

International Trade Law of the World Trade Organisation: Examining the Impact and Legal Implication of its Compliance Mechanisms within the CEMAC Customs Union

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Abstract

Member states of the CEMAC Customs union have adopted international trade law from the World Trade Organization (WTO) through international Treaties and Conventions. The international trade law is considered as the Community Law of the Union, and is governed by well-established principles to ensure compliance. However, the implementation of the trade regime by member states is plagued by poor implementation such as the maintenance of tariff and non-tariff barriers, non-respect of the rule of law, distortion in the application of the common external tariff and the lack of an effective sanctioning mechanism to enforce compliance with its international obligations. This work recommends the effective use of the WTO Compliance Mechanisms such as the Trade Policy Review Mechanism (TPRM) and Participation at the WTO Committees to ensure compliance with their international obligations. It examines the challenges associated with implementation, and concludes with robust recommendations intended to salvage the present drawbacks. This work employs a purely doctrinal research methodology.

Keywords: International trade law, World Trade Organisation (WTO), Compliance, Mechanisms, CEMAC, Customs Union.

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INTRODUCTION

In Africa, international trade agreement in the form of Customs unions can actually be traced back to the period following the political independence of most of the African Countries. After achieving political independence from their colonial masters, African countries needed economic independence. Political independence became the basis of economic independence in most of the African countries [1]. That is why Kwame Nkrumah, the founding father of the independence of Ghana clearly stated that political

independence without economic independence was meaningless [2]. The reason was that colonialism had thwarted the industrial development of African countries because they were simply used as a market for European manufactured goods and a source of raw materials to the colonial powers [3]. As such, after achieving political independence, most African countries were faced with the problem of limited markets, limited human and physical capital [4]. The socio-economic development of the African continent became a burning issue on their

¹ Princewill Dimkpa (2015), Colonialism, independence and underdevelopment in Africa, the pre-eminence and blame game, Masters Dissertation, University of Darlana, pp. 2-25.

² Godwin Gyimah (2020) "That New Africa is ready to fight its own battles": Kwame Nkrumah, the United States and the quest for modern Ghana, Master Dissertation, Eastern Illinois University, pp.1-120. See also Kenneth W. Grundy (1963) "Nkrumah's theory of

Underdevelopment: An Analysis of Recurrent Themes," *World Politics*, Vol. 15, No. 3, pp. 48-54.

³ Honest Prosper Ngowi (2009), "Economic Development and Change in Tanzania since independence: The political leadership factor", *African journal of political science and International Relations*, vol.3 issue 4, pp. 261-264.

⁴ Martha Belete Hailu (2014), "Regional Economic integration in Africa: Challenges and prospects," *Mizan law Review*, vol.8 no.2, p. 304-308.

agenda. Regional economic integration became the only viable option that could be used as a stepping stone in removing the stumbling blocks that lay on their path to economic development.

In Central Africa, the story was the same, although the concept of regional economic integration in this part of the African continent can be traced as far back as the dawn of independence. The CEMA Customs Union which comprises six Central African States, Cameroon, the Central African Republic, Chad, Equatorial Guinea, Gabon and the Republic of Congo, traced its origin from the French Equatorial Africa of 1910 and the Equatorial Customs Union of 1959 [6]. In 1966, Equatorial Customs Union was replaced by the **UNION DOUANIER ET ECONOMIQUE DE L'AFRIQUE CENTRALE (UDEAC)** [7] comprising five Central African states of Cameroon, Gabon, Chad, Central African Republic (C.A.R.) and the Republic of Congo. Later on, Equatorial Guinea joined this Union in 1983. The UDEAC Customs Union was replaced in 1999 with **COMMUNAUTAIRE ECONOMIQUE ET MONETAIRE DE L'AFRIQUE CENTRALE (CEMAC)**.

Today, CEMAC can rightly be considered as a Customs Union. Article 13(a) and (b) of the 2009 Convention regulating the Economic Community of Central Africa (UEAC), provides for the elimination of all customs duties and taxes, quantitative restrictions at import and export, taxes having equivalent effects as well as all other measures having equivalent effect that can affect transactions between member states. Furthermore, it provides for the adoption of a common commercial policy towards non-member states or third countries. The provisions of this article are in line with those of article XXIV: 8a (i) and (ii) of the General Agreement on Tariffs and Trade (GATT) of 1994, governing the formation of a Customs Union. As a Customs Union, it deals principally with international trade, which denotes the sales and purchase of goods and services across

international frontiers, governed by a vast trade laws comprising of international trade standards, regional and national legislation which can be either voluntary or mandatory [8].

With respect to establishing trade laws at the international level, the CEMAC Customs Union has adopted international trade standards under the auspices of the World Trade Organization (WTO), considered as the only global international organization dealing with the global rules of trade and ensuring that trade flows smoothly, predictably and freely as possible [9]. Member States of the CEMAC Customs Union are all Contracting Parties to the General Agreement on Tariffs and Trade (GATT) of 1994 [10] and the Marrakesh Agreement of 1994 leading to the formation of the World Trade Organization in 1995 [11]. They are equally parties to the Trade Facilitation Agreement (TFA) of 2013 that came into force in 2017 [12]. The adopted international trade standards have been incorporated into the legal order of Member States through the CEMAC Customs Code, and constitute international trade law. They therefore act as a legal basis from which every decision emanating from the various Customs Administrations of Member States with respect to importation, exportation, transit or movement of goods rest heavily on.

The adopted international trade standards are considered as the community law of the Union. The Black Law Dictionary defines Community as a society of people living in the same place, under the same laws and regulations, and who have common rights and privileges. As a community law, its implementation by Member States of the Union is subject to certain laid-down or well-established principles. The first of such principle is direct applicability which is governed by the Monists or the Dualists Theories. According to the Monist, international law should be directly inserted into the legal order of states after negotiation, ratification and publication. On the contrary, the Dualist holds that there is the need for parliamentary approval or scrutiny before

⁵ Abdulrahman Adamu (2017), "Africa political economy and the quest for free market: Challenges and prospects," *Review of public Administration and management*, vol. 5 issue 2, p.1-2.

⁶ The Equatorial Customs union of 1959 was established between four Central African States of Gabon, Chad, Republic of Congo and Central African Republic (C.A.R). Cameroon only joined in 1961 and it became known as the Equatorial Customs Union-Cameroon.

⁷ The Brazzaville Treaty of 1964 created the UDEAC Customs Union, replacing the Equatorial Customs Union, and comprising of Gabon, Cameroon, Chad, Central African Republic and the Republic of Congo as member states. Equatorial Guinea only joined the Union in 1983.

⁸ Arcna Negi et al (2020) Sustainability Standards and Global Governance: Experiences of Emerging Economies, Springer Nature Singapore Pte Ltd.

⁹ H, Radha Krishnan, V, Nivetha (2018) "Role of the World Trade Organization in promoting international trade after Marrakesh Agreement," *International Journal of Pure and Applied Mathematics*, Vol.120, No.5, pp. 3271-3275.

¹⁰ Cameroon joined GATT on 3 May 1963, Gabon on 3 May 1963, Chad on 12 July 1963, Republic of Congo on 3 May 1963, Central African Republic on 3 May 1963, and Equatorial Guinea on 8 December 1994.

¹¹ Cameroon joined the WTO on 13 December 1995, Chad joined on 19 December 1996, Gabon on 1 January 1995, Republic of Congo on 27 March 1997, Central African Republic on 31 May 1995 and Equatorial Guinea on 25 October 1995.

¹² Regulation No. 05/19-UEAC-010 A-CM-33 of 8 April 2019 bearing the revision of the CEMAC Customs Code.

international law becomes binding on states. CEMAC has adopted the Monist approach where regulations are directly applicable in the legal order of Member States without the need of parliamentary approval or scrutiny [13]. Article 41, paragraph 2 of the Revised CEMAC Treaty of 2009 provides that regulations are obligatory in its entirety and are directly applicable in the legal order of Member States.

The second principle is that of supremacy of Community Norms which provides that after negotiation, ratification, and publication, Community Norms become infra-constitutional and supra legislative. This entails that in case of conflict between the provision of a community norm and that of Member States, the former will prevail. In line with this principle, Article 44 of the Revised CEMAC Treaty of 2009 provides that all acts adopted by Institutions, Organs and Specialized Organs of the Union for the realization of the objectives of the Treaties are directly applicable in the legal order of member states notwithstanding any present or past contrary national legislation [14]. Implementation is equally governed by the principle of loyalty. For this reason, one of the fundamental objectives of the CEMAC Treaty is the loyalty of Member States to the Community through prompt compliance with its rules. In this regard, Article 4(2) of the Revised CEMAC Treaty of 2009, provides that Member States shall take appropriate measures to ensure the fulfilment of the obligations arising out of the Treaty, and shall abstain from taking any measure, be it general or specific, that can jeopardize or act as an obstacle to the attainment of the objectives of the Treaty. This provision of the CEMAC Treaty is not different from that of the European Union. Article 4, paragraph 3 of the Treaty of the European Union (TEU), regulating the principle of loyalty as a central norm governing Member States' conduct, provides that their fundamental commitment is to cooperate and comply with their legal obligations and to refrain from frustrating the Treaty's objectives.

For the objective of any Community to be achieved, the Community and its Member States must comply with the laws governing that community. Law compliance within this context presupposes that those actors who are called upon to apply the laws must align their conduct (decisions and actions) with the spirit required by the applicable norm [15]. In other words, it refers to the committed action of states for the achievement of goals or objectives and how these are consistent with the community norms. In short, it entails conformity of behaviour with legal rules [16]. Three schools of thought amongst others, the Rationalists, Managerial, and Constructivists have all advanced different reasons for compliance and non-compliance, as well as possible recommendations to enhance compliance. According to the Rationalists, States are rational actors that will comply with their international agreements only when the benefits outweigh the costs. The cost here may be material such as human and financial resources that States need to employ to enforce legislation at the domestic level. The cost can equally be damage to a country's international standing or reputation. This school of thoughts advocate for monitoring and sanctioning as a remedy for states that fail to comply with their international obligations [17].

