# IMPROVING SRI LANKA'S TRADE PERFORMANCE THROUGH BETTER TRADE FACILITATION

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## Introduction

The processes and procedures that get goods to the market contribute to trade costs and impact trade performance. In international trade, the significance of trade facilitation in getting goods across borders has gained recognition and led to the Trade Facilitation Agreement (TFA) of the World Trade Organization (WTO). Sri Lanka opened up trade in the late 1970s but has failed to develop its export base in line with global trends. There have been periods of policy reversals and weaknesses in institutions that have contributed to a low export ratio and a stagnant export structure, dependent on a few products and a few markets. This paper will explore the role trade facilitation plays in improving trade performance and the benefits that Sri Lanka could achieve by implementing trade facilitation improvement measures, in line with the TFA.

The first part of the paper will provide an overview of trade facilitation and the provisions of the TFA. The second part of the paper will look at Sri Lanka's challenges in advancing its export trade to boost growth and shift the economy from traditional production to more advance products linked to global value chains. The last part of the paper will provide recommendations on the way forward for Sri Lanka to overcome these challenges.

## Part I: Trade Facilitation Overview and the Trade Facilitation Agreement

### What is trade facilitation?

Trade facilitation refers to efficiency improvements in procedures related to trading across international borders. The WTO defines trade facilitation as "the simplification, modernization, and harmonization of export and import processes,[2]" where the processes include "activities, practices, and formalities involved in collecting presenting, communicating, and processing data

[1] The views expressed in this paper are those of the author's and do not necessarily reflect the views and policiesof the ADB or its Board of Governors or the governments they represent.
[2] World Trade Organization. https://www.wto.org/english/tratop_e/tradfa_e/tradfa_e.htm.

required for movement of goods in international trade."Trade facilitation involves simplification of trade procedures, harmonization of trade rules across countries, modernization of systems especially by introducing information technology tools, and in a broader context, improving payment systems and hard infrastructure.

In economic theory, a widely used model to explain the cost of getting goods from the producer to final consumer, which trade facilitation seeks to reduce, is the iceberg model. This model draws parallels between an iceberg which melts as it drifts in the ocean, to the erosion in value of a good due to trade costs. High trade costs deter market access, especially of small and medium-sized enterprises (SMEs), excluding them from participating in international trade. In today's context of global supply chains, as the components of a single product are manufactured in several countries, high costs of trade "cumulate" and are "magnified" as recognized by supply chain models of trade.[3]

Trade costs are higher in developing countries than developed countries as inefficiencies in trade procedures and less developed transport networks increase trade costs. WTO's World Trade Report 2015 notes that trade costs in developing countries are equivalent to applying a 219% ad valorem tariff[4] on international trade, while in high-income countries, the same product would face an ad valorem equivalent of 134% in trade cost.[5] As global trade becomes more oriented towards supply chains and developing countries seek to enter global supply chains, improving trade facilitation becomes an important element in national trade agendas.

## Trade Facilitation Agreement

The growing recognition of the importance of trade facilitation in recent years culminated in the TFA of the WTO, which came into force in February 2017, with the ratification by two-thirds of the WTO membership. The implementation of the TFA will result in a coordinated effort among the WTO membership to improve trade facilitation. As explained on the WTO website, the TFA focuses on expediting the movement, release, and clearance of goods, including goods in transit. It also sets out measures for effective cooperation between customs and other relevant authorities on trade facilitation and customs compliance issues. An important feature of the TFA is that it allows WTO members to determine their own schedule of implementation, depending on their financial and technical capacity. It further contains provisions for technical assistance and capacity building in this area.[6]

The TFA consists of three sections. The first section sets out the provisions to improve trade facilitation, while the second section sets out special and differential treatment for developing and least developed countries (LDCs) in the implementation of the TFA. The third section sets out the institutional arrangement, establishing a Committee on Trade Facilitation within the WTO

[3] World Trade Organization. 2015. World Trade Report 2015. Geneva.
[4] A tax imposed as a percentage of the value of a good.
[5] World Trade Organization. 2015. World Trade Report 2015. Geneva.
[6] World Trade Organization.https://www.wto.org/english/tratop_e/tradfa_e/tradfa_introduction_e.htm..

to monitor and review the implementation of the TFA, with a provision for setting up national trade facilitating committees in member countries.

