1. Introduction

When the UK decided in 2016 to leave the EU, many hopes and fears were expressed about the potential effects on other countries. The Commonwealth was closely involved in these debates and is likely to be heavily affected by the outcome. In 2019, Commonwealth countries’ exports to the UK totalled US$116 billion (49 per cent goods) accounting for around 13 per cent of intra-Commonwealth merchandise exports and 25 per cent of services exports. Access to the EU (and the UK) market varied widely:

- Cyprus and Malta were part of the Single European Market.
- Many Commonwealth members had highly preferential access under Economic Partnership Agreements (EPAs), free trade areas (FTAs) or the Generalised Scheme of Preferences (GSP).
- But five countries exported only on the Most Favoured Nation (MFN) terms of the World Trade Organization (WTO).1

The scale and type of many Brexit effects depend on the precise form of the commercial relationship between the UK and the EU. Most of the uncertainties were resolved by the UK–EU Trade and Cooperation Agreement (TCA), finalised on 24 December 2020. This is an FTA covering all goods and limited services that leaves scope for regulatory regimes to diverge over time.2

This issue of Commonwealth Trade Hot Topics takes stock and flags:

- Which of the many possible effects of Brexit identified over the past four years remain in play;
- Which Commonwealth countries might be most affected by those that remain relevant; and
- The developments that need to be monitored over the medium term.

2. Possible Brexit effects on Commonwealth countries

There is a range of possible effects (Table 1) with different timescales. The highest priority for many countries has been to avoid immediate trade disruptions on 1 January 2021. But the “immediate response” measures set the foundations on which future policy is built. Have they established solid foundations for later improvements or, at a minimum, avoided making improvement harder?

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1 Maldives, Malaysia, Australia, New Zealand, Brunei Darussalam
2 In Northern Ireland market conditions may differ in some cases from those described in this Trade Hot Topic because of implementation of the Northern Ireland Protocol to the Withdrawal Agreement under which the UK left the EU.
2.1 Immediate effects

Two immediate questions faced Commonwealth member countries on the day that the UK finally exited the EU’s single market and its trade agreements. One was whether any “better-than-MFN” access to the UK market would lapse. The other was whether supply chains moving Commonwealth-originating goods and services across the EU–UK border (such as cut flowers or audio-visual) would face delays and prohibitions.

Preference removal

The big picture is a positive one: preference erosion has largely been avoided for EPA/FTA signatories and GSP beneficiaries through a multi-tier UK trade regime (Figure 1). But there remain some loose ends that have the potential to cause problems that require close monitoring.

Both the UK and its Commonwealth partners put the transition period from February to December 2020 to good effect to avoid a cliff edge change to market access. The result is that most relevant EU regimes have been replicated bilaterally. This has been a complex undertaking in itself given the variety of treatments accorded to different Commonwealth member countries; building (or laying the foundations for) entirely new regimes would have been even more ambitious given the time available (Stevens and Kennan, 2016).

Apart from Cyprus and Malta (now subject to the TCA), all bar two of the 46 Commonwealth countries exporting to the EU on “better-than-MFN” terms are covered by a UK trade regime said to be equivalent to the EU’s, although no detailed comparison has yet been published. The exceptions are the result of rising incomes: Nauru and Tonga are no longer classified by the World Bank as lower-middle-income and do not have an FTA with either the EU or the UK (Box 1).

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3 This term is used to describe all trade regimes that apply border restrictions less onerous than the UK’s applied most favoured nation (MFN) provisions.