The Managerial school of thought holds that non-compliance by a State is not always a calculated or intentional act, but it is due to certain conditions that render compliance impossible such as the lack of resources or capacity to comply with an agreement, inadequate clarity of international commitments and ambiguous treaty language. It advocates for the interpretation of treaty rules and capacity building as a means to resolve the problem of non-compliance [18]. The Constructivists school of thought holds that States can only comply with laws that are legitimate, and recommend social learning as a means to enforce compliance with international commitments [19]. The different schools of thoughts have their own strength and

¹³ Moses Retselisistoe Phooko (2021) Revisiting the Monism and Dualism Dichotomy: What does the South African Constitution of 1996 and the practice by the courts tell us about the reception of SADC Community Law (Treaty Law) in South Africa? *Journal of International and Comparative Law*, Vol.29, No.1, pp. 168-182. See also G Ferreira, A Ferreira-Snyman (2014) The incorporation of public international law into municipal law and regional law against the background of the dichotomy between Monism and Dualism, *Potchefstroom Electronic Law Journal*, Vol.14, No.4, pp. 1471-1497.

¹⁴ Edouard Gnimpieba Tonnang (2016) L'ORDRE JURIDIQUE COMMUNAUTAIRE DE LA CEMAC, Le HARMATTAN, CAMEROON.

¹⁵ Benedict Kingsbury (1998) The concept of compliance as a competing conceptions of international law, *Michigan Journal of International Law*, Vol.19:345, p.345.

¹⁶ Kal Raustilia (2000) Compliance and effectiveness in international regulatory cooperation, *Case Western Reserve Journal of International Law*, Vol.32, Issue.3, pp. 391-397.

¹⁷ Alexander Thompson (2009) The rational enforcement of international law: Solving the sanctioner's dilemma, *International Theory*, Vol.1, Issue: 2, pp. 307-321. See also Andrew T. Guzman (2002) A Compliance-Based Theory of International law, *California Law Review*, Vol.90:1823, pp. 1823-1888.

¹⁸ Tallberg Jonas (2002) Paths to Compliance: Enforcement, Management and the European Union, *International Organization*, Vol.56, Issue: 3, pp. 613-614.

¹⁹ Miriam HartLapp (2007) On Enforcement, Management and Persuasion: Different Logics of Implementation Policy in the EU and ILO, *Journal of Common Market Studies*, Vol.45, No.3, pp. 653-674.

weaknesses, but the rationalist theory of compliance is more preferable than the others. The reason being that, monitoring and sanctions as a means of enforcing compliance have proven their merits over time. As such, the rational choice approach to compliance in international law has widely been accepted in international relation theory by scholars and researchers, criticisms notwithstanding [20].

THE IMPACT AND LEGAL IMPLICATIONS OF WTO COMPLIANCE MECHANISMS WITHIN THE CEMAC CUSTOMS UNION

However, the implementation of the CEMAC Customs Community Legislation by Member States has remained unsatisfactory. The trade regime remains plagued by poor implementation such as the maintenance of tariff and non-tariff, the non-respect of the rule of law, distortion in the application of the Common External Tariff, and the lack of an effective enforcement mechanism to help Member States comply with their Community obligations [21].

Maintenance of Tariff and Non-Tariff Barriers

Tariffs are extra financial obligations imposed on imported or exported goods out of the normal customs duties and taxes paid for the goods, and any official fees charged for services rendered by the Customs Administration [22]. Non-tariffs are any policy measures other than tariffs such as quotas, standards on labelling and packaging, health standards, excessive delays, cumbersome customs procedures, ban, import licensing [23]. With respect to tariff and non-tariff barriers, the CEMAC Customs Union is considered today as the only economic grouping in Africa that maintains high tariff and non-tariff barriers [24]. This is in total violation of the WTO rules governing the formation of Customs Union.

According to Article XXIV: 8a (i) of the WTO, member states of a Customs Union are required to eliminate all duties and other restrictive regulation of commerce with respect to substantially all the trade

between the constituent states or at least with respect to substantially all the trade in products originating in such territories. Although this provision of the WTO law seems to be ambiguous and lack clarity, generally, other restrictive regulation of commerce is taken to mean tariff and non-tariff barriers. Without any doubt, one may conclude that one of the main reasons behind the formation of Customs Union is for trade liberalization. With regard to tariff barrier for example, member states have failed to respect the principle of free circulation of goods, otherwise known as Libre Pratique in its French acronym.

According to this principle, once goods have been imported from a third country into the CEMAC Community, and have fulfilled all the customs clearance procedures and formalities at import, such goods have the same status like goods that originate within member states and should not be subject to the payment of any customs duty or taxes when they are transferred to another member state for final consumption [25]. Regrettably, member states have continued to further tax such goods thus imposing double taxation on economic operators or importers [26]. With respect to non-tariff barrier for instance, the World Bank Group on Doing Business of 2020 which measures customs border procedures in relation to time, costs and number of documents required before crossing the border, classified Cameroon, Gabon and Chad at the 186,173 and 170 positions respectively out of the 190 countries surveyed. From this classification, there is no gainsaying that border procedures within the CEMAC member states are costly and cumbersome.

This situation is in total violation of the WTO Trade Facilitation Agreement of 2017, considering that one of the principal objectives of this trade agreement is to reduce the time, costs and documents that are required for economic operators to comply with international trade law and to facilitate trade [27]. That is why the TFA contain provisions that are designated to remove administrative hurdles and bureaucratic delays that can

²⁰Anne Van Aaken (2014) Behavioral International law and Economics, *Harvard International Law Journal*, Vol.55, No.2, pp. 421-422.

²¹ George Cherabe Nchomba (2022) The Legal Framework of the CEMAC Customs Union and its Implementation: A Comparative Study of Cameroon, Gabon and Chad, PhD Thesis, University of Dschang, Dschang, Cameroon (unpublished).

²² Article II: 1(b) of GATT of 1994.

²³ Ian Gillson, Nick Charalambides(2012) Addressing non-tariff barriers on regional trade in Southern Africa, Chapter 12(pp.225-246)In: Olivier Cadot, Mariem Malouche(eds): A fresh look at trade policy's new frontier, World Bank, Washington, DC, USA.

²⁴ Nicholas Ngepah et al (2018) African Regional Trade Agreements and Intra-African Trade, *Journal of Economic Integration*, Vol.33, No.1, pp. 1177-1178.

²⁵Article 31, paragraph 2 of Act No.2/91-UDEAC-556-CE-27 of 6 December 1991 provides that goods imported from third countries into the CEMAC Community which has undergone all the necessary customs clearance procedures and formalities at import are free to circulate freely just like goods originating within member states and are subject to control only to ascertain the quantity and value for statistical reasons.

²⁶ Business and Economics (2013) Cameroon Investment and Business Guide, Strategic and practical information, Lulu.Com.

²⁷ Jaime de Melo et al(2021) Implementing the Trade Facilitation Agreement(TFA): Estimates of reduction in time at Customs for the United Nations Vulnerable Economies, working paper development policies No.296, FERDI.

hamper the free movement of goods across international borders [28]. Costly and cumbersome customs procedures can prevent time sensitive goods, high-tech goods and perishable goods from reaching their consumers on time [29]. Tariff and non-tariff barriers increase the costs of doing business and force economic operators to transfer the costs to the price of the goods. The consequence is the upwards pressure on costs and the attendant deterrent on new investments. In the end, economic growth suffers, and social welfare lags behind [30].

On the contrary, a simplified customs procedure enhances investment. A study carried out by the World Bank in 2003 considered simplified and efficient customs border procedures as one of the conditions determining where to invest by the private sector [31]. Furthermore, the faster release of goods helps small-and medium-sized enterprises to export their goods on time, which contributes to economic activities both within the developed and developing countries [32]. With respect to the reduction in the cost of doing business as a result of the faster release of goods, studies have proven that reducing exporting costs in Sub-Saharan Africa by 10% could increase the exportation of goods by 47% [33].

Non-Respect of the Rule of Law

Rule of law refers to the rule of governance to which all persons, institutions, whether public or private, including the state itself are accountable to laws that are publicly promulgated, equally in force and independently adjudicated and which are consistent with international human rights norms and standards [34]. In 2016, Cameroon went in for an Economic Partnership Agreement with the European Union by negotiating for tariff concessions for correlative advantages for the importation of goods from both parties. In the first place, this was in total violation of the WTO law. Article XXIV: 8a (ii) of the WTO requires the constituent members of a Union to apply substantially the same duties and other regulation of commerce to trade with third countries. However, this does not imply that members of the union

are forced to harmonize all external trade restrictions or adopt an identical trade regime, but it entails a higher degree of sameness. Secondly, the act was equally in total violation of the CEMAC Community obligations.

According to Articles 10, 11 and 12 of the Revised CEMAC Customs Code of 2019, only the Council of Ministers have the right to legislate in all matter of customs duties and taxes at import, the right to concede tariff advantages for correlative advantages to third countries for goods originating within the union, and the right to negotiate with foreign countries any tariff concession for a determined period of time in exchange for correlative advantages. Still in line with non-compliance, the continuous tariff exonerations offered by the Ministry of Finance to economic operators out of those provided for by article 332 of the Revised CEMAC Customs Code is actually against the CEMAC Customs laws and regulations.

