU, laboratory facilities are being improved to acquire international accreditation (see Chapter III(1)(ix)). The Arab Bank for Economic Development in Africa (BADEA) is providing assistance in partially equipping the Food Hygiene and Quality Control laboratory constructed at the fisheries department, to enhance the standard of processed fish for export.

332. While the Gambia is receiving assistance in meeting international standards, its ability to control SPS risks also warrants attention. For instance, despite the comprehensive Food Act (2005), the country lacks capacity for rigorous laboratory analysis of imported foods, resulting in its inability

¹⁴⁷ The DTIS of The Gambia underlined the importance of investment in the aging infrastructure of the state-owned National Water and Electricity Company (NAWEC), to improve generation capacity as well as transmission and the distribution system. The Government has recently taken steps to improve the generation capacity and to reduce electricity prices.

¹⁴⁸ USAID/West Africa Hub (2006).

¹⁴⁹ The United Nations Industrial Development Organization (UNIDO) was the Executing Agency.

to detect unwholesome products.¹⁵⁰ The laboratory facilities to identify pests and diseases need substantial improvement, especially for pesticide residue analysis.

333. Quality deficiencies in groundnut production, which remains the country's main cash crop, need to be addressed, along with its management (see Chapter IV(1)(v)).¹⁵¹ With investment in technology and establishment of an Integrated Quality Assurance System, through the implementation of a practical HACCP (Hazard Analysis – Critical Control Points), The Gambia could exploit higher value segments of the international market, especially for edible groundnuts.

334. Strengthening the institutions dealing with SPS and TBT matters remains a key priority for the Government. Multilateral donors are providing assistance to set up a National Standards Body (see Chapter III(1)(viii)). Under the EIF framework, the Government intends to strengthen the weights and measures office (metrology). The Government will require further assistance to fully implement the WTO SPS and TBT Agreement.

(v) Trade-related technical-assistance needs

335. The Gambia requires further assistance to strengthen human and institutional capacity to take full advantage of the rules-based MTS and to participate fully in the ongoing negotiating process. Human resources dealing with trade matters are limited. This, coupled with the absence of a resident Mission in Geneva, makes it difficult for The Gambia to follow negotiations conducted in the WTO. Moreover, MTE has to simultaneously handle various negotiations, in particular on EPA and ECOWAS. Inadequate human resources will continue to impede the Government from benefiting fully from the MTS.

336. The Gambia has not been regular in submitting notifications to the WTO (Table II.2). It needs assistance in meeting its notification requirements to the WTO. The authorities feel that the lack of understanding about the nature of the notifications and of coordination among the government agencies are contributing factors. The Gambia also needs to improve its efforts to submit tariff and trade data to the WTO, on a regular basis.¹⁵² Its latest submission on tariffs was in 2007; data for 2008 and 2009 are pending, although the full 2010 tariff has been supplied as part of the current Review. The Gambia has improved its system for trade data collection and has supplied six-monthly bulletins of trade statistics in the context of this Review. The Gambia may benefit from further WTO TRTA to improve its capacity to deal with notifications as well as to collect, collate, and analyse trade and tariff data and submit them to the WTO.

337. As an LDC, Gambia enjoys certain flexibilities in implementing the WTO TRIPS Agreement. For instance, the transition period for LDCs to implement the TRIPS Agreement has been extended until 2013. Moreover, LDCs are exempted from providing patent protection to pharmaceutical products until 2016. Officials from The Gambia have attended some of the WTO global and regional activities on TRIPS. While intellectual property legislations has been modernized since the last review – new Copyright Act (2004) and Industrial Property Act (2007) (Chapter III(1)(iv)) – there is lack of awareness of the enforcement of IP rights as well as of legislative compliance.

¹⁵⁰ The Gambia has received assistance from FAO, UNIDO and WHO in updating and completing the Food Act and in drafting the new Food Safety and Quality Bill (Chapter III(1)(ix)).

¹⁵¹ In 2006, Gambian crude groundnut oil failed to meet the required maximum residue levels (MRLs) in the EU market.

¹⁵² The Integrated Data Base (IDB) of the WTO contains MFN applied data.

338. As part of the TRIPS Council Decision that extended the transition period for LDCs for the implementation of the TRIPS Agreement, LDCs are invited to provide the TRIPS Council with information on what they need as a priority for technical and financial assistance.¹⁵³ The purpose is to help LDCs take the necessary steps to implement the TRIPS Agreement. A number of LDCs have submitted their needs assessment; other submissions are expected soon. In order to help LDCs in the needs assessment process, the Secretariat has been organizing regular workshops. The last Workshop, in October 2009, was to facilitate an exchange of views and experiences between LDCs and developed countries and to explore ways of leveraging available resources for the needs of LDCs in the area of TRIPS. The authorities may wish to consider presenting The Gambia's needs assessment to the TRIPS Council.

339. Gambia has not requested assistance from the Trade Facilitation Trust Fund, set up within the context of the DDA and managed by the WTO Secretariat, to conduct a national self-assessment of its trade facilitation needs and priorities.¹⁵⁴ The Government has made use of the technical assistance programme designed to bring capital-based officials from African countries and LDCs to participate in the meetings of the Negotiating Group on Trade Facilitation.

(3) AID FOR TRADE SUPPORT TO THE GAMBIA

340. The Gambia's official development assistance (ODA) comes in the form of free standing technical cooperation, programme/budgetary aid/balance of payment support, investment-related technical support, investment project finance, food aid and emergency assistance.

341. According to the OECD Creditor Reporting System Database, the Gambia received a total of US\$124 million in aid-for-trade commitments between 2002 and 2008 (at current 2008 US\$ prices). Annual aid for trade commitments averaged US\$22.9 million between 2002 and 2005 (Table V.1): the transport sector received a large part, especially in 2005, mainly from the EU under its Country Support Strategy (see Chapter II(4)(iii)). Aid-for-trade commitments by donors were US\$9.35 million in 2007 and US\$7.75 million in 2008. Aid-for-trade receipts accounted for nearly 20% of total ODA in 2007 and 17% in 2008.

Table V.1
Aid-for-trade support, 2002-08
(US\$ million at 2008 current prices)

Sectors	2002	2003	2004	2005	2006	2007	2008
Transport and storage	2.63	0.22	1.42	51.8	2.09	6.25	0.02
Communications	2.64	0.03	0.01	0	0.03	0.82	0.06
Energy	0.98	0.11	0.07	0.34	0.0	0.0	0.01
Banking and financial services	0.01	0.0	0.0	0.04	5.94	0.17	0.01
Business and other services	0.0	0.1	0.62	0.34	0.6	0.05	0
Agriculture	1.58	1.26	8.85	9.22	6.37	1.53	1
Forestry	0	0	0	0.03	0.09	0.11	0.05
Fishing	0	0.2	0.03	0.02	0	0.32	6.4
Industry	8.12	0.01	0.13	0.02	0.02	0	0.07
Mineral resources and mining	0	0	0	0.39	0	0	0
Trade policies and regulations	0	0	0.01	0.45	0.06	0.07	0.09
Tourism	0	0	0	0.02	0	0.03	0.04
Total	15.96	1.93	11.14	62.67	15.2	9.35	7.75

¹⁵³ WTO document IP/C/40, 30 November 2005.