The provisions under Section I of the TFA seek to facilitate trade through increased transparency, improved efficiency, and harmonization of procedures. In order to improve transparency, the TFA requires members to publish information on tariffs, trade procedures, rules, laws and regulations, penalties, and procedures for appeal, in an easily accessible manner. The provisions also cover the use of the internet to disseminate information. Members are required to provide the opportunity to traders and other interested parties to comment on proposed introduction or amendment of relevant laws and regulations. The TFA includes a range of actions to improve efficiency of clearance of goods. These include processing of documentation by relevant authorities prior to the arrival of goods at the port and/or airport to expedite the release of goods on arrival (pre-arrival processing), clearance of goods prior to a comprehensive assessment and conducting comprehensive audits of cargo subsequently (post clearance audit), establishment of e-payment systems, and the establishment of risk management systems to minimize the physical examination of cargo. Introduction of these procedures will reduce clearance time and make the process more efficient. In order to harmonize procedures, the TFA requires members to coordinate among internal border agencies, establish a national single window (NSW) to limit procedures and documentation requirements and coordinate with other members with whom they share a common border.

Section II provides three categories under which developing countries, and LDCs could self-designate implementation of the provisions in section I. Provisions designated under category A are to be implemented as the TFA comes into force, while those designated under category B could be implemented on a date after a transitional period following the entry into force of the of the TFA. Provisions categorized under category C will be implemented after a transitional period following the coming into force of the TFA, after acquiring required capacity building assistance.

## Benefits of TFA

It is estimated that the full implementation of the TFA could reduce trade costs by an average of 14.3% and increase global trade by up to $1 trillion per year, with the biggest gains in the poorest countries.[7] World Trade Report 2015 states that the full implementation of the TFA could augment developing countries' economic growth by 0.9% annually and boost their exports by an additional 3.5% annually, over the 2015–2030 period.[8] The report also refers to estimates that show significant export diversification gains from trade facilitation reforms for developing countries. It notes that with the full implementation of the TFA, LDCs could increase the number of products to a given destination by 36% and increase the number of export destinations by 60%. The effects on SMEs are also noted as improved trade facilitation

[7] World Trade Organization. https://www.wto.org/english/tratop_e/tradfa_e/tradfa_e.htm. Geneva.
[8] World Trade Organization. 2015. World Trade Report 2015. Geneva

removes barriers that SMEs face in accessing export markets.

## Part II: Sri Lanka: Trade Performance and Challenges

Sri Lanka ratified to the TFA on 31 May 2016 and has designated 11 measures under Category A, to be implemented when the TFA entered into force on 22 February 2017. A National Trade Facilitation Committee (NTFC) has been established by the Government of Sri Lanka, chaired by the Director General of Customs and co-chaired by the Director General of Commerce and including key players from the private sector to serve as an institutional mechanism to oversee the planning and implementation of the trade facilitation reforms.[9] In July 2018, the government also launched a trade information portal, which will serve as a one-stop shop for trade information for exporters and importers. The portal, which is in line with Article 1 of the TFA, is an important step toward improving the predictability and transparency of the country's trading laws and processes, and in providing access to regulatory and procedural information needed to export, import, and transit.

Over the years, Sri Lanka has made progress in improving the trade environment through trade facilitation measures. However, there has not been any significant transformation of Sri Lanka's trade profile since the immediate years following the opening up of the economy in the late 1970s, which saw the emergence of the garment sector as the largest contributor to exports. The following section will identify some significant factors that hamper Sri Lanka's trade growth and priority areas to address in overcoming these challenges.

### Challenges related to exports

- Low exports ratio

Sri Lanka liberalized the economy in 1978, with extensive trade reforms that included revisions to tariffs, removal of quantitative restrictions on imports, and measures to encourage export-oriented foreign direct investments (FDI) including the setting up of free trade zones. The focus was to orient the economy toward export-led growth. As the economy responded to the new policy framework, exports picked up strongly with the exports to gross domestic product (GDP) ratio increasing from 23.7% in 1985 to 39.0% by 2000. However, since 2000,

[9] ADB. 2018. Report and Recommendation of the President to the Board of Directors: Proposed Loan, Technical Assistance Grant, and Administration of Technical Assistance Grant to the Democratic Socialist Republic of Sri Lanka: South Asia Subregional Economic Cooperation Port Access Elevated Highway Project.Sector Background: Industry and Trade (accessible from the list of linked documents in Appendix 2). Manila.

the export of goods and services to GDP has steadily declined and stood at 21.9% in 2017.[10] A comparison with other South Asian and East Asian economies is provided in Table 1.