According to article 3 paragraph 2 of the CEMAC Customs Code, goods imported or exported by member states or on their behalf are not subject to any immunity or derogation, except those provided for by article 332 of the same code. Within this context, the CEMAC Customs Code prohibits all exceptional exonerations by the Ministry of Finances and National Directors of Customs, except those provided for by article 332 of the Revised CEMAC Customs Code [35]. We still observe that member states continue to accord exceptional exonerations out of those that have been duly established [36]. Still with respect to the non-respect of the rule of law, in 2005, Gabon was applying a Value Added Tax (VAT) rate of 25% in violation of Community Directive No.1/99-CEMAC-028-CM-03 of 1999 on the harmonization of internal taxes, fixing the rate of VAT at 15-18% [37]. In 2004, Central African Republic (C.A.R) levied a Community Preference Tax known as Taxe de Preference Communautaire (TPC) on selected goods such as prepared foods, whisky, wine and cosmetics originating within member states, in violation

²⁸ Joann Peterson (2020) The WTO Trade Facilitation Agreement: Implementation Status and next steps, *Journal of International Commerce and Economics*, p.5.

²⁹ Aid for Trade at a Glance 2015: Reducing Trade Costs for Inclusive Sustainable Growth, Chapter 4, WTO and OECD, 2015.

³⁰ The Effects of Tariff and Trade Barriers in Congressional Budget Office Protection, Macroeconomic Analysis Division of the CBO, 2019.

³¹ World Bank (2003) Investment Climate Survey Database, Washington D.C.

³² Javier Lopez Gonzalez, Silvia Serescu (2019) Helping small and medium size enterprises internationalize through trade facilitation, OECD Policy Papers, OECD Publishing.

³³ World Bank Group (2018) Trade Facilitation and Competitiveness in Cambodia, Project Performance Assessment Report No.126763.

³⁴ Report of the United Nations Secretary General on the rule of law and transitional justice in conflict and post conflict society, UNDOC5/2004/616, paragraph 6, 2004.

³⁵ Article 43-2 of Act No. 2/92-UDEAC-556-CD-SE1 of 30th April 1992 bearing the revision of Act No.13/65-UDEAC-35 fixing the condition for the application of Article 241 of the UDEAC Customs Code, now Article 332 of the Revised CEMAC Customs Code of 2019.

³⁶ George Cherabe Nchomba (2022) The legal framework of the CEMAC Customs Union and its implementation: Op. Cit. Note.21.

³⁷ African Development Bank (2005) Economic Community of Central African States, Regional Integration Assistance Strategy paper for Central Africa.

of the principle of the free circulation of goods within member states [38].

Distortion in the Application of the Common External Tariff

The application of the Common External Tariff (CET) is characterized by a lot of exemptions and distortion introduced through annual finance laws by member states [39]. One of the reasons that account for this situation may be the high nature of the CEMAC Common External Tariff (CET). When the tariff is too high, traders are most likely to negotiate with customs officials to avoid the payment of customs duties by paying part of it to the customs official in the form of bribe [40]. Although the distortion of the Common External Tariff (CET) in most cases is to protect home industries from foreign competition in order to promote industrial development, its implication for trade facilitation cannot be underestimated. When there are tariff distortions, traders and investors lack the predictability and security necessary to make long-term business decisions based on the market opportunities that tariff preferences provide [41]. When there is predictability, investment is encouraged, jobs are created and consumers can fully enjoy the benefits of competition through choice and lower prices [42]. Distortions or exemptions are not prohibited, but are accepted when their social and economic utility has been duly established [43].

Lack of an Effective Sanctioning Mechanism

The CEMAC Court of Justice ensures the respect of the Community law through interpretation and sanctions in case of violation [44]. In its judicial role to ensure respect for community law, the court entertain appeals for the failure of member states to fulfil their obligations accruing from the CEMAC Treaty and its

subsequent texts, appeals against organs, institutions and specialized institutions for abstaining to fulfil their community obligations, as well as appeal from any member state, organ, natural or legal persons who have a clear and legitimate interest in all cases of violations of the provisions of the Community law [45]. In this vein, the Court is aided by its Commission that ensures the respect and application of Community law by member states and their citizens, draws the attention of Member States, institutions, organs and specialized institutions of the consequences of the non-respect of Community law, and within this context, establishes a report to the Council of Ministers, and in case of silence, the president of the Commission seizes the Court to establish failure in order for the court to pronounce sanctions [46].

However, it has been observed that, the absence of sanctions against Member States that do not respect Community Norms has rendered the Court less effective [47]. In 2016, Cameroon signed an Economic Partnership Agreement (EPA) with the European Union in violation of Community Norm but was not sanctioned by the Court [48]. In 2005, Gabon was applying a Value Added Tax (VAT) rate of 25% in violation of that of the Community that stood at eighteen- percent (18%) but was never sanctioned by the Court [49].

This situation has prompted some authors to consider the CEMAC Community law as proclamatory law [50]. This deplorable situation has not created an enabling environment for trade facilitation considering that one of the reasons for the creation of any Customs union is to facilitate international trade. The United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) defines trade facilitation as the simplification, standardization and harmonization of procedures and associated information flows from seller

³⁸ Walkenhurst Peter (2006) Trade Policy and Regionalism in the Central African Republic, MRA Paper No.23863.

³⁹ Article 6 of Law No. 2006/013 of 29th of December 2006 bearing the finance law of the Republic of Cameroon for the 2007 financial year. See also Article and 2b of Law No. 2008/012 of 29th of December 2008 bearing the finance law of the Republic of Cameroon for the 2009 financial year.

⁴⁰ Daniel Joseph Onogou (2018) Corruption and efficiency of customs clearance process in selected countries, *Review of Public Administration and Management*, Vol.6, Issue 3, p. 5.

⁴¹ Lord Bartels, Christian Haeblerli (2010) Binding tariff preferences for developing countries under Article II of GATT, *Journal of International Economic Law*, Vol.13, Issue 4, pp. 969-990.

⁴² Getanda M. C. (2016) The birth of World Trade Organization, *International Journal of Scientific and Innovative Technology*, Vol.3, No.10, pp. 23-24.

⁴³ World Bank's Report of 2020 on Gabon public expenditure Review of 2020 on improving public spending quality to foster industrial growth.

⁴⁴ Article 48 of the Revised CEMAC Treaty of 30 of April, 2009.

⁴⁵ Article 23 and 24 of the Convention of 30 April 2009 regulating the CEMAC Court of Justice.

⁴⁶ Article 35 of the Revised CEMAC Treaty of 30 April, 2009.

⁴⁷ Guy Marcel Nono (2014) Integration Efforts in Central Africa: The case of CEMAC, UNU-CRIS Working Papers, W-2014/16.

⁴⁸ According to article 10 of the Revised CEMAC Customs Code of 2019, the power to legislate in matter of customs duties and taxes is the prerogative of the Council of Ministers of UEAC.

⁴⁹ Community Directive No. 1/-CEMAC-028-CM-03 of 1999 on the harmonization of internal taxes.

⁵⁰ Ange Bango(2009)L'elaboration et mise en oeuvre de la fiscalite dans les pays de la communaute economique et monetaire de L'afrique centrale(CEMAC),These de doctorat en Droit, Universite Jean Moulin Lyon, France.

to buyer and to make payments [51]. The World Trade Organization defines trade facilitation as the simplification and the harmonization of international trade procedures, where trade procedures are the activities, practices and formalities involved in collecting, presenting, communicating and processing data and other information required for the movement of goods in international trade [52]. In order to facilitate international trade, it is in the interest of member states of the CEMAC Customs Union to comply with the compliance mechanisms established by the WTO.

ENSURING COMPLIANCE WITH WTO LAW

International trade standards adopted from international trade organization such as the WTO can be either mandatory or voluntary. So the question here is whether member states of the CEMAC Customs Union are under any obligation to comply with trade laws adopted under the auspices of the WTO. The answer is obviously in the affirmative as WTO law is considered as international law. Secondly, it is a law that is binding on all members. And then, it is considered as a community law of the CEMAC Customs Union.

WTO Trade Law as International Law

International law is the body of law that applies largely between states and between states and international organizations and constitute of hard laws that are binding which requires compliance from those who are subject to it [53]. Article 38(1) of the Statute of the International Court of Justice (ICJ) provides the legal basis for any law to be considered as international. Laws adopted from international Treaties, Conventions and Agreements, laws based on customary international

practices, general principles of law accepted by civilized nations and judicial decisions can all be classified under international law [54]. International law compels every state to comply with its obligations or duties attributed to it by substantive international legal norms, and bearing its position on disputes between other states on what international law requires [55]. The Vienna Convention of 1969 and 1986 on the law of Treaties between States and between States and international organizations called on States to honour their international engagements acquired through Treaties [56]. The only exception is where a Treaty violates a rule of internal law that is of fundamental importance to the State [57], or where there is an expressed reservation during the conclusion of a Treaty [58].

International law also compels a state to interpret treaty provisions in good faith and in accordance with the ordinary meaning given to the terms of the treaty in their content and in the light of its object and purpose [59]. The question here is whether the WTO Agreement can be considered as a Treaty? The answer is obviously in the affirmative, as the Vienna Convention defines a Treaty as an international agreement governed by international law and concluded in written form between one or more states and one or more international organizations [60]. Furthermore, the Appellate Body (AB) in Japan-Alcoholic Beverages II stated that the WTO Agreement is a Treaty which has the international equivalence of a contract [61]. As a law that is not different from public international law, the AB stated in its first report of 1996 that the GATT should not be read in a clinical isolation from public international law [62].

⁵¹ Andrew Grainger (2012) Customs and trade facilitation: From concepts to implementation, *World Customs Journal*, Vol.2, No.1, p. 20-21.

⁵² Allali Sara(2021)The impact of the Trade Facilitation Agreement(TFA) on the Arab Maghreb Union’s regional integration, *International Journal of Accountig, Finance, Auditing, Management and Economics*, Vol.2, Issue:3, pp.311-312.

⁵³ Cheryl Saunders (2020) Compliance and Enforcement in international law, IDEA Constitution Brief.