¹⁵⁴ The Trade Facilitation Needs Assessment Programme, which was officially launched in September 2007 has now ended.

Source: OECD Creditor Reporting System.

342. More than 95% of the aid for trade committed in 2008 was directed towards building productive capacity, mainly in the fisheries sector; aid for trade for economic infrastructure was less than US\$1 million. The lack of resident missions of donor countries continues to make it difficult for The Gambia to mobilize aid for trade.

343. Twelve Development Assistance Committee (DAC) donors accounted for nearly 70% of total ODA commitments to the Gambia in 2008; the top five DAC donors were the EU, Japan, the Netherlands, the United Kingdom, and the United States. Multilateral providers of ODA included AfDF, EU institutions, GAVI, Global Fund, UNAIDS, UNDP, UNFPA, and UNICEF. The Arab agencies as well as donor countries from the Arab region were among the top ten ODA providers in 2007 and 2008. The Gambia is not a beneficiary of U.S. Millennium Challenge Corporation (MCC) grants.¹⁵⁵

344. A number of developing countries are providing assistance to the Gambia to improve physical infrastructure and build productive capacities. For instance, Chinese Taipei and Kuwait have provided resources to improve road infrastructure in certain provinces. Kuwait and Libya have made significant investments in the tourism sector, especially in the construction of hotels. India, Chinese Taipei, Iran, and Venezuela have been assisting the Gambia in the development of agriculture and fisheries.

345. The AfDB and the World Bank are closely involved in the implementation of the PRSP II, mainly through policy and institutional reforms to contribute to economic growth and poverty reduction. For instance, in order to strengthen economic management and public service delivery, the Gambia is benefiting from a grant of US\$6 million for the implementation of its Poverty Reduction Budget Support Programme, which is a component of the Gambia General Budget Support Programme jointly conceived by the AfDB, the World Bank and the EU. At the end of 2008, the AfDB Group had approved 54 operations for the Gambia, representing a total commitment of US\$307 million.¹⁵⁶ As of October 2008, the World Bank, through the International Development Association (IDA), had approved 31 International Development Association (IDA) credits for the Gambia totalling approximately US\$299 million.¹⁵⁷

346. The AfDB and the World Bank are also involved in building up productive capacities in the country. The trade gateway project by the World Bank, with US\$16 million, is intended to help the Gambia become a globally competitive export and processing sector. The country is also benefiting from financing of US\$6.4 million from the AfDB to enhance productive capacity in agriculture sector, especially to increase the volume of marketed horticultural produce and livestock.

347. Since its last Trade Policy Review in 2004, the Gambia has participated in a wide range of technical-assistance activities. According to the Doha Development Agenda Trade Capacity Building Database, the WTO Secretariat delivered around 75% of the 159 entries inscribed for the Gambia for

¹⁵⁵ There are two primary types of MCC grants: compacts and threshold programmes. Compacts are large, five-year grants for countries that pass MCC's eligibility criteria. Threshold programmes are smaller grants awarded to countries that come close to passing these criteria. Gambia is not benefiting from any of these grants.

¹⁵⁶ Half of these commitments are in transport and social sectors.

¹⁵⁷ The five active IDA operations, totalling US\$55.9 million, are the in: (i) capacity development for economic management; (ii) education; (iii) private sector development; (iv) community-driven development; and (v) natural resource management/environment protection.

technical assistance activities/projects provided between 2004 and 2009.¹⁵⁸ Other providers included the AfDB, the UN Economic Commission for Africa; Islamic Development Bank (IsDB); and ECOWAS.¹⁵⁹

348. Since 2004, WTO has organized five national technical assistance activities covering DDA negotiations, regional trade agreements, the Trade Policy Review Mechanism, and the Enhanced Integrated Framework. Three outstanding requests from Gambia – on agriculture, services, and trade remedies – are currently being implemented. The Gambia also continues to benefit from a number of WTO training courses for government officials. It has taken part in the three-month Geneva-based trade policy course as well as regional courses and three-week introduction courses for LDCs.¹⁶⁰ It also benefited from several short trade policy courses organized in cooperation with regional and international partners, including ECOWAS, the Islamic Development Bank, the AfDB, and the Economic Commission for Africa. Since the Gambia does not maintain a resident mission in Geneva, it has been participating regularly in "Geneva Week", a biannual activity aimed at informing non-resident WTO members and observers of the state of play in the DDA negotiations and other WTO activities.¹⁶¹

349. At the regional level, the Gambia has participated in more than 30 seminars/workshops. The subjects covered included regional trade agreements, dispute settlement, trade negotiation skills, sanitary and phytosanitary measures, services, technical barriers to trade, TRIPS, trade facilitation, agriculture, NAMA, trade and development, and trade and environment. It also took part in some of the specialized and thematic courses offered by the Secretariat, including on trade facilitation, sanitary and phytosanitary measures, technical barriers to trade, TRIPS, and public health.

350. In addition, the Gambia has benefited from the trainee and internship programmes organized by the WTO, aimed at enhancing the trainees' knowledge of the MTS, strengthening their understanding of the WTO, and enhancing the participation of their respective missions in the daily activities of the WTO. The Gambia was a beneficiary of the Netherlands Trainee Programme in 2007 and in 2009.

351. The Gambia benefited from the WTO Reference Centre (RC) Programme. The RC was established in 1998 at the MOTIE, and was updated in 2004. The Government is making continuous efforts to make the RC operational, although interest from the business and academic community in accessing WTO-related information through the RC has been limited.¹⁶² The Government will need further training on information management tools and techniques as well as trade-related database and other web applications to take full advantage of the RC, including benefiting from the e-training and e-learning functions of the RC. A few officials from The Gambia have completed a limited number of e-training modules, including introduction to the WTO, sanitary and phytosanitary measures, and technical barriers to trade.

¹⁵⁸ WTO Doha Development Agenda Database. Viewed at: <http://tcbdb.wto.org>.

¹⁵⁹ This is not an exhaustive list, as other bilateral and multilateral agencies provide trade-related assistance to The Gambia.

¹⁶⁰ It attended Geneva-based trade policy course in 2005, 2006, 2007, and regional trade policy courses in 2007 and 2009. The Gambia had participants for introduction courses in 2004, 2006, and 2007.

¹⁶¹ WTO matters are handled by their mission in Brussels.

¹⁶² A "documentalist" has been appointed to manage the RC on a day-to-day basis.

352. The Gambia is benefiting from two regional Standards and Trade Development Facility (STDF) projects. The FAO is implementing a capacity-building programme for selected West African countries, including the Gambia, to raise awareness and improve knowledge of SPS issues in the fisheries sector so as to improve their fish-trade performance. The STDF has also undertaken a regional initiative in West Africa to control fruit flies. In this regard, a stakeholder meeting, held in Bamako, Mali, in September 2009, endorsed a five-year Regional Action Plan prepared by the Europe-Africa-Caribbean-Pacific Liaison Committee (COLEACP), budgeted at €25 million. As a follow up, the World Bank has agreed in principle to provide seed funding up to US\$1 million, through its Trade Facilitation Facility (TFF), to kick-start the implementation of the Regional Action Plan.¹⁶³

¹⁶³ The EU, in 2007, funded a study on the damage inflicted by fruit fly on West African fruit production.