*Table 1: Exports Ratios Comparison*

| Country | Exports of goods and services to GDP | |
|---|---|---|
| | 2000 (%) | 2017 (%) |
| Sri Lanka | 39.0 | 21.9 |
| India | 13.1 | 18.9 |
| Bangladesh | 12.3 | 15.0 |
| Nepal | 23.3 | 9.8 |
| Malaysia | 119.8 | 71.5 |
| Thailand | 64.8 | 68.0a |
| Viet Nam | 53.9 | 101.6 |

*Source: World Bank. https://data.worldbank.org/indicator/NE.EXP.GNFS.ZS?locations=LK-TH-MY-VN-BD-IN-NP (accessed 27 November 2018).*

- Low diversification

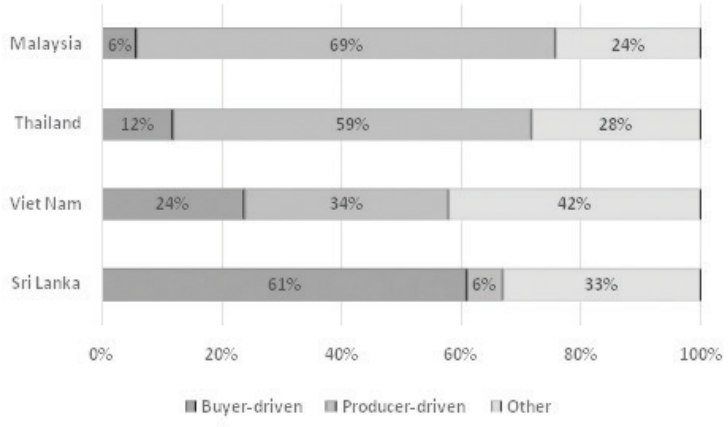
With the first round of liberalization policies in 1977, the structure of the economy shifted away from agriculture toward industry and services. Garments emerged as the main export product, while tea, rubber, and coconut continued to be significant. However, since then, no major shifts have taken place in the export structure. Garments continue to dominate, with a 44% share in exports in 2017. While Sri Lanka's peers in East Asia have developed strong export bases in modern products such as electronics, Sri Lanka has failed to move into these areas. The economic diagnostic for Sri Lanka carried out by Centre for International Development, Harvard University (2018) compares Sri Lanka's performance with that of Viet Nam. According to the diagnostic, "Viet Nam, which had a very similar export basket to Sri Lanka in 1995, diversified its exports substantially and saw exports grow by a factor of 35" over the 1995–2015 period, whereas Sri Lanka's exports grew only by a factor of 3.2 during the same period. [11] The report also notes that Sri Lanka has consistently received FDI only amounting to about 1.5% of GDP, largely in garments, while Viet Nam has received about 5% of GDP worth of FDI, including into electronics.

[10] World Bank. https://data.worldbank.org/indicator/NE.EXP.GNFS.ZS. (accessed 22 October 2018)
[11] Center for International Development, Harvard University. (2018). Sri Lanka Growth Diagnostic.

- Limited connection to global production networks

Sri Lanka's connection to global production networks (GPNs) is dominated by garments, while the low diversification of the export basket limits access to GPNs in other areas. The ADB, in its publication, The Sri Lankan Economy, Charting a New Course (2017), notes that while there was some diversification into products such as leather goods, footwear, toys, plastic goods, and diamond cutting and jewellery, Sri Lanka's exports are heavily concentrated in buyer-driven networks,[12] related mainly to garments.[13] As shown in Figure 1, Sri Lanka's participation in producer-driven[14] networks is very low.

*Figure 1: Share of Manufacturing Exports 2012-2013*



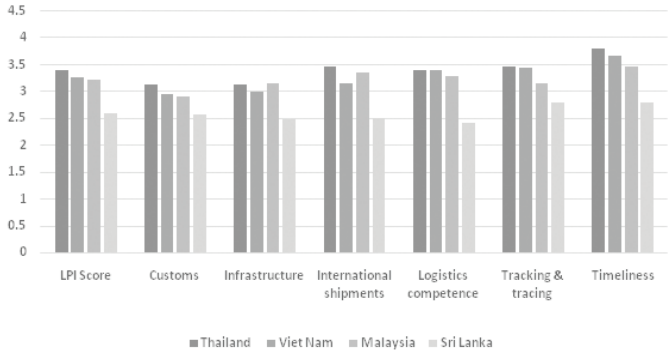

*Source: Harvard Center for International Development. 2018. Sri Lanka Growth Diagnostic Analysis. USA*

- Challenges related to logistics and business environment

Sri Lanka ranked 94 out of 160 countries in the World Bank's Logistics Performance Index in 2018. While Sri Lanka's score of 2.60 is higher than the South Asian average of 2.51 and the comparator income group of lower middle-income countries, which averaged 2.57, the country lags behind East Asian economies as shown in Figure 2.