⁵⁴ Zakiyyu Muhammad, U.S. Jahun(2017) An Examination of Article 38(1) of the Statute of the International Court of Justice 1945 as a source of International Law, *International Journal of Scientific and Research Publications*, Vol.7, Issue:8, pp.427-432.

⁵⁵ Lea Brilmayer, Isaias Tasfalidet (2011) “Third states obligations and the enforcement of international law,” *international law and politics*, Vol.44:1, pp. 9-10.

⁵⁶ Article 26 of the Vienna Convention provides that every Treaty in force is binding upon the parties to it, and must be performed by them in good faith (Pacta Sunt Servanda). Furthermore, Article 27 of the same Convention states that a party may not invoke the provisions of its internal laws as justification for its failure to perform a Treaty.

⁵⁷ Article 46 of the Vienna Convention provides that a state may not invoke the fact that it consent to be bound by a Treaty has been expressed in violation of a provision of its internal law regarding competence to conclude Treaty as invalidating its consent, unless that violation was manifest and concerned the rule of its internal law of fundamental importance.

⁵⁸ According to Article 2, paragraph d of the Vienna Convention of 21st March 1986, reservation denotes a unilateral statement, however phrased or named, made by a state or international organization when signing, ratifying, formally conforming, accepting, approving or acceding to a Treaty, whereby it purports to exclude or modify certain provisions of the Treaty in their application to that state or to that organization.

⁵⁹ Article 31(1) of the Vienna Convention on the Law of Treaty between states of 23rd May 1969.

⁶⁰ Article 2(i) of the Vienna Convention on the law of treaties between states and international organizations, or between international organizations of 21st March 1986.

⁶¹ The Appellate Body Report of 4th October 1996, Japan-Taxes on alcoholic beverages(WT/DS8/AB/R)

⁶² U.S-Gasoline (WT/DS2/AB/R) adopted on the 29 of April 2000.

Moreover, Article 3(2) of the Dispute Settlement Understanding (DSU) requires panel and the AB to clarify the existing provisions of those agreements in accordance with customary rules of interpretation of public international law, as well as Article 17(6) ii of the Anti-dumping Agreement of the WTO [63]. Likewise, the constructivists hold that compliance with international norms in the absence of coercive power or force is based on the legitimacy of the law. The question here is to find out whether the WTO trade law can be considered as legitimate. There is no doubt as many decisions on WTO Disputes Settlement cases have proven beyond reasonable doubt and hold this assertion of legitimacy to be true of WTO law, for example, the Shrimp Turtle Case [64]. With regard to the application of the general principles of law, on many occasions, this principle has been invoked by the GATT, and the WTO panels and the Appellate Body (AB) to support their reasoning, although in most cases, the AB had rejected it on grounds that one portion of a text of an agreement is not superior to another unless provided by the text [65].

The Binding Nature of WTO Law

International instruments, such as those incorporated in the World Trade Organization Agreements are legally binding on Member States and do not provide for any reservation [66]. For example, Article XXIV:13 of GATT provides that each member is fully responsible under GATT 1994 for the observance of all provisions of GATT 1994, and shall take reasonable measures as may be available to it to ensure such observance by regional and local governments and authorities within its territory. Furthermore, Article II, paragraph 2 on the scope of the agreement establishing the WTO provides that the agreement and associated legal instruments in Annexes 1,2, and 3(hereinafter referred to as Multilateral Trade Agreements), are integral parts of the agreement which are binding on all member states. Finally, the WTO Trade Facilitation Agreement (TFA) of 2017 is binding on all member states [67]. Apart from the binding nature of WTO Agreements, article 26 of the Vienna Convention of 1969 on the law of treaty between states provides that every treaty in force is binding upon the parties to it and must

be performed by them in good faith (Pacta Sunt Servanda). Furthermore, article 18(a) and (b) of the Vienna Convention provides that states should refrain from acts that would defeat the object and purpose of a treaty, once such treaty has been signed or once a state has expressed its consent to be bound by the treaty. For this reason, article 27 of the Vienna Convention prevents states from invoking the provisions of their internal laws as justification for failure to perform a treaty. However, violation can be tolerated when it is manifest and concerned a rule of its internal law of fundamental importance [68]. Secondly, violation can be tolerated when a reservation was formulated by a state during the ratification or the acceptance of a treaty which was not prohibited by the treaty [69].

In line with article 19(b) of the Vienna Convention, specified reservations have been provided for by the WTO under defensive trade measures [70]. However, there are some safety valves that have been put in place to prevent states from using such exceptional measures as a disguise to restrict international trade. For instance, in all cases of exceptions or restrictions maintained or instituted by states, they shall not exceed those necessary, shall be relaxed as conditions improve and shall be notified to the concerned parties.

The Internalization of WTO Law

Within the CEMAC Customs Union, the international trade standards adopted from the WTO constitute part of its Community Law. The Black Law Dictionary defines Community as a society of people living in the same place, under the same laws and regulations, and who have common rights and privileges. The WTO Law is therefore considered as a community law because it governs a community, namely its members [71]. The essence of Community Law is that, it obliges all political, judicial and administrative authorities within each member state to comply with such laws, the failure of which may attract serious

⁶³ Isabelle Van Damme (2010) "Treaty interpretation by the WTO Appellate Body," *The European journal of international law*, Vol.21, Issue 3, pp. 607-608.

⁶⁴ Kati Kuloversi(2008)The WTO Dispute Settlement System and the challenge of Environment and Legitimacy, PhD Thesis, The London School of Economics and Political Science, London.

⁶⁵ David Palmetier Petros C. Mavroidis(1998) The WTO Legal System: Sources of law, *The American Journal of International Law*, Vol.92, p.408.

⁶⁶ Robert Ireland, Tadatsugu Matsudaira (2011) Reform Instruments, tools and best practice approaches, Chapter 11(pp.175-195) In: Gerald Mclinden et al (eds) Border Management Modernization, World Bank, Washington, D.C.

⁶⁷ Ashley Kincaid Lloyd (2017) The Trade Facilitation Agreement: Building Faith in International trade in an uncertain time, *Denver Journal of International Law and Policy*, Vol.45, Number 4, p.10.

⁶⁸ According to article 46, paragraph 2 of the Vienna Convention, a violation is manifest if it would be evident to any state conducting itself in the matter in accordance with normal practice and in good faith.

⁶⁹ Article 19, paragraph(a) of the Vienna Convention of 1969.

⁷⁰ Article XI, XII, XIII, XIV, XV and XX of GATT of 1994.

⁷¹ Pascal Lamy (2007) The place of the WTO and its law in the international legal order, the *European Journal of International Law*, Vol.17, No.5, p.972.

sanctions [72]. It is for this reason that the success of any integration depends largely or to a significant extent on the faithfulness with which member states comply with their contractual obligations through prompt and adequate transposition into their domestic legal order [73]. Accordingly, member states of the CEMAC Customs Union are under the obligation to comply with their international obligations.

However, since there is no society where law can be applied in an absolute manner, community norms can be violated if justifiable. For example, during the food crisis of 2008, member states of CEMAC were forced to reduce the common external tariff on the importation of certain basic food necessities such as fish and flour. Under normal circumstances, reducing the common external tariff is the prerogative of the council of ministers and the commission. However, the social utility of such acts of violation must be judged to be of relevance importance. Secondly, community norms can also be violated as a result of pressure. According to a survey carried out, out of 13 ACP negotiators interviewed, eight felt that the European Community did not listen to the ACP concerns or proposals and eleven felt that they have been put under pressure to negotiate trade related issues by the European Commission. Even the European Trade Commissioner, Peter Mandelson came to acknowledge the fact that the last months of 2007 when the interim agreements were being imposed on ACP countries, were difficult and that some good relationships have been strained with the ACP countries [74]. Cameroon equally acknowledged the fact that in 2007, she was put under pressure from the EU to sign the interim agreement that violated the CEMAC Community norms.

⁷² Article 4 of the revised CEMAC Treaty of 2008 which came into force in 2009, provides that the realization of the objectives of the CEMAC Community will depend largely to the measures adopted by participating states, be it general or specific to assure the execution of obligations accruing from the CEMAC Treaty. Participating states are called upon to abstain from taking any measure susceptible of acting as an obstacle to the implementation of the Treaty objectives. In case of any failure by participating states to fulfil their Treaty obligations or their Community law, the CEMAC Court of Justice will be called upon to pronounce sanctions.

⁷³ Phedon Nicolaides, Helen Oberg (2006) The compliance problem in the European Union, EIPASCOPE 2006/1.

⁷⁴ Sanoussi Bilal, Christopher Stevens (2009), The interim Economic Partnership Agreements between the European Union and African States: Contents, Challenges and Prospects. Policy management Report No. 17, the European Center for Development policy management and the Overseas Development Institute.

WTO COMPLIANCE MECHANISMS

A compliance mechanism is aimed at reviewing the implementation of a contracting party's international obligation, with the aid of an international organ specifically set up for this purpose. In other words, it is considered as a mechanism set up by the relevant contracting parties for the purpose of regularly assessing the implementation of international obligations in national law and practice [75]. In the case of the WTO, the Trade Policy Review Mechanism, and participation at the various Committees of the WTO are considered as organs that help member states to comply with their international obligations established under the WTO.

TRADE POLICY REVIEW MECHANISM (TPRM)

In 1985, an Eminent Persons Group (EPG) proposed that a mechanism should be put in place to act as a watch dog to prevent member states of GATT of 1994 from failing to fulfil their obligations accruing from GATT rules [76].