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APPENDIX TABLES

Table A1.1
Structure of imports, 2003-08
(US\$ million and per cent)

	2003	2004	2005	2006	2007	2008
Total (US\$ million)	162.6	236.7	259.6	259.3	320.9	329.4
	(per cent)					
Total primary products	51.2	57.7	56.1	51.3	50.9	52.6
Agriculture	39.8	42.8	39.2	33.4	33.0	31.9
Food	37.6	40.8	37.7	31.2	31.1	29.8
0423 Rice, milled, semi-milled	5.9	7.6	3.0	1.8	3.5	4.7
4221 Linseed oil, fractions	3.3	8.7	5.6	5.2	5.6	4.7
0612 Other beet, cane and chemically pure sucrose, solid form	10.6	6.6	6.2	4.5	4.9	3.5
0422 Rice, husked, not further prepared (cargo or brown rice)	0.4	0.5	3.3	2.1	2.1	2.0
0461 Flour of wheat or of meslin	2.9	3.0	3.6	3.1	1.6	1.8
0567 Vegetables prepared or preserved, n.e.s.	0.8	1.6	1.7	1.7	1.8	1.5
0421 Rice in the husk (paddy or rough rice)	0.0	0.3	2.9	0.1	1.4	1.4
0222 Milk concentrated or sweetened	1.0	1.1	2.5	1.5	1.3	1.3
1222 Cigarettes containing tobacco	2.8	1.8	1.7	1.3	1.6	1.3
Agricultural raw material	2.2	1.9	1.4	2.2	1.9	2.1
2690 Worn clothing and other worn textile articles, rags	1.9	1.7	1.3	1.9	1.8	1.9
Mining	11.4	14.9	16.9	18.0	17.9	20.7
Ores and other minerals	0.3	0.3	0.4	0.2	0.4	0.2
Non-ferrous metals	0.6	0.3	0.6	0.4	0.6	0.6
Fuels	10.5	14.3	16.0	17.4	16.9	19.9
Manufactures	48.7	42.2	43.5	48.7	49.1	47.4
Iron and steel	1.8	1.2	0.9	1.1	1.1	1.4
Chemicals	6.6	4.3	4.1	4.6	5.0	7.2
5429 Medicaments, n.e.s.	1.7	0.7	1.1	1.7	1.5	2.0
5812 Tubes, pipes and hoses, rigid	0.1	0.1	0.0	0.0	0.1	1.7
Other semi-manufactures	9.9	7.6	6.2	6.9	5.9	7.1
6612 Portland cement and similar hydraulic cements	5.2	3.7	1.8	2.7	1.9	3.0
Machinery and transport equipment	16.7	17.3	21.5	25.2	25.0	20.4
Power generating machines	0.5	0.4	1.3	1.0	0.5	0.3
Other non-electrical machinery	2.0	1.9	2.0	2.8	4.5	2.3
Agricultural machinery and tractors	0.2	0.1	0.1	0.2	0.7	0.2
Office machines and telecommunication equipment	4.5	3.7	5.1	6.3	4.0	3.4
7643 Radio or television transmission apparatus	0.4	0.7	0.4	1.7	1.2	1.0
Other electrical machines	1.3	2.0	2.0	3.7	2.6	1.9
Automotive products	6.7	8.0	10.1	10.7	12.2	11.6
7812 Motor vehicles for the transport of persons, n.e.s.	5.7	7.4	9.4	9.6	10.4	9.5
Other transport equipment	1.7	1.2	0.8	0.7	1.1	0.9
Textiles	4.6	4.9	4.0	4.0	4.7	4.3
6523 Other fabrics of 85% finished cotton <200g/m2	1.6	1.4	1.0	1.4	1.5	1.2
6522 Cotton fabric, woven, unbleached	1.1	0.8	0.8	0.7	0.9	1.1
6535 Fabrics, woven, artificial filament yarn	1.0	1.9	1.4	1.2	1.1	1.0
Clothing	0.9	0.5	0.4	0.6	0.5	0.4
Other consumer goods	8.3	6.4	6.4	6.3	6.9	6.6
8993 Candles, matches, pyrophoric alloys, etc.	0.9	0.7	0.8	1.0	1.4	1.1
Other	0.0	0.1	0.4	0.0	0.0	0.0

Source: WTO Secretariat estimate, based on UNSD, Comtrade database SITC Rev.3 data.

Table A1.2
Structure of exports, 2003-08
(US\$ million and per cent)

	2003	2004	2005	2006	2007	2008
Total (US\$ million)	5.1	18.1	5.1	11.5	12.5	13.9
	(per cent)					
Total primary products	73.1	57.8	83.0	85.9	88.3	79.1
Agriculture	70.6	57.1	82.7	85.0	87.8	63.7
Food	63.3	55.9	78.4	81.1	81.6	59.6
0577 Edible nuts fresh, dried	0.0	0.0	0.5	0.0	0.1	16.2
0342 Fish, frozen (excluding fillets and minced fish)	3.7	0.7	4.4	1.1	11.3	15.7
2221 Groundnuts	7.2	7.8	0.0	48.0	8.5	5.5
0363 Molluscs, and aquatic invertebrates	1.5	0.2	0.3	0.4	4.4	4.0
1222 Cigarettes containing tobacco	9.9	0.1	0.0	0.4	0.1	3.1
0813 Oil-cake, oilseed residues	0.3	7.3	0.1	0.1	11.2	2.6
0545 Other fresh or chilled vegetables	1.9	1.5	7.4	20.7	2.9	1.8
0341 Fish, fresh, chilled, whole	0.1	0.0	0.5	0.2	2.2	1.7
0353 Fish, smoked	0.3	0.2	1.0	0.3	1.0	1.4
0589 Fruit, nuts, n.e.s., whether or not sweetened	0.0	0.0	0.0	0.0	0.4	1.3
0351 Fish, dried, salted	0.8	0.2	1.1	0.2	0.7	1.1
Agricultural raw material	7.3	1.2	4.3	3.9	6.2	4.2
2690 Worn clothing and other worn textile articles, rags	1.1	0.2	2.3	2.1	3.0	2.9
2924 Plants/parts for perfumery/pharmacy, etc., fresh/dried	0.0	0.0	0.0	0.0	0.0	0.9
Mining	2.5	0.7	0.3	0.9	0.5	15.4
Ores and other minerals	0.7	0.7	0.3	0.8	0.5	14.7
2823 Other ferrous waste and scrap	0.3	0.1	0.0	0.0	0.2	13.7
Non-ferrous metals	1.0	0.0	0.0	0.1	0.0	0.2
Fuels	0.8	0.0	0.0	0.0	0.0	0.5
Manufactures	26.9	42.1	16.9	14.1	11.7	20.9
Iron and steel	1.9	0.6	0.2	0.4	0.1	0.8
Chemicals	1.3	0.2	0.5	0.5	1.6	3.2
5541 Soap	0.0	0.0	0.0	0.0	0.5	1.4
Other semi-manufactures	0.7	0.1	2.1	1.2	1.6	3.0
6996 Articles iron or steel, n.e.s.	0.0	0.0	0.0	0.0	0.0	2.3
Machinery and transport equipment	14.4	37.1	11.3	9.8	6.2	6.7
Power generating machines	0.4	0.0	0.0	0.0	0.0	0.1
Other non-electrical machinery	0.5	20.6	7.0	1.1	1.4	2.0
7234 Constructing and mining machinery, n.e.s.	0.0	20.3	0.0	0.0	0.0	1.6
Agricultural machinery and tractors	0.0	0.0	0.0	0.0	0.0	0.0
Office machines and telecommunication equipment	0.8	0.1	1.2	0.2	0.2	0.7
Other electrical machines	0.0	0.1	0.4	2.0	0.1	0.2
Automotive products	6.3	1.0	2.8	6.4	4.5	2.6
7812 Motor vehicles for the transport of persons, n.e.s.	4.6	1.0	2.6	6.2	4.3	1.9
Other transport equipment	6.4	15.3	0.0	0.1	0.0	1.1
Textiles	7.0	1.0	1.4	0.3	0.4	2.5
Clothing	0.4	2.7	0.2	0.9	0.3	0.1
Other consumer goods	1.2	0.4	1.2	1.0	1.5	4.6
8741 Compasses; other navigational instruments; surveying instruments	0.0	0.0	0.0	0.0	0.0	2.2
8928 Printed matter, n.e.s.	0.0	0.0	0.0	0.5	1.0	1.7
Other	0.0	0.1	0.1	0.0	0.0	0.0