[12] Networks related to advance products such as automobile or electronic products, where the lead firm retains the capital-intensive production and subcontracts the labor-intensive functions to suppliers.
[13] Asian Development Bank. 2017. The Sri Lankan Economy, Charting a New Course. Manila.
[14] Networks related to light manufacture, where the lead firm concentrates on product design and branding and outsources the production.

*Figure 2: Logistics Performance Index (LPI) 2018*




*Source: World Bank.*
*https://lpi.worldbank.org/international/scorecard/column/254/C/LKA/2018/R/SAS/2018/I/LMC/2018 (accessed 27 November 2018).*

Within the sub components of the LPI, Sri Lanka's performance is lowest in rank in timeliness of shipments reaching destination on schedule (rank 122), the ease of arranging competitively priced international shipments (rank 112), and competence and quality of logistics services (rank 109). Sri Lanka performs relatively better in efficiency of customs and other border agency clearance (rank 79), and quality of trade and transport infrastructure (rank 85). However according to scores, infrastructure is one of the lowest for Sri Lanka with 2.49, above logistics services (2.42), while customs efficiency scores 2.58 behind timeliness and tracking and tracing,both having a score of 2.79.

In the Doing Business 2019 rankings, Sri Lanka ranks 100 out of 190 countries in overall performance. In the trading across borders category the rank is 93. Over the last decade Sri Lanka has made progress in trading across borders by linking a few agencies for sharing information and some approvals, introducing an electronic payment system for port services, reducing the time to export by implementing the ASYCUDA World electronic data interchange system, and introducing a new electronic data interchange system that enables electronic submission and processing of customs declarations and cargo manifests and by providing for legal recognition of electronic documents and contracts.[15] While being ahead of Bangladesh (rank 176) and Viet Nam (rank 100), Sri Lanka still trails the other South Asian economies of India (rank 80) and Nepal (rank 82) and is far below Malaysia (rank 48) and Thailand (rank 59) in the trading across borders category.

[15] World Bank. 2018. Doing Business 2018: Sri Lanka. Washington.

- Underlying causes

A slowing down of the reform process from around the late 1990s and a reversal in policy in later years affected the advancement on the export sector. In the late 1970s, the effective rate of protection[16] for import-competing manufactured goods were 137%. This declined to 56% by 2000 but climbed to 63% by 2015.[17] The insurrection in the late 1980s and the civil conflict that lasted nearly three decades created fiscal pressures that constrained investments in priority sectors, crowded out the private sector, and resulted in inflationary pressures and an appreciation of the real exchange rate that eroded the competitiveness of the export sector.[18] The conflict environment also affected Sri Lanka's business climate and Sri Lanka's ability to attract FDI.

- Role of trade facilitation in addressing these challenges

Improved trade facilitation could benefit Sri Lanka in overcoming the challenges identified above and improving the business climate. High trade costs limit access to export markets to firms that do not possess very high productivity. Lowering of trade costs will allow more firms to enter foreign markets and expand the country's export product mix. It will also encourage FDIs as an economy with lower trade costs will provide a conducive environment for foreign firms to establish their operations and export to other markets. FDIs will lead to further diversification. Timeliness is a critical factor in participating in global value chains and red tape creates delays in delivery. Therefore, improved trade facilitation is a critical factor in creating the environment for participation in global value chains. As Sri Lanka moves towards upper middle-income economy status, Sri Lanka needs to attract FDI in modern sectors to transform the economy and reach a sustainable growth trajectory. In all this, trade facilitation becomes a vital component, together with improvements to the overall business environment.

# Part III: Recommendations and Way Forward

## Trade facilitation priorities

Sri Lanka ratified the WTO's TFA in 2016 and is a signatory to the World Customs Organization's Revised Kyoto Convention (RKC) and has identified improvement of trade facilitation as a crucial element in developing trade. This section will focus on the priority areas for improving trade facilitation for Sri Lanka, drawing on the ADB's Sector Background: Industry

[16] Effective rate of protection measures the total effect of the tariff structure on the value added on a unit of a domestically manufactured product, when tariffs are imposed on the imports of the same product.