4 As reported in UK, 2021a at 5 March 2021 – Full FTA: Botswana, eSwatini, Lesotho, Mauritius, Mozambique, Namibia, Seychelles, Singapore, South Africa; Partial FTA: Canada; Provisional FTA: Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Ghana, Grenada, Guyana, Jamaica, Saint Lucia, St Kitts and Nevis, Fiji, Papua New Guinea; Bridging Mechanism: Cameroon, Kenya, St Vincent and the Grenadines, Trinidad and Tobago, Samoa, Solomon Islands; LDC Framework GSP: The Gambia, Malawi, Rwanda, Sierra Leone, Uganda, Tanzania, Zambia, Bangladesh, Kiribati, Tuvalu, Vanuatu; Enhanced Framework GSP: Pakistan, Sri Lanka; General Framework GSP: Nigeria, India; EU–EU TCA: Cyprus, Malta; MFN: Australia, Brunei Darussalam, Malaysia, Maldives, Nauru, New Zealand, Tonga.
Until March 2021 there was a third exception: Ghana. Negotiations on an FTA were incomplete at the start of 2021, resulting in a downgrading of Ghana’s access to the UK market from an EPA regime to the UK’s more limited GSP. In February 2021 agreement was reached on an interim FTA to be implemented following ‘the completion of relevant internal procedures’ (UK2021b). The temporary deterioration is reported to have caused problems, notably for Ghana’s banana and tuna exports (EPA Monitoring, 2021a).

More generally, almost two-thirds of the UK’s 29 FTAs with Commonwealth countries were bridging or provisional; only nine were “fully ratified FTAs”\(^5\). The UK government defines bridging mechanisms as “an alternative means to ensure continuity of trade, where the UK or treaty partners are unable to fully ratify or provisionally apply an agreement; such non-binding mechanisms include Memoranda of Understanding or Exchange of Diplomatic Notes and ensure continuity of trade” (UK, 2021a). Such accords are no guarantee of continued favourable access.

The UK trade regimes are directly modelled on those of the EU. Most countries with which the EU has an EPA or an FTA are covered by a UK FTA or

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5 In addition to provisional and bridging arrangements, the Canada FTA is described as “partial” with the expectation that it enters into effect in early 2021, with preferential tariff rates being applied.

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Box 1: Preference graduation – examples from the Pacific

Nauru and Tonga are ineligible for the UK’s GSP, which (like the EU’s) covers only low- and lower-middle-income countries plus LDCs. Vanuatu may be similarly “graduated” out of its current UK trade regime following a UN decision on 4 December 2020 that it no longer qualifies as an LDC. Where income or LDC status is determined independently of trade policy (by the World Bank and the UN in these cases), there is often a lag before an importing country alters its trade regime to reflect the change. The latest EU GSP data (which are for 2019), for example, show both Nauru and Tonga as GSP beneficiaries, but this may soon change.

The change of status (to MFN for Nauru and, potentially, Standard GSP for Vanuatu) will have no immediate implications, as there is no difference between the tariffs applied on their main exports to the UK under old and new regimes. But Tonga faces an MFN tariff of 10 per cent for almost three-quarters of its UK exports. The only available UK regime that would remove this charge is an FTA.
Bridging Mechanism. For the rest, any better-than-MFN treatment is provided via the UK’s GSP which, like its EU counterpart, has three segments.

1. The “LDC Framework GSP” offers market access equivalent to the EU’s Everything But Arms scheme. Although the UK accounts for only a tiny share of most Commonwealth LDCs’ exports (Figure 2), its share is as high as 9 per cent for Bangladesh, almost 4 per cent for Malawi and over 2 per cent for Rwanda and Tanzania.

2. Eight countries are eligible for the UK’s “Enhanced GSP” regime modelled on the EU’s GSP+. They include two Commonwealth member countries – Pakistan and Sri Lanka, for each of which the UK accounts for around 7 per cent of global exports.

3. Other low- and lower-middle-income states are eligible only for the “General Framework GSP”. The two Commonwealth member countries that fall into this group are India and Nigeria, with the UK accounting for around 3 per cent of global exports.

Like its EU model, the UK GSP (except the LDC Framework) excludes many goods, especially agricultural ones. One-fifth of the UK’s 10,000 or so tariff lines are excluded from the Main Framework and also, mostly, from the Enhanced GSP (UK, 2020a). Countries deemed to be too competitive for certain products are also “graduated out” of the GSP for those products. India is graduated out of the GSP for 2,652 lines.