A decision from the contracting parties of GATT arising from the mid-term review of the Uruguay Round in Montreal in December 1988 confirmed the establishment of the Trade Policy Review Mechanism on the 12 of April 1989 [77]. In 1995, as a result of the 1994 Uruguay round of multilateral trade negotiations that led to the formation of the WTO, the TPRM was instituted [78]. The main role of the TPRM is to carry out a periodic assessment of the adherence of member states to the multilateral trading rules by analysing the trading practices and policies of the member states of the WTO [79]. The TPRM is not an enforcement mechanism, but a compliance mechanism [80]. The legal basis of its role lies in Article XVI of the WTO that obliges member states of the WTO to make sure that their trade laws, regulations and administrative procedures are in line with the multilateral trading rules of the WTO [81].

⁷⁵ Nout Van Woudenberg (2004) Compliance Mechanisms: A useful instrument, *Environmental Policy and Law*, 34/4-5, p.85.

⁷⁶ Arunabha Ghosh (2010) "Developing countries in the WTO Trade Policy Review Mechanism," *World Trade Review*, Vol.9, Issue 3, pp. 100-101.

⁷⁷ *ibid*

⁷⁸ Annex 3 of the Marrakesh Agreement of 15 April 1995 establishing the World Trade Organization.

⁷⁹ Francis Snyder (2015) "No country is an island in regulating food safety: How the WTO monitors Chinese food safety laws through the Trade Policy Review Mechanism," *Journal of intensive agriculture*, Vol.14, No.11, pp. 2143-2144.

⁸⁰ Paragraph 1 of the TPRM provides that the TPRM does not serve as a basis for the enforcement of specific obligations under the agreements or for the dispute settlement procedures, or to impose new commitments on members.

⁸¹ Article XVI, paragraph 4 of the WTO states that each member shall ensure the conformity of its laws,

The periodic review of member state trade policies and practices is carried out once every three years for the top four countries (Japan, USA, China and the EU), and every five years for the next sixteen countries, and once every seven years for the other member countries, with developing and least developed countries given longer intervals for periodic assessment [82]. The periodic assessment starts with a request from the WTO Secretariat to any member state to notify its trade policies. Notification here entails a short statement designated in a specific format in which a member country identifies the law, regulation and practices carried out to comply with its obligations under the multilateral trading rules of the WTO [83].

The WTO Secretariat independently prepares its own report on the country under review by obtaining information and data from the country's web site, international organizations such as the World Bank, International Monetary Fund, and non-governmental Organizations and from academic work such as books and articles. The country under review is given four to six weeks to furnish the information, and after this period, a team of experts from the Division of the TPRM of the WTO secretariat travels to the capital city of the country for a period of one week or ten days to consult relevant stakeholders from the public and private sectors on the trade policies and practices of the country [84]. After the visit, the secretariat drafts a report and sent it to the country under review for verification. The final report together with a policy statement from the country under review is circulated to other member states five weeks before the review meeting which is organized by the TPRM Body, and open to all WTO members, except civil society organizations [85]. Member states are summoned to submit written questions on the report two weeks before the meeting. The secretariat identifies the main points contained in the questions and make them available one week before the meeting. The questions posed are given written responses by the country under review as well as new questions arising from the

regulations and administrative procedures with its obligations as provided in the annexed agreements.

⁸² Julien Grollier (2017) WTO Trade Policy Review Mechanism: Participation of small developing countries, CUTS International Technical Note of December 2017.

⁸³ UNCTD (2017) Trade Policy Framework for Developing Countries: A Manual of best practices, United Nations Conference on Trade and Development Report of 2017(UNCTAD/DIT/TNCD/2017/5).

⁸⁴ Valentin Zahrnt (2009) The WTO'S Trade Policy Review Mechanism: How to create political will for liberalization? European Center for International Political Economy (ECIPE) working paper No. 11/2009.

⁸⁵ Steffen Grammling (2009) WTO'S Trade Policy Review Mechanism: Explanations and Reflections. Fact sheet No. 03 on dialogue and globalization.

⁸⁶ Valentin Zahrnt (2009) Transparency of complex regulation: How should WTO Trade Policy Review

meeting. All documents including the minutes of the meeting are made public on the WTO Website [86]. Trade Policy Review Mechanism promotes compliance and ensure trade facilitation through five main channels; social learning, capacity building, transparency, consistency and predictability and peer pressure.

Social Learning

The concept of social learning was developed by Albert Bandura. This concept deals with acquiring norms, attitudes, expectations and beliefs by an individual or group of individuals as a result of their interaction with the cultural or social environment or the modelling and imitation of the behaviour, attitudes and emotional reaction of others [87]. Social learning therefore stimulates new behaviour acquired through observations, imitating others, and through direct instructions [88]. During plenary sessions of the Trade Policy Review Mechanism, social learning is stimulated through the exchange of information on best practices through interactions with colleagues, national experts and participants from other states. The goal is that social learning may change preferences and beliefs and persuade member states of the CEMAC Customs Union to comply with the trade laws.

The colleagues or participants act like role models because of all learning experiences and exposure as a result of interaction; role modelling has the highest impact on professional formation [89]. The social interaction could equally help with the development of a culture of compliance with international trade obligations. The reason is that social transformation of information is a key phenomenon in the evolution of behaviour and in the establishment of traditions and culture [90].

However, the extent to which member states of the CEMAC Customs Union could acquire the necessary norms, beliefs or expertise as a result of their social interaction will depend on a number of factors. First, due

Mechanism deal with sanitary and phytosanitary policies? European Center for International Political Economy working paper No. 06/2009.

⁸⁷ Mark S. Reed et al (2010) What is Social Learning?, Ecology and Society, Vol.15, Issue: 4, pp.1-10.

⁸⁸ Elizelle Juanee Cilliers(2021) Reflecting on social learning tools to enhance the teaching – learning experiences of Generation Z Learners, *Social Learning Tools and Generation Z*, Vol.5, pp.1-10.

⁸⁹ Jo Horsburgh, Kate Ippolito(2018) A skill to be worked at: Using social learning theory to explore the process of learning from role models in clinical settings, *BMC Medical Education*, pp.1-2.

⁹⁰ Joan Lind et al (2019) Social learning through associative processes: A computational theory, *Royal Society Open Science*, Vol.6, Issue 3, pp. 1-20.

importance should be accorded the knowledge acquired, and Secondly, the retention and reproduction of the acquired knowledge. And lastly, the motivating factor for implementing the acquired knowledge [91]. The motivating factor here can be considered as the political will of member states of the CEMAC Customs Union to implement the knowledge acquired for compliance and trade facilitation, without which the knowledge acquired through social interaction will be useless.

Capacity Building

According to the United Nations (UN), capacity building is the process by which individuals; groups, organizations, and communities increase their ability to perform core functions, solve problems, define and achieve objectives, and understand and deal with their development needs in a broad context and in a sustainable manner [92]. The WCO defines capacity building in the context of customs as activities which strengthen the knowledge, abilities, skills, and behaviour of individuals and improve institutional structures and processes such that the organization can efficiently meet its mission and goals in a sustainable way [93].

Capacity building in the form of education and training plays an important role in achieving the policy objectives of any institution or organization, whether at the international, regional or national levels [94]. This accounts for the reasons why capacity building today is considered as one of the conditions that guarantees consistent interpretation and application of the law [95]. During plenary sessions of the Trade Policy Review Mechanism, member states of the CEMAC Customs Union can improve their administrative and technical capacities, including knowledge, training and relevant information that are crucial for compliance. This is because, most often than not, States fail to comply with

their international obligations not because they really wish to do so, but because they lack the adequate capacity [96].

Moreover, some international treaty provisions are associated with ambiguous language and inadequate clarity thus rendering compliance difficult [97]. Plenary sessions could allow for interaction between member states of the CEMAC Customs Union and other participants which would allow questions to be answered, concepts to be clarified, experiences to be shared and cases encountered by the participants to be discussed [98]. Equally, plenary sessions could promote the exchange of best practices among the different national experts and in the process build or improve the capacity of deficient national participants [99].

Consistency and Predictability

Consistency and predictability refer to the degree of uniformity and certainty with which rules and procedures are carried out [100]. The relevance of predictability and consistency in facilitating international trade has been provided for by the General Annex of the Revised Kyoto Convention which is not subject to any reservation by member states [101]. During meetings and discussions, many government officials are provided with the opportunity to deepen their understanding of the international trade laws of the WTO, thus leading to improved consistency of their trade policies and practices with the WTO multilateral trading rules [102].

Consistency and predictability are indispensable elements in trade facilitation because businessmen or economic operators need to be abreast with the application of the laws and procedures while conducting cross-border transactions. They need to know the length of clearance time and the time for the release

⁹¹ Sri Rahayu et al (2021) Application of Albert Bandura Social Learning Theory in PAI Learning at Al-WAFA CIWIDEY SMP BADUNG, ALYS: *Jurnal Keislaman dan Ilmu Pendidikan*, Vol.1, Nomor: 1, pp. 89-90.

⁹² James Mecolm et al(2019) Where there's a way, There's a will: The World Customs Organization's capacity-Building in the field of strategic trade control enforcement, *Strategic Trade Review*, Vol.5, Issue 7, pp.46-47.

⁹³ Stephen Holloway (2008) Achieving Sustainability in Customs capacity building, *World Customs Journal*, Vol.2, No.2, P, 67.

⁹⁴ Florentin Blanc, Michael Faure (2020) Smart Enforcement in the European Union, *Journal of Risk Research*, Vol.23, Issue 11, pp. 1407-1409.

⁹⁵ David Widdowson(2008) The Role of Capacity Building in Achieving Consistent Application of International Instruments, *World Customs Journal*, Vol.2, No.2, pp. 71-76.

⁹⁶ Stacie Gray (2023) The domestic compliance System and Compliance Barrier: A UK Child Rights case study, *Policy Studies*, Vol.44, No.2, p.200.

⁹⁷ George W. Downs et al (1996) is the good news about compliance good news about cooperation? *International Organization*, Vol.50, No.3, pp. 379-406.