[17] Asian Development Bank. 2017. The Sri Lankan Economy, Charting a New Course. Manila.

[18] Athukorala, P.,and S. Jayasuriya. 2012. Economic Policy Shifts in Sri Lanka: The Post-conflict Development Challenge.Working Papers in Trade and Development. Working Paper No. 2012/15. Australian National University.

and Trade, prepared for the South Asia Subregional Economic Cooperation Port Access Elevated Highway Project.[19]

- Use of Modern Customs Tools

The RKC recommends the use of modern customs tools as an important aspect to facilitate trade, while the TFA recognizes advance ruling,[20] risk management, post-clearance audit, and pre-arrival processing as some of the important tools that countries should adopt and develop to improve trade facilitation. Inadequate use of such tools constrains trade facilitation in Sri Lanka.

The use of an effective risk management system will expedite cargo clearance, by minimizing the physical inspection rate of containers. While the Sri Lanka Department of Customs (SLDC) uses the selectivity module of the ASYCUDA World for risk management, the risk rules result in a high level of physical inspection rate. While consignments are classified as green (released without examination), amber (where random examinations of goods are carried out), and red (where cargo is subject to examination).In 2015 about 77% of the amber and red classified consignments were physically examined. The inspection rate is high as there is no coordination among all cross-border regulatory agencies in inspecting cargo, and some goods are subjected to several checks under varying legislature of different cross-border regulatory agencies, which do not have any risk management system. Therefore, there is an urgent need to improve the risk management system to minimize the percentage of cargo that is physically examined and to develop a coordination mechanism among cross border regulatory agencies to avoid multiple checks of consignments. In 2018, the Asian Development Bank approved Technical Assistance[21] to Sri Lanka for diagnostic studies of a risk management system and capacity building to improve risk management practices at the SLDC.

Using pre-arrival processing and post clearance audit (PCA) in parallel with a risk management system will maximize benefits in expediting cargo clearance. These tools will allow cargo to be cleared faster as clearance will not depend on the goods being at the port for the clearance process to start or to be completed. While Sri Lanka allows pre-arrival processing in a very limited capacity, applicable to a few perishable goods, full implementation is restricted due to legislative gaps in the customs ordinance. Regulations are currently being processed to allow implementation of pre-arrival processing at a wider scale. While the SLDC has initiated a

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[19] ADB. 2018. Report and Recommendation of the President to the Board of Directors: Proposed Loan, Technical Assistance Grant, and Administration of Technical Assistance Grant to the Democratic Socialist Republic of Sri Lanka: South Asia Subregional Economic Cooperation Port Access Elevated Highway Project.Sector Background: Industry and Trade (accessible from the list of linked documents in Appendix 2). Manila.

[20] Ruling by Customs on the classification, origin or value of goods, prior to arrival, based on information and samples submitted by the trader to the Customs.

[21] ADB. 2018. Report and Recommendation of the President to the Board of Directors: Proposed Loan, Technical Assistance Grant, and Administration of Technical Assistance Grant to the Democratic Socialist Republic of Sri Lanka: South Asia Subregional Economic Cooperation Port Access Elevated Highway Project.Attached technical Assistance Report: Supporting Trade Logistics Facilitation (accessible from the list of linked documents in Appendix 2). Manila.

PCA, it is not fully effective as the traders and areas of audit are not based on a selectivity risk assessment and the auditors are not adequately equipped to conduct a PCA.

- Excessive documentation

In Sri Lanka, eight documents are needed to clear an import consignment and seven documents needed to export. Additional documents such as relevant certificates under free trade agreements and product specific certificates may be required from relevant traders, while documents to verify valuation of goods may also be required due to the risk of under-invoicing. The uncertainty of not knowing what additional documentation may be required during the clearance process leads to delays and transaction costs. One way to avoid this problem is to develop and use valuation databases and coordinated risk management. The establishment of a national single window (NSW) will also help reduce documentation by removing duplication.

- Inadequate automation

SLDC has automated some functions by introducing ASYCUDA in 1993, followed up with upgrades to ASYCUDA++ in 1998 and ASYCUDA World in 2012. This allows traders to fill in the customs declaration electronically but supporting documents must be submitted manually to SLDC. Physical signatures of officers are also required to complete the clearance process. Therefore, traders do not feel the benefits of automation and the process has not delivered optimal benefits to the SLDC either. Many relevant agencies are not linked to the ASYCUDA World system, apart from the Board of Investment, the Tea Board, Registrar of Motor Vehicles, Ministry of Finance, and the Import/Export Control Department.[22] Completing the automation process will deliver benefits both to traders and the relevant border agencies.