Source: WTO Secretariat estimate, based on UNSD, Comtrade database SITC Rev.3 data.

Table A1.3
Origin of imports, 2003-08
(US\$ million and per cent)

	2003	2004	2005	2006	2007	2008
Total (US\$ million)	162.6	236.7	259.6	259.3	320.9	329.4
	(per cent)					
America	5.8	12.1	11.0	16.0	16.7	15.4
United States	2.1	7.4	6.5	12.0	13.0	10.9
Other America	3.7	4.7	4.5	4.0	3.7	4.5
Brazil	3.6	4.6	4.3	3.9	3.5	4.3
Europe	67.5	44.7	45.7	47.4	47.5	44.1
EU(27)	66.1	42.8	44.7	46.8	46.3	42.1
Germany	36.2	11.3	11.5	8.3	8.2	10.9
United Kingdom	10.3	7.9	9.1	7.0	7.7	8.1
Denmark	2.0	6.6	11.2	16.6	14.4	7.3
Netherlands	2.8	4.0	2.8	2.7	5.6	7.0
Belgium	2.7	3.0	3.1	3.8	3.9	3.0
France	6.3	5.9	3.7	4.9	3.0	2.7
Spain	1.9	1.7	1.3	1.2	2.3	1.2
Italy	1.8	1.6	1.5	1.6	0.6	0.9
EFTA	0.3	0.3	0.3	0.2	0.6	1.5
Switzerland	0.3	0.3	0.3	0.2	0.6	1.5
Other Europe	1.1	1.5	0.7	0.4	0.5	0.5
Commonwealth of Independent States (CIS)	0.2	0.0	0.0	0.0	0.0	0.0
Africa	10.2	16.9	16.9	15.1	12.3	15.1
Côte d'Ivoire	3.1	12.1	12.6	8.6	6.7	8.9
Senegal	4.6	3.1	2.0	4.0	2.7	3.0
Nigeria	0.2	0.2	0.2	0.1	0.8	1.5
Middle East	1.7	1.9	2.2	2.2	2.6	4.2
United Arab Emirates	1.4	1.6	1.8	1.9	2.1	3.6
Asia	14.4	24.5	24.2	19.3	20.8	21.2
China	5.1	12.1	9.3	9.3	10.6	10.8
Japan	1.5	1.6	2.1	3.4	2.8	1.9
Six East Asian traders	4.2	8.9	6.4	4.8	4.5	5.9
Hong Kong, China	2.4	3.6	3.4	2.6	2.0	1.9
Singapore	1.4	3.0	1.3	0.7	1.5	1.4
Thailand	0.3	2.2	0.8	0.3	0.1	1.3
Malaysia	0.0	0.0	0.7	1.2	0.6	1.2
Other Asia	3.7	1.9	6.4	1.8	3.0	2.7
India	3.5	1.8	4.7	1.0	2.0	1.7
Pakistan	0.1	0.1	1.5	0.6	0.5	0.8
Other	0.2	0.0	0.0	0.0	0.0	0.0

Source: WTO Secretariat estimate, based on UNSD, Comtrade database SITC Rev.3 data.

Table AI.4
Destination of exports, 2003-08
(US\$ million and per cent)

	2003	2004	2005	2006	2007	2008
Total (US\$ million)	5.1	18.1	5.1	11.5	12.5	13.9
	(per cent)					
America	1.5	0.2	1.4	1.8	2.2	3.4
United States	0.8	0.2	1.4	1.8	2.1	3.3
Other America	0.7	0.0	0.0	0.0	0.1	0.1
Europe	68.0	89.2	34.9	60.8	60.1	43.1
EU(27)	67.8	87.1	34.9	60.8	60.1	42.8
Netherlands	6.9	15.9	7.9	1.1	6.5	11.6
United Kingdom	23.8	46.4	18.6	49.0	19.7	10.1
Spain	3.0	0.2	0.3	0.3	2.9	8.7
Germany	10.0	2.5	2.5	4.2	1.8	6.2
Denmark	2.8	20.7	2.3	1.3	0.5	3.7
France	1.4	0.3	1.4	4.7	13.6	1.9
Belgium	0.8	0.4	1.7	0.1	5.5	0.3
EFTA	0.2	2.1	0.0	0.0	0.0	0.0
Other Europe	0.0	0.0	0.0	0.0	0.0	0.2
Turkey	0.0	0.0	0.0	0.0	0.0	0.2
Commonwealth of Independent States (CIS)	0.1	0.0	0.0	0.0	0.0	0.0
Africa	10.6	9.2	59.0	34.8	35.4	24.4
Senegal	4.7	0.7	9.0	30.8	25.2	17.4
Mauritania	0.1	0.0	3.0	0.0	7.5	2.9
Morocco	0.3	0.0	0.0	2.0	0.0	0.9
Mali	0.0	7.3	0.2	0.2	0.0	0.9
Nigeria	0.5	0.0	0.1	0.1	0.0	0.8
South Africa	0.2	0.1	0.3	0.0	1.4	0.6
Cameroon	0.0	0.0	0.0	0.0	0.0	0.1
Liberia	0.4	0.1	0.1	0.1	0.1	0.1
Middle East	0.3	0.0	0.4	0.1	0.1	4.1
United Arab Emirates	0.3	0.0	0.4	0.0	0.1	4.1
Asia	14.1	1.3	4.4	2.5	2.1	25.0
China	9.4	0.2	1.1	0.4	0.6	2.1
Japan	0.1	0.6	0.9	0.4	0.6	0.3
Six East Asian traders	2.1	0.2	1.3	1.6	0.2	5.1
Singapore	0.0	0.1	0.0	0.0	0.0	4.8
Hong Kong, China	1.1	0.1	1.1	0.0	0.1	0.3
Other Asia	2.5	0.3	1.0	0.1	0.8	17.4
India	2.2	0.3	0.0	0.1	0.8	17.4
Other	5.4	0.0	0.0	0.0	0.0	0.0

Source: WTO Secretariat estimate, based on UNSD, Comtrade database SITC Rev.3 data.