Do the new regimes cover all the Commonwealth countries identified as most vulnerable to a “Brexit shock” (Stevens and Kennan, 2016: Tables 1, 2)? The answer is that all except one (Tonga) have been transferred to an equivalent regime. But there is uncertainty for the future because only seven of the 31 countries identified as most vulnerable to tariff hikes are currently covered by a full UK FTA. At the other end of the uncertainty scale, five of the most vulnerable countries are covered only by bridging agreements.

**Border disruptions to trade**

Although it is early days, it is already evident that border friction affects trade in both goods and services. There are potential implications for Commonwealth services (such as finance and creative industries). For goods, small suppliers are at particular risk, especially because the UK–EU TCA makes no provision for triangular cumulation (Box 2).

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6 Kenya is not yet formally part of an EPA with the EU as this will not become effective until all East African Community (EAC) parties have signed and ratified – but it is understood to have been granted EPA-equivalent access in the interim. Kenya is the only developing country in the EAC; the other five members qualify for the UK’s LDC Framework GSP offering duty-free quota-free access on all goods apart from armaments.

7 As is Kenya for 46 lines; were its FTA with the UK not to be finalised it would revert to the GSP General Framework.

8 These figures exclude Cyprus and Malta, which were identified as vulnerable to a “no-deal Brexit” and may yet be affected by the UK–EU CTA.

9 Some of the logistics problems for goods experienced so far are “teething troubles”, resolvable once the new systems are fully understood. UK–EU traffic during January 2021 was artificially low because of Covid-19 restrictions and stockpiling before the TCA was agreed. And both parties have agreed to waive some declaration requirements around rules of origin for the first year of operation. Moreover, the UK government has decided to apply the new import regulations with a light touch during the first six months of the new regime. UK creative service industries are already complaining about export disruption.
Two types of Commonwealth originating goods face border disruption:

- Those that are transported in bulk to a central hub in either the UK or the EU and then split to supply the other market;
- Inputs incorporated into UK or EU processed goods that are then traded between each other.

Most at risk from the first of these are suppliers whose transport routes are determined by the strategy of their global value chain and/or by logistics imperatives, and that are too small to support separate facilities in the UK and the EU. Any part of a consignment imported into the UK that is then distributed to, say, Germany will need to be kept in bond while in the UK. If this is impractical, import duties may be imposed when it crosses the English Channel. These will be additional to charges for standard border checks. One example of the non-tariff costs of border bureaucracy (for EU–UK trade in European wine) is that represent 8 to 12.5 per cent of the final consumer price (Evans and Foster, 2021). Since most charges are levied “per consignment”, the relative costs are especially high for the small shipments of marginal suppliers.

Commonwealth members tend not to be major input suppliers to UK producers, but the trade is important for some. Sugar exporters, for example, fear that more processors may follow the reported decision of Nestlé in June 2020 to use UK- or EU-sourced beet sugar in their chocolate (EPA Monitoring, 2021b). Even if they do not export to the UK, Commonwealth countries may be affected indirectly by Brexit-induced changes to UK firms’ sourcing. Nissan UK, for example, has decided to produce electric car batteries in the UK to avoid future problems with the rules of origin under the EU–UK TCA; India is currently one of the main global producers of these batteries (Foster and Inagaki, 2021).

Border controls on transhipped goods will become increasingly onerous as the EU and the UK’s standards diverge, as has already begun. Agricultural products, including plant and animal exports, will have to be certified under both UK and EU standards because the UK is diverging from EU practice. Similarly, there are no provisions for the cross-recognition of manufactured goods standards so any sold in both the UK and the EU market will have to be certified separately in each jurisdiction (EIU, 2021: 3). At the same time, divergence offers some new opportunities (Box 3).