⁹⁸ Capacity Building: A new Strategy for the Widest Impact, Global Forum on Transparency and Exchange of information for tax purposes, Global Forum Plenary Meeting, 9-11 December, 2019.

⁹⁹ J.C Sharman (2010) Dysfunctional Policy Transfer in National Tax Blacklists, *International Journal of Policy Administration and Institutions*, Vol.23, Issue: 4, pp. 623-639.

¹⁰⁰ International Liason Unit (2014) Trade Facilitation-Concept and Scope, *Trade Beat*, Vol.5, Issue: 10, pp. 1-5.

¹⁰¹ Paloma Bernard Trnes, Ricardo Ernest(2015) A Framework for Transparency in International Trade, *Investigaciones Europeas de Direccion Y Economia de la Empresa*, pp.1-8.

¹⁰² Measuring Trade Policies and Measures. Chapter 18.

of goods to help them decrease the risk of paying fines or having the cargo held at the borders for reasons that are not clear [103]. Moreover, when there is predictability, investment is encouraged, jobs are created, and consumers can fully enjoy the benefits of competition through choice and lower prices, thus facilitating international trade [104].

Public and Peer Pressure

A secondary objective of the Trade Policy Review Mechanism in ensuring compliance is through naming and shaming that exert pressure on states under review to quickly comply with their international obligations [105]. Naming and shaming is the process of classifying certain behaviour as falling below international standard or expectation with regards to compliance. Shaming implies the act of publicly denouncing an actor and its behaviour in the expectation that the social discomfort of being reprimanded pushes states towards compliance. As a result, States are forced to comply to maintain its reputation or other specific benefits [106]. Most peer reviews end up with praises for the reviewed member, and recommendations to address certain policy shortcomings for others.

Even if the Trade Policy Review does not bring condemnation, diplomatic pressure is sometimes so severe that a country is forced to comply to avoid any potential litigation [107]. Participants equally exert peer pressure by exposing, questioning, and shaming recalcitrant states [108]. Periodical review also provide compliance information to non-States actors such as the private sector, civil society organizations and non-governmental organizations as well as the media to hold governments accountable for their actions and exert pressure to

comply with their international obligations [109]. The private sector is in a good position to monitor the effective implementation of key trade negotiations agreements through its local pressure group. It is held that politicians and government officials are likely to respond to the private sector's local pressure groups than some administrative initiatives that are often suspected of being self-serving and often get lost and lead to cosmetic changes [110]. Equally, civil society and non-governmental organizations play a pivotal role to ensure that key trade negotiations and implementation with respect to regional integration are not abandoned or not complied with [111].

Nevertheless, the extent to which peer or public pressure will generate domestic policy change depends on certain factors. Once citizens are convinced that their nation's policies are shameful and need change, they would rally the necessary support for compliance. However, naming and shaming might backfire where it provokes a defiant reaction in which citizens instead rally behind their leaders to denounce foreign shame, or be inconsequential if domestic audiences are insensitive to foreign opinion or believe that the costs of foreign criticisms outweighs the benefits [112].

Transparency

Transparency denotes the degree to which trade policies and practices and the process by which they are established are open and predictable [113]. The publication of the trade policies and practices of member states on the Website and the discussions of the trade policies in plenary sessions, creates transparency about states performance when it comes to complying with their international trade obligations [114]. As a result of

¹⁰³ Transparency and Predictability Guidelines, World Customs Organization (WCO), 2016.

¹⁰⁴ Charles Getanda Marube (2016) The Birth of World Trade Organization, *International Journal of Scientific and Innovative Technology*, Vol.3, No.10, pp. 23-24.

¹⁰⁵ Mathias Kende (2018) The Trade Policy Review Mechanism: A Critical Analysis, Oxford University Press, United Kingdom.

¹⁰⁶ Valentina Carraro et al (2019) Fears of Peer? Explaining Peer and Public Shaming in Global Governance, *Cooperation and Conflict*, Vol.54, Issue: 3, pp. 335-355.

¹⁰⁷ Julien Chaisse, Mitsuo Matsushita(2013) Maintaining the WTO's Supremacy in the International Trade Order: A Proposal to refine and revise the role of the Trade Policy Review Mechanism, *Journal of International Economic Law*, VOL.16,Issue:1,p.23.

¹⁰⁸ Hortense Jongen (2021) Peer Review and Compliance with International anti-corruption Norms: Insights from the OECD Working Group on Bribery, *Review of International Studies*, Vol.47, Issue 3, p. 343.

¹⁰⁹ Jacqueline H.R.DeMerritt(2012)International Organizations and Government Killing: Does naming

and shaming save lives?, *International Interactions*, Vol.35, Issue:5,pp.602-605.

¹¹⁰ The challenges of facilitating the flow of commerce in a heightened security environment, United Nations Economic Commission for Europe (UNECE), International forum on trade facilitation, Geneva, Switzerland, 29-30 may, 2002.

¹¹¹ Aquila Ng'onga(2021) Magnifying the role of Non-States Actors in the Africa Continental Free Trade Area, CUTS International, Lusaka, Zambia.

¹¹² Dustin Tingley, Micheal Tomz (2022)The Effects of Naming and Shaming on Public Support for Compliance in International Agreements: An Experimental Analysis of the Paris Agreement, *International Organization*, Vol.76, Issue 2, p.446.

¹¹³ Leonardo S. Borlimi (2020) International rule of law, Transparency and the International Trading System: Inferences from subsidies and SOE's Trade Disciplines, Boccioni Legal Studies Research Paper No. 3661518.

¹¹⁴ Valentina Carraro, Hortense Jongen (2018) Leaving the Doors open or Keeping them closed? The Impact of Transparency on the Authority of Peer Reviews in International Organizations, *Global Governance*, Vol.24, Issue 4, pp. 619-620.

the transparent nature of policies, it boosts the credibility of domestic policy and policy reform aimed at ensuring compliance with international trade obligations. This leads to the reduction of fear associated with policy uncertainty, which may have a positive implications for investors' confidence thus facilitating international trade [115].

Through publication of trade policies and practices, non-state actors such as the private sector, civil society, non-governmental Organizations and the media are able to identify areas of non-compliance in order to hold governments accountable. By publishing their trade laws and practices, areas of non-compliance are identified and member countries may take measures to fulfil their obligations [116]. Through the notification of their international trade policies to the WTO, areas of incompatibilities are identified, and the WTO proceeds to ask for corrections in the selected areas in order to comply with the WTO Agreements [117]. The TPRM therefore contributes to improve adherence by all members to rules, disciplines and commitments made under the multilateral agreements and where applicable, the Plurilateral Agreements, and hence to the smooth functioning of the multilateral trading system. Transparency therefore acts more like a moral persuasion, than the use of force, threat or retaliation in upholding international trade from being undermined [118].

SPECIFIC TRADE CONCERNS (STC)

Member states can during the meeting or thematic sessions publicly voice their concerns on measures that have been taken at the local level of a member state and which are not in accordance with the multilateral trading rules. Accused members respond orally or in writing to the said measures, thus forcing the member to comply with the WTO rules [119]. For example, India raised a STC on the inconsistency in the application of the Codex Alimentarius Commission standards relating to the definition of milk and milk products in the regulations of some member countries. According to Codex Alimentarius Commission's

definition of milk and milk products, milk and milk products can be obtained from animals such as cows, goats, ewes, buffalos, camels, yaks, zebu, reindeer, iiamas and mares [120].

However, some member countries applied their own definition of milk and milk products as originating only from cows. India highlighted that there was no scientific justification for adopting such a restrictive definition, and that the misleading definition has created unnecessary barrier to trade as milk and milk products obtained from other animals apart from cows cannot be exported to countries where their regulation provides for products acquired from cows only. The member states were called upon to adopt the definition advanced by Codex Alimentarius Commission [121]. However, it must be made clear at this juncture that it is not all the Specific Trade Measures raised in the committees that lead to compliance [122]. During the thematic sessions, some sort of a peer review of members' states use or non-use of international standards is carried out. It helps to identify where a new standard is required or where an existing trade standard is causing trade friction to be removed or replaced. Through peer reviews, international standards that can restrict trade are modified to ensure trade facilitation. The SPS Committee equally deals with the elaboration of norms that resolve difficulties encountered by developing countries as a result of measures imposed or levy on the exportation of their goods. For example, if a developing country faces a problem with the introduction of a measure on the exportation of its goods by an importing country, such a country is given the opportunity to request for consultation to find a possible solution to the difficulties encountered. The developing country can equally be offered the possibility of a change of the affected measure, provision of technical assistance, or the provision of special and differential treatment [123].

Financial Aid and Technical Assistance

Through the participation of developing countries in the TBT and SPS Committees, they can acquire financial aid and capacity building from the

¹¹⁵ Joseph F. Francois (1999) Trade Policy Transparency and Investors' Confidence-The Implications of an Effective Trade Policy, Working Paper.

¹¹⁶ *ibid*

¹¹⁷ Valenzuela Alexandra Vivianco (2017) The Committee on Regional Trade Agreements: A Symptom of WTO Break down? Master's Thesis, University of Sao Paulo.

¹¹⁸ William Alain Reinsch et al (2020) Transparency at the WTO: Why does Transparency matter, and how are members meeting their obligations? Critical Questions, Centre for Strategic and International Studies(CIS)

¹¹⁹ Inver Manak (2019) Enforcing International Trade Laws in the World Trade Organization's Committees: Op.Cit. Note 118.

¹²⁰ International Dairy Federation (2020) The Codex general standard for the use of dairy terms, its nature, intent and implications, the International Dairy Federation.

¹²¹ World Trade Organization Summary of the 73rd Regular Meeting of 1-2 November, 2018, organized by the Committee on Sanitary andPhytosanitary Measures (G/SPS/R/93).