Table AIII.1
Applied MFN tariff averages by HS2, 2010

Code	Description	No. of lines	Average tariff (%)	Range (%)	Std-dev (%)	Imports 2008 (US\$ million)
	Total/Average	5,091	14.1	0-20	7.5	329.4
01	Live animals	22	0.0	0	0.0	0.1
02	Meat and edible meat offal	58	20.0	20	0.0	1.4
03	Fish and crustaceans, molluscs, and other aquatic invertebrates	106	20.0	20	0.0	0.0
04	Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included	27	14.4	5-20	7.4	6.9
05	Products of animal origin, not elsewhere specified or included	15	20.0	20	0.0	0.0
06	Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage	16	20.0	20	0.0	0.0
07	Edible vegetables and certain roots and tubers	58	19.4	0-20	3.3	3.4
08	Edible fruit and nuts; peel of citrus fruit or melons	57	20.0	20	0.0	0.1
09	Coffee, tea, mate, and spices	31	19.4	10-20	2.5	3.3
10	Cereals	16	15.0	0-20	8.9	27.2
11	Products of the milling industry; malt; starches; inulin; wheat gluten	28	17.9	5-20	5.3	7.3
12	Oil seeds and oleaginous fruits; misc grains, seeds and fruit; industrial or medicinal plants; straw and fodder	37	6.4	0-20	9.1	0.1
13	Lac; gums, resins and other vegetable saps and extracts	10	10.0	10	0.0	0.0
14	Vegetable plaiting materials; vegetable products not elsewhere specified or included	5	20.0	20	0.0	0.0
15	Animal or vegetable fats and oils and their cleavage products; prepared edible fats; animal or vegetable waxes	45	15.1	5-20	6.5	17.7
16	Preparations of meat, of fish or of crustaceans, molluscs or other aquatic invertebrates	26	19.6	10-20	2.0	1.9
17	Sugars and sugar confectionery	17	15.6	5-20	7.0	12.3
18	Cocoa and cocoa preparations	11	20.0	20	0.0	0.1
19	Preparations of cereals, flour, starch or milk; pastry cooks' products	19	18.9	0-20	4.6	1.2
20	Preparations of vegetables, fruit, nuts or other parts of plants	52	19.8	10-20	1.47	5.4
21	Miscellaneous edible preparations	16	20.0	20	0.0	3.8
22	Beverages, spirits and vinegar	22	20.0	20	0.0	1.6
23	Residues and waste from the food industries; prepared animal fodder	23	10.0	10	0.0	0.1
24	Tobacco and manufactured tobacco substitutes	9	20.0	20	0.0	4.4
25	Salt; sulphur; earths and stone; plastering materials, lime and cement	69	6.7	5-10	2.4	10.7
26	Ores, slag and ash	37	1.0	10	0.0	0.0
27	Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes	60	8.5	0-20	9.4	65.5
28	Inorganic chemicals; organic or inorganic compounds of precious metals, of rare-earth metals, of radioactive elements or of isotopes	165	0.0	0	0.0	2.2
29	Organic chemicals	338	10.0	10	0.0	0.6

Code	Description	No. of lines	Average tariff (%)	Range (%)	Std-dev (%)	Imports 2008 (US\$ million)
Table AIII.1 (cont'd)						
30	Pharmaceutical products	31	5.2	0-10	3.8	8.7
31	Fertilizers	23	0.0	0	0.0	0.3
32	Tanning or dyeing extracts; tannins and their derivatives; dyes, pigments and other colouring matter; paints and varnishes; putty and other mastics; inks	44	12.7	0-20	8.1	0.8
33	Essential oils and resinoids; perfumery, cosmetic or toilet preparations	29	19.5	5-20	2.8	0.6
34	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring preparations, candles and similar articles, modelling pastes, dental waxes and dental preparations with a basis	23	19.3	5-20	3.1	4.1
35	Albuminoidal substances; modified starches; glues; enzymes	15	20.0	20	0.0	0.3
36	Explosives; pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations	8	18.8	10-20	3.5	1.0
37	Photographic or cinematographic goods	33	10.0	10	0.0	0.1
38	Miscellaneous chemical products	80	15.6	0-20	7.2	1.2
39	Plastics and articles thereof	126	19.2	5-20	3.4	10.1
40	Rubber and articles thereof	85	17.5	5-20	4.5	1.0
41	Raw hides and skins (other than furskins) and leather	37	15.1	0-20	8.7	0.0
42	Articles of animal gut (other than silk-worm gut)	20	20.0	20	0.0	0.6
43	Furskins and artificial fur; manufactures thereof	12	20.0	20	0.0	0.0
44	Wood and articles of wood; wood charcoal	75	17.1	10-20	4.6	2.2
45	Cork and articles of cork	7	15.7	10-20	5.3	0.0
46	Manufactures of straw, of esparto or of other plaiting materials; basketware and wickerwork	11	20.0	20	0.0	0.0
47	Pulp of wood or of other fibrous cellulosic material; recovered (waste and scrap) paper and paperboard	21	20.0	20	0.0	0.0
48	Paper and paperboard; articles of paper pulp, of paper or of paperboard	104	18.9	0-20	4.0	2.2
49	Printed books, newspapers, pictures and other products of the printing industry; manuscripts, typescripts and plans	19	6.1	0-20	5.9	3.1
50	Silk	9	20.0	20	0.0	0.0
51	Wool, fine or coarse animal hair; horsehair yarn and woven fabric	38	10.0	10	0.0	0.0
52	Cotton	124	10.3	10-20	1.8	8.1
53	Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn	23	15.2	10-20	5.1	0.0
54	Man-made filaments	70	17.3	10-20	4.5	3.3
55	Man-made staple fibres	107	14.8	10-20	5.0	0.9
56	Wadding, felt and nonwovens; special yarns; twine, cordage, ropes and cables and articles thereof	31	18.5	5-20	4.5	0.2
57	Carpets and other textile floor coverings	21	20.0	20	0.0	0.3
58	Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery	40	19.0	10-20	3.0	0.1
59	Impregnated, coated, covered or laminated textile fabrics; textile articles of a kind suitable for	24	20.0	20	0.0	0.0