Box 2: Triangular Cumulation

The rules of origin in FTAs typically allow for “cumulation”, whereby inputs processed by one partner that are imported from another can be taken into account when establishing the country of origin of the final product. Triangular cumulation applies the same principal to imports from non-members to which all FTA members apply the same import regime. For example, a UK food processor can use cane sugar imported from a country benefiting from duty-free treatment under the UK regime. The EU applies the same duty-free regime to the same countries. But, in the absence of triangular cumulation, the processed UK product would face MFN tariffs if exported to the EU because it would not be considered to “originate” in the UK on account of the cane sugar. The processor would not face this problem if it used UK or EU beet sugar.

Box 3: A Brexit gain – citrus black spot controls

A standing complaint of citrus exporters to the EU (especially South Africa) concerns phytosanitary inspection for evidence of black spot fungal infection. The checks are justified as necessary to protect European citrus trees but this is contested – and the UK is not a commercial citrus-growing country.

The rules in Britain (not Northern Ireland) are changing. From 1 April 2021 imported citrus (fruits and leaves) will no longer require a phytosanitary certificate (UK, 2020b). Other fruits, such as guava, kiwi and passion fruit, are also exempt.

2.2 Short-term changes

A widely expressed hope for the short term was that the UK’s bilateral policy and practice would remove perceived deficiencies in the EU’s regimes such as the “reciprocity” requirements of EPAs.10 Many suggestions have been made to create a more futuristic and “development-friendly” trade policy. These included less onerous rules of origin and their administration, wider product coverage of trade preferences (to include services and the
removal of tariff peaks), less stringent product and country graduation from preferences, and a more evidenced-based design of labour and environmental standards (Jones and Copland, 2017: 3).

With a Brexit trade preference cliff edge avoided, there is the breathing space to introduce improvements. Most of the ideas that have been floated involve only unilateral action by the UK. Subject to legislative agendas, many could be introduced within months or, failing that, put firmly on the agenda for future action.

One improvement already announced is on phytosanitary inspection of citrus fruit (Box 3). Because the UK, as a single economy, has a narrower range of climatic conditions and production than the whole of the EU, there may be scope to relax onerous health checks on a wider range of Commonwealth exports without endangering either UK producers or consumers. Citrus black spot is a well-known case partly because South Africa has actively publicised it. Are there other less widely known cases?

At the same time, any differentiation between UK and EU regulations will impose challenges for exporters. Technical support from development agencies may be required, especially for the small exporters most likely to be adversely affected by the creation of a UK–EU border.

Services also illustrate how the UK could improve on the EU’s regimes. The GSP LDC Framework could be extended, for example, to cover services in line with the WTO LDC services waiver. In 2019, around 18 per cent of the Commonwealth’s total services exports were absorbed in the UK market. Because the TCA services coverage is very limited, such action could sidestep any UK government concern about diverging regimes creating greater border friction.

### 2.3 Medium- and longer-term changes

Dominating the medium term is the scope for trade creation or diversion as a result of the UK trade policy diverging from the EU’s and of the post-Brexit split of Europe’s WTO agricultural tariff quotas. This may dampen UK enthusiasm for removing sharp edges from the inherited EU schemes lest unilateral liberalisation (for example by broadening and deepening GSP regimes) reduces the incentive for more countries to agree FTAs with the UK.

With doubt being cast over how quickly the Biden administration in the USA will pick up the UK–USA FTA negotiations, the Commonwealth has moved to the centre of UK plans (Parker and Williams, 2021). These focus on bilateral negotiations with Australia and New Zealand, as well as UK membership of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) (UK, 2020c, d, e). Negotiations with Canada to develop further the partial FTA may also start in 2021.

Given that around 70 per cent of the UK’s annual $65 billion food imports are currently sourced from the EU, FTAs with major agricultural producers such as Australia, Canada and New Zealand could offer substantial scope for an increase in Commonwealth trade. Other FTAs with Commonwealth member countries are possible, if not on the front burner. Modelling a UK–India FTA, for example, suggests that trade could increase substantially (Banga, 2017).