- Lack of coordination among border agencies

Lack of coordination among border agencies lead to duplication of data submission and multiple physical checks of cargo. This hampers efficiency and increases clearance time and transaction costs. In a survey conducted by the Institute of Policy Studies, [23] 46.5% of respondents, out of a sample of 86, rated coordination between border management agencies as “average”, while 39.5% rated it as “poor”. Only 14.0% rated it as “good”. One way to avoid duplication of submissions and checking is to establish a national single window as a single filing point and for integrated online clearance.

[22] S.Jayaratne, D. Premaratne, and J. Wijayasiri. 2016. Trade and Transportation Audit: Sri Lanka. IPS Working Paper Series. No. 26. Colombo. Institute of Policy Studies.

[23] Ibid.

- Lack of port facilitation

There are several players involved in the port clearance process between the ship's arrival and cargo discharge and evacuation from the port in the case of imports and cargo arrival at the port to the point of departure of the vessels in case of exports. Since there is no common electronic platform, traders have to interact with each agency separately, leading to delays and inefficiencies. It also adds to the documentation requirement in paying wharfage, storage, and handling charges. Port efficiency could be enhanced though the establishment of a port community system (PCS) that will bring all agencies into a common information technology platform. Finally, linking the PCS with the NSW will facilitate seamless flow of information from the port authority to the customs.

- Inefficient inland cargo clearance system.

Currently there are several examination yards, outside the port, where imported cargo is transported for clearance by SLDC and other cross border agencies. Export cargo is examined at the Export Facilitation Center, prior to entering the port. The movement of containers between the port from the examination yards creates traffic congestion in Colombo. The transportation of cargo takes place before customs duties are paid, and duty is payable at the time of clearing the goods from the warehouses. This necessitates the physical escort of goods by customs officers from the port to the examination centers. SLDC also seals the containers to secure cargo from tampering. However, this system of cargo transportation is not reliable. The seals that are used are neither tamper proof or capable of live tracking the movement of the containers. It also does not provide alerts in case of tampering. Cargo reconciliation under this system is based on a document that is forwarded from the port to the examination center, which is returned to port with an endorsement of receipt of cargo.

It is necessary to re look at the cargo clearance system and bring in improvements that are more secure and efficient, such as an electronic cargo tracking system, and avoid creating traffic congestion in the city. An electronic cargo tracking system will allow cargo to be moved outside the port in a secure manner, allowing the tracking of the containers throughout its journey, and alert authorities of any attempt at tampering with the seal.

- Operational issues in Colombo Port

The lack of standard operating procedure and the inefficient physical checks at the port gates affect port efficiency. Replacing the manual checking of documents with an electronically generated exit note for releasing of containers and an electronic cargo dispatch note for export trucks, issued by an authorized agency, will improve operational efficiency of the port.

Facilities to store and handle cargo amounting to less than a container load are inadequate and may cause deterioration of cargo. Constructing secure facilities to store and handle such cargo would reduce processing time and avoid its deterioration.

- Ill-equipped customs laboratory

Lack of equipment at the customs laboratory, which facilitates chemical testing for regulatory and tariff purposes, hinders its efficient performance, leading to delays in cargo clearance. A well-equipped laboratory could safeguard revenue and assist in correct classification of goods, identify restricted or prohibited items, and efficient implementation of trade laws. The modernization plan for the laboratory, based on a World Customs Organization guide, has been prepared.

## Way forward

Over the last decade, Sri Lanka has focused on developing its infrastructure and has improved connectivity within the country and at border points. The highway from the airport and the Colombo port expansion are significant examples in this regard. Going forward, Sri Lanka needs to stay the course in improving efficiency and capacity enhancement of its trade-related institutions. The process to improve the institutional, legal, and regulatory framework is a critical component in strengthening international trade and deriving benefits from developments in international markets. Insulating the reform process from uncertainty is of great importance as policy reversals are harmful to advancing the trade agenda and attracting FDI. The TFA provides a framework to move the reform agenda forward, as Sri Lanka has taken up obligation to implement its provisions by ratifying to the Agreement. This could be a basis on which to build further reforms and an opportunity to tap resources for capacity building of relevant institutions.

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