Code	Description	No. of lines	Average tariff (%)	Range (%)	Std-dev (%)	Imports 2008 (US\$ million)
	industrial use					
Table AIII.1 (cont'd)						
60	Knitted or crocheted fabrics	43	20.0	20	0.0	0.0
61	Articles of apparel and clothing accessories, knitted or crocheted	106	20.0	20	0.0	0.7
62	Articles of apparel and clothing accessories, not knitted or crocheted	113	20.0	20	0.0	0.5
63	Other made up textile articles; sets; worn clothing and worn textile articles; rags	52	20.0	20	0.0	7.7
64	Footwear, gaiters and the like; parts of such articles	26	19.6	10-20	2.0	2.5
65	Headgear and parts thereof	9	20.0	20	0.0	0.0
66	Umbrellas, sun umbrellas, walking-sticks, seat-sticks, whips, riding-crops and parts thereof	6	20.0	20	0.0	0.1
67	Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair	8	20.0	20	0.0	0.0
68	Articles of stone, plaster, cement, asbestos, mica or similar materials	50	13.7	10-20	4.8	0.4
69	Ceramic products	29	15.7	0-20	6.4	3.0
70	Glass and glassware	64	16.2	5-20	5.3	0.7
71	Natural or cultured pearls, precious or semi-precious stones, precious metals, metals clad with precious metal, and articles thereof; imitation jewellery; coin	54	20.0	20	0.0	0.0
72	Iron and steel	167	15.1	10-20	5.0	2.1
73	Articles of iron or steel	125	14.5	0-20	5.2	4.9
74	Copper and articles thereof	51	10.0	0-20	6.6	0.2
75	Nickel and articles thereof	17	5.0	5	0.0	0.0
76	Aluminium and articles thereof	36	10.8	0-20	5.5	2.6
78	Lead and articles thereof	8	11.3	10-20	3.5	0.0
79	Zinc and articles thereof	9	11.1	10-20	3.3	0.0
80	Tin and articles thereof	5	12.0	10-20	4.5	0.0
81	Other base metals; cermets; articles thereof	48	8.3	0-10	3.8	0.1
82	Tools, implements, cutlery, spoons and forks, of base metal; parts thereof of base metal	66	18.6	5-20	4.3	0.6
83	Miscellaneous articles of base metal	36	18.9	0-20	4.6	0.8
84	Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof	506	5.9	0-20	8.8	12.7
85	Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles	263	17.8	0-20	5.0	14.7
86	Railway or tramway locomotives, rolling-stock and parts thereof; railway or tramway track fixtures and fittings and parts thereof; mechanical (including electro-mechanical) traffic signalling equipment of all kinds	23	0.0	0	0.0	0.1
87	Vehicles other than railway or tramway rolling-stock, and parts and accessories thereof	88	18.2	5-20	4.2	39.5
88	Aircraft, spacecraft, and parts thereof	15	0.0	0	0.0	0.1
89	Ships, boats and floating structures	18	20.0	20	0.0	0.2
90	Optical, photographic, cinematographic, measuring, checking, precision, medical or surgical instruments	149	12.6	0-20	9.1	2.8

Code	Description	No. of lines	Average tariff (%)	Range (%)	Std-dev (%)	Imports 2008 (US\$ million)
91	and apparatus; parts and accessories thereof Clocks and watches and parts thereof	51	20.0	20	0.0	0.0
Table AIII.1 (cont'd)						
92	Musical instruments; parts and accessories of such articles	17	20.0	20	0.0	0.0
93	Arms and ammunition; parts and accessories thereof	20	20.0	20	0.0	0.0
94	Furniture; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings; lamps and lighting fittings, not elsewhere specified or included; illuminated signs, illuminated name-plates	39	20.0	20	0.0	3.7
95	Toys, games and sports requisites; parts and accessories thereof	31	20.0	20	0.0	1.6
96	Miscellaneous manufactured articles	51	20.0	20	0.0	0.2
97	Works of art, collectors' pieces and antiques	7	10.0	10	0.0	0.0

Source: WTO Secretariat estimates, based on data provided by the Gambian authorities.

Table AIII.2
Rates of excise tax, 2010

Description	Excise tax rate
Imported soft drinks	D 5/litre
Imported canned fruit	5%
Domestic beer	D 5/litre
Imported beer	D 75/litre
Wine	D 100/litre
Spirit	D 150/litre or D 175/litre
Mineral water without added sugar	D 5/litre
Mineral water with sugar added	D 5/litre
Cigarettes	D 150/kg
Second-hand cars	15%
New cars	25%
Laundry soap	D 5/litre
Nails	5%
Sugar confectionary	5%
Wheel barrows	5%

Source: Customs and Excise Act, 2010.

Table AIV.1
Gambian agriculture tariff items with rates below 20%, 2010

HS subheading (six-digit)	Product description	Duty rate
010110	Pure-bred breeding horses, live	0.0
010190	Other horses, live	0.0
010210	Pure-bred breeding bovines, live	0.0
010290	Other bovines, live	0.0
010310	Pure-bred breeding swine, live	0.0
010391	Other swine, live, weighing < 50 kg	0.0
010392	Other swine, live	0.0
010410	Sheep, live	0.0
010420	Goats, live	0.0
010511	Fowls (<i>Gallus domesticus</i>), weighing not more than 185 g, live	0.0
010512	Turkeys, weighing not more than 185 g, live	0.0
010519	Geese, ducks, guinea-fowls, weighing not more than 185 g, live	0.0
010594	Other fowls (<i>Gallus domesticus</i>), live	0.0
010599	Other poultry, live	0.0
010611	Primates, live	0.0
010612	Whales, dolphins, porpoises etc., live	0.0
010619	Other mammals, live	0.0
010620	Reptiles, including snakes and turtles, live	0.0
010631	Birds of prey, live	0.0
010632	Parrots etc., live	0.0
010639	Other birds, live	0.0
010690	Other live animals	0.0
040110	Milk and cream, fat content, by weight, not exceeding 1%	5.0
040120	Milk and cream, fat content, by weight, exceeding 1% but not exceeding 6%	5.0
040130	Milk and cream, fat content, by weight, exceeding 6%	5.0
040210	Milk and cream, concentrated, in powder, granules or other solid forms, fat content, by weight, not exceeding 1.5%	5.0
040221	Milk and cream, concentrated, in powder, granules or other solid forms, fat content, by weight, exceeding 1.5%, not containing added sugar or other sweetening matter	5.0
040229	Milk and cream, concentrated, in powder, granules or other solid forms, fat content, by weight, exceeding 1.5%, other	5.0
040291	Milk and cream, other, not containing added sugar or other sweetening matter	5.0
040299	Milk and cream, other	5.0
040130	Milk and cream, fat content over 6%	5.0
071490	Other root vegetables	0.0
090210	Green tea, not fermented, in packings not over 3 kg	10.0
090220	Green tea, not fermented, other	10.0
100610	Rice in the husk (paddy or rough)	0.0
100620	Husked (brown) rice	0.0
100630	Semi-milled or wholly milled rice, whether or not polished or glazed	0.0
100640	Broken rice	0.0
110100	Wheat or meslin flour	5.0
110210	Rye flour	5.0
110220	Maize (corn) flour	5.0
110230	Rice flour	5.0
110290	Other flour	5.0
120400	Linseed, whether or not broken	0.0
120510	Rape or colza seeds, low erucic acid	0.0
120590	Rape of colza seeds, other	0.0