For the longer term, the most fundamental effects of Brexit on other countries may be determined by the level of trade complementarity, political economy dynamics and how far it alters the growth rate of both the UK and the EU. This will feed through into global demand and supply for trade and investment.

There have been many forecasts over the past five years. One by the UK government dated January 2018 suggested that, under the closest scenario to the one actually achieved (an FTA with the EU), growth would be reduced by 5 percentage points over the next 15 years compared with the forecasts current at that time (Parker et al., 2018). Since then, of course, the scale of any such global impact has been submerged by the much larger shock of Covid-19. Even though any Brexit effect will be additional to the Covid-19 effects, it seems unlikely that much attention will be devoted to estimating its scale, at least until after the pandemic is under control.

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11 Quantitative limits on the volume of goods benefiting from reduced tariffs have been set in the WTO Agreement on Agriculture for the whole EU. Following Brexit, these totals must be split into a UK and an EU share. But no agreement on this split has yet been reached in the WTO.

12 Changes in merchandise exports would be greater for the UK (forecast to increase annually by 33 per cent) than for India (up by 12 per cent annually), probably because Indian tariffs are higher, but this ignores services, which would be the priority for India.
3. Way forward - a roadmap

Enough is now known to identify those areas in which firms, governments and civil society need to be prepared and, where they consider it appropriate, make representations for change. A roadmap (updated as further details of the post-Brexit world emerge) is needed to sensitise public and private sectors to the practical options and possibilities.

The immediate need is for supply chain management and is especially acute for exporters that are small in scale and/or produce perishable goods that cross the UK–EU border or are incorporated with UK or EU inputs. Solutions appropriate to large-scale European producers may be less useful for smaller Commonwealth suppliers that hold less power within their value chains and lack the scale to justify duplicate transport and storage. Close monitoring and representation by firms and governments with the support of European civil society organisations may be needed.

Some new opportunities may also become visible. The example cited above about the extra cost of border friction for the wine trade applies only to European production since non-European exporters already face such costs. The cost of EU wine in the UK market relative to, say, that of South Africa will tend to increase, offering potential market opportunities for South Africa’s wineries. Similar changes in relative European and non-European costs in both EU and UK markets are likely to emerge for other products.

The short-term focus should be on improving UK policy and administration to remove features of the inherited EU regimes that are believed to reduce any development impact. Such improvements could occur either because the UK simply wants “to do better” or because the Brexit change in circumstances allows new possibilities.

This second avenue is particularly interesting and justifies close, early and rapid investigation. Three examples provide a flavour.

1. Could the UK’s administration of its trade regimes be made less “heavy” than the EU’s simply because of the change in legal systems? Imports to Britain face only the two (closely related) legal regimes (in Scotland and in the rest of the UK). Regulations do not need, therefore, to be framed to make them watertight in numerous and often very different legal landscapes.

2. Do the EU rules have the effect (if not the intent) of protecting economic activities that are not of interest to the UK (as in the case of citrus black spot – Box 3)? If so, it may be possible to achieve the legitimate objectives of the rules in a way that is less disruptive to trade.

3. New areas of commerce may flourish to offset any Brexit losses, notably in the digital economy. Negotiations will commence in 2021 on a UK–Singapore Digital Economy Agreement. Since other Commonwealth countries have also signed similar agreements, the UK could pursue additional initiatives with like-minded member states.

Prospects for the medium term are dominated by the UK’s negotiation of new FTAs and the evolution of the UK–EU TCA (in terms of both policy and practice). The potential implications of new FTAs are clear, but the impacts that they may have on specific exporters depends on the countries involved. The potential fillip to South African wine exports noted above, for example, would be wiped out by a UK–Mercosur FTA but not by one with Mexico.

The implications of any UK liberalisation (whether multilaterally or via new FTAs) depend on a country’s current access to the UK market. Countries fall into one of three groups.