¹²² Kateryna Holzer(2018) Addressing Tensions and avoiding disputes: Specific Trade Concerns in the TBT Committee, Staff Working paper of the Economic Research and Statistics Division(ERSD)-2018-2011.

¹²³ Procedure to enhance transparency of special and differential treatment in favor of developing countries members (G/SPS/33/Rev.1, paragraph 5) of 18 November 2009.

Standard and Trade Development Facility (STDF) to help improve on their adherence to the provisions of the Multilateral Trade Agreements. The Standard and Trade Development Facility (STDF) was an initiative of the Food and Agricultural Organization (FAO), World Bank (WB), World Health Organization (WHO), World Trade Organization (WTO) and World Organization for Animal Health (OIE) that was conceived at the Doha Ministerial Conference in November 2001 and was finally established in 2004 [124].

Low Level of Democratic Governance

Governance can be defined as a process where public institutions and officials manage public resources through certain laid-down or well-established democratic principles such as transparency, respect for the rule of law, predictability, consistency and accountability [125]. The role of democratic governance in ensuring compliance with international obligations cannot be overstressed. To support and sustained our argument, it is held that countries with independent judiciary are more likely to trust and respect international judicial processes than those that are void of it, and government with strong tradition for the respect of constitutions are also able to accept rule based constraint on their behaviour with regards to external affairs [126]. Furthermore, the activities of non-state actors such as civil society and non-governmental organizations may have a strong influence towards compliance with international obligations, and thus constrain liberal democracies to look in the same direction. For example, studies dealing with environmental treaties show that democracy provides more freedom to CSOs and NGOs for the formation and strengthening of transnational coalitions to influence government compliance efforts and the respect for the rule of law [127].

It has also been argued that the demands of the multilateral treaty regimes such as those of the WTO cannot easily be fulfilled by non-democratic regimes

such as unrepresentative and non-transparent national institutions [128]. That is why the Economist Intelligence Unit (EIU) and Transparency International (TI) asserted in 2010 that negotiations from municipal systems with low respect for the rule of law rankings, with fragile democracies and weak governance structures are largely inactive and ineffective in WTO engagement [129]. Furthermore, in democracies, leaders pay great attention to the wishes and aspirations of voters so that they can be re-elected, as such; they refrain from introducing new market restrictions because of the negative impact on economic growth and voters attitudes. By contrast, leaders in non-democratic settings do not face the same compliance pressures as they do not depend on free and fair elections to be re-elected [130]. Equally, liberal democracy has been associated with making credible commitments that render it more abiding to rules and regulations that guide international behaviour or compliance with international norms [131]. Despite the challenges faced by scholars on the role of democracy in rendering compliance possible, the Democratic Peace Theory has received strong support for the impact of democracy in international relations, thus putting off democratic peace sceptics [132].

However, democracy within the CEMAC Customs Union is still at its infancy stage and its implementation by member states has fallen short of international standards. The fragility of this region has been attributed to the lack of the exercise of democracy, the non-respect of the rule of law, inadequate governance and electoral processes that have created social tensions [133]. On the basis of the classification of the CEMAC Member states by democracy indices, the Economist Intelligence Unit Democracy Indices (EIU) for the year 2019, classified Cameroon at the 132 positions, the Central African Republic at 164, Chad at 163, Gabon at 124, Equatorial Guinea at 161 and Republic of Congo at 131 respectively, out of the 167 countries surveyed. In 2020, using the same Economist Intelligence Unit for

¹²⁴ Dr. Kenza Le Mentec (2015) Enabling developing countries to implement traceability: Support provided by the STDF, United Nations Economic Commission for Europe (UNECE) Conference on traceability of agricultural produce, 3 November, 2015.

¹²⁵ Yu Keping (2018) Governance and Good Governance: A new framework for political analysis, *Fudan Journal of Humanitarian Social sciences*, pp. 1-8. See also Adegami Adeleke (2017) Good Governance in Nigeria: A catalyst to National Peace Stability and Development, *African Research Review*, Vol.11, No.4, pp. 147-148.

¹²⁶ Beths A. Simmons (1998) Compliance with International Agreements, *Annual Review Political Science*, Vol.1, pp. 75-93.

¹²⁷ O. V. Pavlova(2017) The legal basis of public participation in the international environmental governance as a requirement for sustainable

development, *European Journal of sustainable development*, Vol.6, Issue3, pp.267-271.

¹²⁸ Gregory H. Fox (1999) Strengthening the State, *Indiana Journal of Global Legal Studies*, Vol.7, Issue 1, pp. 34-77.

¹²⁹ Joan Apecu (2013) The level of African Engagement at the World Trade Organization from 1995-2010, *International Development Policy*, Vol.4, No.2, pp. 29-67.

¹³⁰ Roy Martin (2010) Endowments power and democracy: Political economy of multilateral commitments on trade in services, WTO Staff Working Paper, ERSD-2010-11.

¹³¹ Charles L. Glaser (2019) A flawed Framework: Why the Liberal International Order Concept is Misguided, *International Security*, Vol.43, Issue 4, pp.59-60.

¹³² Ibid.

¹³³ Central African Economic outlook, African Development Bank, 2019.

classification, Cameroon occupied 143 positions, the Central African Republic 162, Chad 160, Gabon 121, Equatorial Guinea 158 and the Republic of Congo at 137 positions respectively, out of the 167 countries surveyed. Furthermore, using the same democracy indices for classification in 2023, Cameroon was classified at 138 positions, the Central African Republic at 164, Chad at 161, Gabon at 146, Equatorial Guinea at 156, and the Republic of Congo at 131 positions respectively, out of the 167 countries surveyed. According to the EIU statistics, the various positions held by CEMAC member states within these periods portray that they practice authoritarian regime [134]. With respect to classification based on V-Dem (Varieties of Democracies) Institute's Democracy Report of 2020 and 2021, Cameroon occupied 140 and 160 positions, the Central African Republic at 131 and 123 positions, Chad at 163 and 150, Equatorial Guinea at 168 and 162, Gabon at 122 and 113, and the Republic of Congo at 150 and 144 positions respectively, out of the 179 countries surveyed. Following V-Dem classification statistics, the various positions held by CEMAC Member states portray that they practice electoral autocracies and closed autocracies, which is synonymous to authoritarian regime. With regards to classifying CEMAC member states on the basis of governance, the level of governance is considered too weak [135]. Following the Worldwide Governance Indicators of 2020, all the six Central African states were classified at the bottom of the 192 countries surveyed, indicating their low level of governance. According to the Mo Ibrahim index of governance of 2020, all the six Central African States occupied places at the bottom of the classification, indicating their low level of governance.

The relevance of using different parameter to determine the democratic nature of countries in social scientific research is considered very pivotal because without the use of such measures, it would become difficult if not impossible to identify trends in political

rights and liberties, as it would be based on rough estimates [136]. With regards to the strength of the above measures used in determining the democratic nature of the CEMAC member states, Economist Intelligence Unit (EIU) is more comprehensive than other democracy scales because it uses sub-scores that other indices do not, including the functioning of government and political culture [137], while the V-Dem is considered as the most elaborate and granular among several democracy indices, and is used to inform other institutions governance indicators such as the Worldwide Governance Indicators [138]. With respect to Worldwide Governance indicators, it represents liberal democracy which constitutes a proper foundation of good governance and economic development and is therefore preferable to other indicators [139]. While the Mo Ibrahim Index deals with the most comprehensive collection of data on African governance [140]. However, this is not to say they do not have their own weaknesses when assessing the democratic nature of countries. Despite the weaknesses inherent in each system, they still represent fundamental indices in the rating of democracy at the international, regional, and Sub-Regional levels.

CEMAC will need to develop and sustain democratic institutions, with the possible assistance of international donors, to guarantee regular, free and fair elections to consolidate the role of democracy. An Independent Electoral Commission responsible for registering voters, organizing and supervising elections as well as monitoring and evaluating results should be established in all member states, with members appointed by an independent commission made up of the government, civil society and non-governmental organizations, private sector and religious Bodies. Strengthening the institutions necessary for the consolidation of democracy and good governance has been seen by the European Union as an indispensable element in fostering trade in the African Caribbean

¹³⁴ Following EIU, in an authoritarian regime, political pluralism is non-existent or severely limited. Dictatorship and absolute monarchy is the order of the day. Nations or states practicing authoritarian regime may have some convention institutions of democracy but with meagre significance. Election may take place, but will not be free and fair. Human rights infringements and abuses is the order of the day, with the judiciary not independent as well as censorship and suppression of governmental criticisms.

¹³⁵ Christian Lambert Nguena, Roger Tsafack Nafonso (2014) Macroeconomic factors and dynamics of financial deepening: An empirical investigation applied to the CEMAC Sub-Region, African Governance and Development Institute working paper N0.WP/14/015, AGDI, Cameroon.

¹³⁶ Svend Erik Skaaning(2018) Different types of data and the validity of democracy measures, *Politics and Governance*, Vol.6, Issue 1, pp.105-106.

¹³⁷ Mary Ellen Walker et al(2014) Economist Intelligence Unit Democracy Index in relation to health services accessibility: A regression analysis, *International Health*, pp.49-50.

¹³⁸ Andrea Vaccaro(2021)Comparing measures of democracy: Statistical properties, convergence and interchangeability, *European Political Science*, pp.4-6.

¹³⁹ Debaish Roy(2021)Formulation of governance and democracy index(GDI) and Governance, Democracy and Emancipation Index(GDEI): A cross-country empirical study(1998-2017), *Open Political Science*, Vol.4, pp.16-18.

¹⁴⁰ Imani Center for Policy and Education (2018) Assessing Ghana's performance on governance using the Mo Ibrahim Index of African Governance, Imani Center Report of 2018.