HS subheading (six-digit)	Product description	Duty rate
Table AIV.1 (cont'd)		
120600	Sunflower seeds, whether or not broken	0.0
120720	Cotton seeds	0.0
120740	Sesame seeds	0.0
120750	Mustard seeds	0.0
120791	Poppy seeds	0.0
120799	Other oilseeds	0.0
120910	Sugar beet seed	0.0
120921	Alfalfa seed	0.0
120922	Clover seed	0.0
120923	Fescue seed	0.0
120924	Kentucky blue grass seed	0.0
120925	Rye grass seed	0.0
120929	Other grass seed	0.0
120930	Seeds of herbaceous plants cultivated principally for flowers	0.0
120991	Vegetable seeds	0.0
120999	Other seeds	0.0
121120	Ginseng roots	0.0
121130	Coca leaf	0.0
121140	Poppy straw	0.0
121190	Other medicinal etc. parts of plants	0.0
121300	Straw or husks, unprepared	5.0
121410	Alfalfa meal and pellets	5.0
121490	Other forage products	5.0
130120	Gum Arabic	10.0
130190	Other natural gums	10.0
130211	Opium extract	10.0
130212	Liquorice extract	10.0
130213	Hop extract	10.0
130219	Other vegetable extracts	10.0
130220	Pectic substances and thickeners	10.0
130231	Agar-agar	10.0
130232	Thickeners derived from locust-bean or guar seeds	10.0
130239	Other thickeners	10.0
150790	Soya bean oil, for food manufacturing	5.0
150810	Crude groundnut oil	10.0
150890	Other groundnut oil	5.0
150910	Virgin olive oil	10.0
150990	Other olive oil	5.0
151000	Other olive oil, including blends	10.0
151211	Crude sunflower or safflower seed oil and its fractions	10.0
151219	Other sunflower or safflower seed oil and its fractions	10.0
151221	Crude cotton seed oil, whether or not gossypol has been removed	10.0
151229	Other cotton seed oil and its fractions	5.0
151319	Other coconut (copra) oil and its fractions	5.0
151329	Other palm kernel or babassu oil	5.0
151411	Low erucic acid crude rapeseed oil and its fractions	5.0
151419	Other low erucic acid rapeseed oil and its fractions	5.0
151490	Other rapeseed, colza or mustard seed oil and their fractions	5.0

HS subheading (six-digit)	Product description	Duty rate
151519	Other linseed oil and its fractions	5.0
Table AIV.1 (cont'd)		
151590	Other vegetable oils and fractions	5.0
170111	Cane sugar, raw	5.0
170112	Beet sugar, raw	5.0
170191	Other sugar, containing added flavouring or colouring matter	5.0
170199	Other sugar	5.0
170211	Lactose syrup	5.0
190110	Malt extract based infant foods, for retail sale	0.0
200290	Tomatoes, prepared or preserved, other than whole or in pieces	10.0
230110	Flours, meals and pellets, of meat offal	10.0
230120	Flours, meals and pellets, of fish	10.0
230210	Bran, sharps, residues, of maize	10.0
230230	Bran etc. of wheat	10.0
230240	Bran etc. of other cereals	10.0
230250	Bran etc. of legumes	10.0
230310	Residues of starch manufacture	10.0
230320	Beet pulp, bagasse and other wastes of sugar manufacture	10.0
230330	Brewing or distilling dregs and waste	10.0
230400	Oil cake and residues of soya or groundnut oil	10.0
230610	Oil cake and residues of cotton seed	10.0
230620	Oil cake and residues of linseed	10.0
230630	Oil cake and residues of sunflower seed	10.0
230641	Oil cake and residue of low erucic acid rapeseed	10.0
230649	Oil cake and residue of other rapeseed	10.0
230650	Oil cake and residue of coconut or copra	10.0
230660	Oil cake and residue of palm nuts or kernels	10.0
230690	Other oil cake and residue	10.0
230700	Wine lees and argol	10.0
230800	Other vegetable based animal feed, n.e.s.	10.0
230910	Dog or cat food, for retail sale	10.0
230990	Other animal feed	10.0

Source: Gambia national tariff, 2010.

Table AIV.2
Applied MFN tariffs, by ISIC Rev.2 category, 2010
 (Per cent and US\$ million, in ascending order of tariff average by subsector)

ISIC code	Description	No. of lines	Simple avg.	Range	Std-dev	2008 imports (US\$ million)
			(%)			
	Total	5,091	14.1	0 20	7.5	329.4
1	Agriculture, hunting, forestry and fishing	285	15.5	0-20	7.8	10.0
11	Agriculture and hunting	214	14.5	0-20	8.6	9.7
12	Forestry and logging	21	16.2	10-20	5.0	0.3
121	Forestry	13	14.6	10-20	5.2	0.0
122	Logging	8	18.8	10-20	3.5	0.3
13	Fishing	50	19.6	10-20	2.0	0.0
1301	Ocean and coastal fishing	43	19.5	10-20	2.1	0.0
1302	Fishing n.e.c.	7	20.0	20	0.0	0.0
2	Mining and quarrying	97	7.5	0-20	4.5	0.1
21	Coal mining	4	0.0	0	0.0	0.0
22	Crude petroleum and natural gas production	4	5.0	0-20	10.0	0.0
23	Metal ore mining	23	10.0	10	0.0	0.0
2301	Mining of iron ores	2	10.0	10	0.0	0.0
2302	Non-ferrous ore mining	21	10.0	10	0.0	0.0
29	Other mining	66	7.3	0-20	4.3	0.1
2903	Salt mining	1	5.0	5	0.0	0.0
2901	Mining of feldspar	32	5.3	5-10	1.2	0.0
2902	Mining of fertilizer and chemical minerals	14	7.5	5-10	2.6	0.0
2909	Mining and quarrying n.e.s.	21	10.2	0-20	6.2	0.0
3	Manufacturing	4,708	14.1	0-20	7.5	319.2
3 - 31	Manufacturing (excluding food processing)	4,234	13.7	0-20	7.6	230.4
3512	Fertilizers and pesticides	29	0.0	0	0.0	1.4
3842	Railway and tramway equipment	23	0.0	0	0.0	0.1
3845	Aircraft manufacture	21	1.0	0-20	4.4	0.1
3822	Agricultural machinery	33	1.8	0-20	5.8	0.7
3823	Metal and woodworking machinery	108	3.2	0-20	7.3	1.1
3824	Special industrial machinery	142	3.7	0-20	7.8	3.6
354	Manuf. of miscellaneous petroleum and coal products	15	5.3	0-20	8.3	0.1
382	Non-electrical machinery incl. computers	504	6.8	0-20	9.2	12.9
3511	Basic industrial chemicals	509	7.3	0-20	5.8	3.0
3522	Drugs and medicines	89	8.5	0-10	2.9	8.7
3813	Structural metal products	20	8.5	0-20	9.9	1.8
351	Industrial chemicals	675	9.3	0-20	7.3	11.8
3692	Cement, lime and plaster	9	9.4	5-10	1.7	10.6
342	Printing and publishing and allied industries	26	9.8	0-20	8.1	3.6
372	Non-ferrous metal basic industries	171	9.9	0-20	5.1	2.0
3118	Sugar products	7	10.0	5-20	7.1	11.7
3412	Containers, paperboxes, paperboard	9	10.0	5-20	7.5	0.9
3829	Non-electrical machinery and equipment, n.e.s.	174	11.0	0-20	9.3	3.1
35	Chemicals, petroleum, coal, rubber, plastics	1,067	11.2	0-20	7.5	98.2
3122	Manufacture of animal feeds	8	11.3	10-20	3.5	0.1
3851	Prof., scientif., measuring equipment	99	11.4	0-20	9.8	2.8

ISIC code	Description	No. of lines	Simple avg.	Range (%)	Std-dev	2008 imports (US\$ million)
Table AIV.2 (cont'd)						
3825	Office machinery	35	12.0	0-20	9.9	4.5
37	Basic metal industries	377	12.3	0-20	5.5	6.1
38	Fabricated metal products, machinery, and equipment	1,352	12.3	0-20	9.2	75.8
384	Transport equipment	160	13.2	0-20	9.0	39.8
3821	Engines and turbines	12	13.3	0-20	9.8	0.0
352	Other chemicals, incl. pharm.	240	13.5	0-20	6.1	15.2
3844	Motorcycles et bicycles	17	13.5	10-20	4.9	2.0
3849	Other transport equipment n.e.c.	7	13.6	5-20	8.0	0.1
353	Petroleum refineries	35	13.7	0-20	9.4	65.5
3115	Manufacture of oil and fats (veg. and animal)	52	13.8	5-20	6.2	17.7
3211	Textile spinning, weaving and finishing	384	13.8	10-20	4.9	18.6
369	Other non-metallic mineral products	83	14.0	5-20	5.0	13.5
3699	Non-metallic mineral products	57	14.0	10-20	4.9	0.5
371	Iron and steel basic industries	206	14.4	10-20	5.0	4.1
3112	Dairy products	22	14.5	5-20	7.4	5.4
3819	Fabricated metal prod. except mach. and equip. n.e.c.	122	14.8	0-20	6.4	2.4
385	Professional and scientific equipment	201	15.0	0-20	8.1	3.1
36	Non-metallic mineral products except of petrol. and coal	163	15.1	0-20	5.4	14.7
3116	Grain mill products	33	15.2	0-20	7.3	29.3
356	Manufacture of plastic products n.e.s.	25	15.4	5-20	6.9	2.7
3215	Cordage, rope, etc	10	15.5	5-20	7.2	0.2
3521	Paints, varnishes and lacquers	14	15.7	5-20	6.2	0.7
3529	Other chemicals n.e.s.	107	15.7	0-20	5.7	4.0
381	Fabricated metal products, except machinery and equipment	222	15.7	0-20	6.7	5.2
3831	Electrical motors and apparatus	61	15.7	0-20	6.4	3.4
361	Pottery and china	16	15.9	0-20	7.4	0.5
321	Textiles	659	16.2	0-20	4.9	21.2
362	Manufacture of glass and glass products	64	16.2	5-20	5.3	0.7
3691	Structural clay products	17	16.5	10-20	4.9	2.4
34	Paper, paper products, printing and publishing	146	16.7	0-20	6.3	5.2
3311	Sawmills and woodmills	49	16.9	10-20	4.7	1.7
3832	Radio, television and communication equipment	114	16.9	0-20	6.8	7.0
3852	Photographic and optical goods	52	16.9	10-20	4.7	0.2
32	Textile, wearing apparel and leather industries	848	17.1	0-20	4.6	22.9
383	Electrical machinery apparatus, appliances, and supplies	265	17.2	0-20	5.9	14.8
3841	Ship building and repairing	22	17.3	0-20	7.0	0.3
311	Food products	388	17.8	0-20	5.2	77.4
331	Wood and wood products, except furniture	77	17.8	10-20	4.2	1.8
31	Manufacture of food, beverages and tobacco	474	18.0	0-20	5.0	88.8
312	Other food products and animal feeds	56	18.0	0-20	4.4	5.1
3839	Electrical apparatus n.e.s.	65	18.0	10-20	4.0	3.8
33	Wood and wood products, including furniture	101	18.3	10-20	3.8	5.2
341	Paper products	120	18.3	0-20	4.6	1.6
3111	Meat products	79	18.5	0-20	5.3	2.6
3411	Pulp, paper and paperboard	78	18.5	0-20	4.2	0.4

ISIC code	Description	No. of lines	Simple avg.	Range	Std-dev	2008 imports (US\$ million)
				(%)		
3319	Wood and cork products	14	18.6	10-20	3.6	0.1
Table AIV.2 (cont'd)						
3132	Manufacture of wines	8	18.8	10-20	3.5	0.2
3811	Manufacture of cutlery and hardware	72	18.8	5-20	4.2	0.7
3212	Made-up textile goods except wearing apparel	55	18.9	0-20	3.7	1.4
3513	Synthetic resins, plastic materials except glass	137	18.9	5-20	3.3	7.4
3909	Other manufacturing n.e.c.	116	19.1	0-20	3.2	1.7
3121	Other food products	48	19.2	0-20	3.5	5.0
3559	Rubber products n.e.s.	54	19.4	10-20	2.3	2.0
39	Other manufacturing industries	180	19.4	0-20	2.6	2.4
3113	Fruit and vegetable canning	93	19.5	0-20	2.8	8.6
3523	Soaps	30	19.5	5-20	2.7	1.8
313	Beverages	24	19.6	10-20	2.0	2.0
355	Rubber products	77	19.6	10-20	1.9	2.8
3114	Fish products	78	19.9	10-20	1.1	0.8
3843	Motor vehicles	70	19.9	10-20	1.2	37.2
3117	Manufacture of bakery products	11	20.0	20	0.0	0.9
3119	Cocoa and chocolate confectionery	13	20.0	20	0.0	0.5
3131	Distillation of spirits and alcohol production	9	20.0	20	0.0	0.1
3133	Manufacture of malt liquors and malt	3	20.0	20	0.0	0.5
3134	Soft drinks and mineral waters	4	20.0	20	0.0	1.2
314	Tobacco manufacturing	6	20.0	20	0.0	4.3
3213	Knitted and crocheted fabrics	149	20.0	20	0.0	0.7
3214	Carpets and rugs	21	20.0	20	0.0	0.3
3219	Textiles n.e.c.	40	20.0	20	0.0	0.0
322	Manufacture of wearing apparel, except footwear	127	20.0	20	0.0	0.6
323	Leather products, except footwear and wearing apparel	48	20.0	20	0.0	0.6
3231	Tanning and dressing of leather	28	20.0	20	0.0	0.0
3232	Fur dressing and dyeing	6	20.0	20	0.0	0.0
3233	Leather products except footwear	14	20.0	20	0.0	0.6
324	Footwear, except vulcanized rubber or plastic footwear	14	20.0	20	0.0	0.5
3312	Wooden case containers and cane ware	14	20.0	20	0.0	0.0
332	Manuf. of furniture and fixtures, except primarily of metal	24	20.0	20	0.0	3.4
3419	Articles n.e.s. (stationery)	33	20.0	20	0.0	0.3
3551	Tyre and tube industries	23	20.0	20	0.0	0.9
3812	Metal furniture and fixtures	8	20.0	20	0.0	0.3
3833	Electrical appliances and houseware	25	20.0	20	0.0	0.7
3853	Watches and clocks	50	20.0	20	0.0	0.0
3901	Jewellery and related articles	20	20.0	20	0.0	0.0
3902	Musical instruments	18	20.0	20	0.0	0.0
3903	Sporting goods	26	20.0	20	0.0	0.7
4	Electrical energy	1	0.0	0	0.0	0.0

Source: WTO Secretariat calculations, based on data provided by the Gambian authorities.