Pacific states [141]. It has been argued that the most important institutional guarantee for free, fair and transparent election is an independent election commission. In India, its Electoral Commission has greatly contributed to democracy. The Election Commission was voted in a country wide pool as the most trusted institution in India, and is regarded today by the Economist Intelligence Unit of Democracy Index as one of the best in the world [142]. This is in contrast with what takes place in most, if not all of the member states of the Central African Sub-region where Independent Electoral Commissions are seen as very corrupt because they owe allegiance to the State only.

Inadequate Capacity Building and Technical Assistance

According to the United Nations (UN), capacity building is the process by which individuals; groups, organizations and communities increase their ability to perform core functions, solve problems, define and achieve objectives, and understand and deal with their development needs in a broad context and in a sustainable manner [143]. Capacity building today is considered as one of the conditions that guarantee the effective implementation of international legal instrument through consistent interpretation and application [144]. Most often than not, individuals within any organization or institution such as Customs Administrations may not be motivated to comply with their international obligations not because they are not able to do so, but because they do not have the capacity to be compliant or because they do not understand what can be done to be compliant [145]. On the other hand, technical assistance can be defined as the sharing of information, expertise, instructions, training and other supports with the aim of improving programmes, organization or system capacity to achieve specific goals or outcomes [146]. Generally, technical assistance consists of non-financial supports, which are usually knowledge-based, provided to governments either by local or international experts aimed at supporting policy making or strengthening state capacity building.

Most African countries and not only Central African States alone lack the appropriate capacity and technical assistance to participate in some of the WTO Committees, and Trade Policy Review (TPR) meetings. For example, out of the four thousands and forty-five questions submitted in most recent TPRs by US, European Union and China, the least developed countries were the least active members with only ninety-nine questions submitted by Benin Republic on behalf of Least Developed Countries (LDC). This has been attributed to their limited capacity to identify relevant areas where they could benefit from clarifications through raising questions [147]. In addition, the lack of technical capacity cannot be rolled out. In 1997 and 1998 for example, Italy and Spain from the European Union banned the importation of Uganda fish into the EU on allegations of salmonella and vibrio cholera related infections. However, there was no scientific justification advanced by Italy and Spain for such a ban as required by the SPS Agreement. The matter could have been raised at the SPS Committee by Uganda for a bilateral solution to be sought for or resort to the WTO Dispute Settlement as a last resort. Regrettably, Uganda was unable to pursue both cases because of limited capacity to gather scientific evidence to challenge or disapprove of the allegations and follow up the case [148]. The importance of capacity building and technical assistance in promoting compliance cannot be underestimated. The proposition of technical assistance and capacity building granted by the WTO Secretariat was tested and it revealed a correlation: the higher the possibility of granting capacity building and technical assistance, the higher the likelihood of increased participation [149]. Member states of the CEMAC Customs Union will need to make good use of the various capacity building and technical assistance programmes offered by the WTO Secretariat. Cameroon is already enjoying one of such capacity building initiatives of the WTO. In 2021, the University of Yaoundé II, Soa in Cameroon was chosen by the present Director-General of the WTO, Dr. Ngozi Okonjo-Iweala alongside other seventeen academic institutions for academic capacity building through the World Chairs Programme (WCP). World Chairs Programme works with universities to enhance

¹⁴¹ Juliana Pontet, Beata Udvari(2016) Effects of Trade on Democracy: How Does the European Union Foster Democracy in ACP-States Via Trade European Trade Study Group paper of 2016.

¹⁴² Kuyoun Chung, Wonbin Cho (2022) New Democracy and Autocratization in India, Routledge Taylor and Francis, New York.

¹⁴³ James Mecolm et al(2019) Where there's a way, There's a will: The World Customs Organization's capacity-Building in the field of strategic trade control enforcement, *Strategic Trade Review*, Vol.5, Issue 7, pp.46-47.

¹⁴⁴ Op. Cit. Note 99

¹⁴⁵ Andreas Kokkvoll Tveit(2020) Does capacity increase compliance? Examining evidence from

European cooperation against air pollution, *Int Environ Agreements*, Vol.21, pp.324-325.

¹⁴⁶ Carl J. Dunst et al (2019) Scoping Review of the Core Elements of Technical Assistance Models and Frameworks, *World Journal of Education*, Vol.9, No.2, p. 109.

¹⁴⁷ Julien Grolier (2017) WTO Trade Policy Review Mechanism: Participation of Small Developing Countries, CUTS Technical Note, CUTS International, Geneva.

¹⁴⁸ Nichodemus Rudaheranwa (2013) Uganda's Challenges in Complying with the WTO Agreements, Economic Policy Research Center Occasional Paper.

¹⁴⁹ World Trade Organization Annual Report of 1998.

knowledge and understanding of trading system through promoting research on trade and WTO issues, the delivery of courses on trade policy and WTO related issues in academic institutions and disseminating vital information on international trade issues to policy makers, business, civil society and the general public [150]. This Programme became operational in Cameroon in May 2022.

For member states of the CEMAC Customs Union to acquire more capacity building and technical-know-how, there is need for effective participation at the various WTO meetings for self-training and specialization, and keeping abreast with trade related issues. Accordingly, member states of the Union must refrain from owing arrears with regards to their financial contribution to the WTO, which accounts for one of the reasons for their low participation at some of the WTO meetings and Committees [151]. Furthermore, member states of the CEMAC Customs Union should carry out a consistent notification of their trade policies and practices because they have been noted for not being active when it comes to notification [152]. However, capacity building and technical assistance will only achieve the desired goals and objectives' depending on its appropriate use and deployment. For example, it would be imprudent to train personnel to acquire the necessary capacity building and technical-know-how, only to replace them at the Geneva Mission by those with inadequate skills. Notwithstanding the importance of capacity building and technical assistance in complying with WTO international obligations, the question is for how long will Africa in general and Central Africa in particular rely on capacity building and technical assistance from the WTO and other related bodies? Too much reliance on external financing and technical assistance which can be withdrawn at short notice may inhibit the development of national skills and capacities in African countries [153].

Lack of a Dedicated Trade Mission

Almost all permanent missions established by member states of the CEMAC Customs Union lack a dedicated mission in Geneva that is solely responsible for WTO affairs and other trade-related institutions that have their headquarters in Geneva, such as United

Nations Conference on Trade and Development (UNCTAD) and Intellectual Property Organizations (IPO). Most of the permanent missions have dual functions that leave them with little or no time to attend some of the WTO meetings in order to consolidate their capacity building and technical-know-how. It is equally true that member states of the CEMAC Customs which include some of the poorest countries in the world such as Chad and the Central African Republic cannot afford to maintain many missions in Geneva due to the high costs of living. One survey portrayed Geneva as the third most expensive city among the two hundred and sixty seven (267) world cities. It is estimated that living in Geneva costs as much as 1.3 times as much as living in Paris, 2.9 times more than Bogota and 3.3 times more than Cairo [154]. Nevertheless, the present situation should not prevent member states of the CEMAC Customs Union from establishing permanent and dedicated missions solely responsible for WTO issues and other trade-related issues. It is a matter of political will by member states. For example, Egypt and Nigeria have commercial offices in Geneva that are solely dedicated to the work of the WTO, while Kenya and Nigeria have ambassadors that have specially been accredited to the WTO. This may explain the reasons for their active participation within all WTO meetings with a lot of commitment, professionalism, skills and technical-know-how [155]. It is equally true that Egypt, Kenya and Nigeria are counted amongst some of the relatively industrialized countries in Africa and therefore have more interests in international trade issues as compared to the Central African States that rely mostly on raw materials. Apart from maintaining a dedicated mission in Geneva, the tenure of those selected to represent the state in Geneva should be reasonably long. A long duration will enhance quality participation that will lead to deeper specialization, knowledge, and familiarity with WTO procedures. It would equally favour peer recognition and more stable networks that will promote effectiveness and compliance.

CONCLUSION AND SOME POSSIBLE RECOMMENDATIONS

The implementation of the trade regime by member states of the CEMAC Customs Union is plagued with a lot of compliance problems. This situation has not

¹⁵⁰ Smeets Maarten (2021) Africa's integration in the WTO multilateral trading system: Academic support and the role of WTO Chairs, WTO Staff working paper, No.ERSD-2021-9, WTO, Geneva.

¹⁵¹ Phillip Poppelreuter(2017) Developing countries participation in the WTO Committees on technical barriers to trade, Technical Note of December 2017, CUTS International Geneva.

¹⁵² Trade Policy Review by the Secretariat of Countries of the Central African Economic and Monetary Community (CEMAC)-WT/TPR/285 of 24th of June 2013.

¹⁵³ Dot Keet (2006) The challenges facing African countries regarding the WTO Trade Regime since the Third Ministerial Meeting in Seattle, Institute for Global Dialogue, Occasional Paper No. 25, Cape town, South Africa.

¹⁵⁴ UNCTAD (2018) Trade Policy Framework for Developing Countries: A Manual of Best Practices (UNCTAD/DITC/TNCD/2017/5) United Nations, Geneva.

¹⁵⁵Joan Apecu Laker (2013) African Participations at the World Trade Organization: Legal and Institutional Aspects, 1995-2010, Martinus NIJHOFF Publishers, Leiden, Boston.

created a conducive environment for trade facilitation, both at the international, regional and national levels. As party to the WTO Treaties and Conventions, the effective use of the WTO compliance mechanisms such as the Trade Policy Review Mechanism, and participation at the various Committees of the WTO, is expected to have a positive impact on the rate of adherence to the multilateral provisions of the WTO Agreements. However, member states must rise up against some of the challenges that may act as a stumbling block to the achievement of their objective. The low level of

democratic governance reigning within member states, inadequate capacity building and technical assistance, as well as the lack of a dedicated trade mission in Geneva from each member states are a cause as regards compliance. However, it must be backed by the political will of member states to comply with the provisions of the compliance mechanisms. In the absence of a political will, the use of the WTO compliance mechanisms by member states will simply constitute a ploy to satisfy international- donor's conditions.