1. Countries with substantially free market access (including all LDCs and the UK’s FTA partners) would face trade diversion if the UK were to cut its MFN tariffs or agree FTAs with competitors.

2. At the other end of the scale, countries/economies trading with the UK on largely MFN terms (such as Australia and New Zealand) could expect trade creation from either a cut in the UK’s MFN tariffs or a new FTA with them; by contrast, a new UK FTA with a competitor would risk trade diversion.

3. In the middle are countries with access that is modestly “better-than-MFN” (such as India), which would face a range of effects similar to Group 2 but more nuanced to the precise areas of UK liberalisation.

Despite the TCA, trade between the UK and the EU is no longer frictionless, given the administrative burden of rules of origin, VAT payments, health checks and Customs declarations. This friction may decline over time as new systems are bedded in – but it could also increase (for example because regulations diverge). Increased friction may push British firms to look for markets outside the EU in
more dynamic regions such as Asia and Africa. New restrictions on tourism within Europe may increase the relative competitiveness of UK tourism in Commonwealth countries.

In short, Brexit is a non-trivial change that is likely to have significant longer-term trade impacts for the UK, the EU and many Commonwealth countries. These are only dimly perceived, but early sensitisation to opportunities (and challenges) just below the horizon increases the likelihood of Commonwealth firms being quick to respond.

References


International Trade Policy Section at the Commonwealth Secretariat

This Trade Hot Topic is brought out by the International Trade Policy (ITP) Section of the Trade Division of the Commonwealth Secretariat, which is the main intergovernmental agency of the Commonwealth – an association of 54 independent countries, comprising large and small, developed and developing, landlocked and island economies – facilitating consultation and co-operation among member governments and countries in the common interest of their peoples and in the promotion of international consensus-building.

ITP is entrusted with the responsibilities of undertaking policy-oriented research and advocacy on trade and development issues and providing informed inputs into the related discourses involving Commonwealth members. The ITP approach is to scan the trade and development landscape for areas where orthodox approaches are ineffective or where there are public policy failures or gaps, and to seek heterodox approaches to address those. Its work plan is flexible to enable quick response to emerging issues in the international trading environment that impact particularly on highly vulnerable Commonwealth constituencies – least developed countries (LDCs), small states and sub-Saharan Africa.

Scope of ITP Work

ITP undertakes activities principally in three broad areas:

- It supports Commonwealth developing members in their negotiation of multilateral and regional trade agreements that promote development friendly outcomes, notably their economic growth through expanded trade.

- It conducts policy research, consultations and advocacy to increase understanding of the changing international trading environment and of policy options for successful adaptation.

- It contributes to the processes involving the multilateral and bilateral trade regimes that advance more beneficial participation of Commonwealth developing country members, particularly, small states and LDCs and sub-Saharan Africa.

ITP Recent Activities

ITP’s most recent activities focus on assisting member states in their negotiations in the World Trade Organization and various regional trading arrangements, undertaking analytical research on a range of trade policy, emerging trade-related development issues, and supporting workshops/dialogues for facilitating exchange of ideas, disseminating informed inputs, and consensus-building on issues of interest to Commonwealth members.

Selected Recent Meetings/Workshops Supported by ITP

21–23 October 2020: Recovery from COVID-19 – Tackling Vulnerabilities and Leveraging Scarce Resources, organised in the framework of the LDC IV Monitor and held virtually on the road to the Fifth UN Conference on Least Developed Countries (LDC5) in collaboration with the OECD Development Centre, UN–OHRLLS and FERDI.

29 January 2020: Looking to LDC V: A Critical Reflection by the LDV IV Monitor (in partnership with the OECD Development Centre and the Centre for Policy Dialogue, Bangladesh) held at Marlborough House, London, United Kingdom.


11 October 2019: Tapping the Tourism Potential of Small Economies: A Transformative and Inclusive Approach (WTO Public Forum) held in Geneva, Switzerland in collaboration with the WTO and the UNWTO.

10 October 2019: Commonwealth Trade Ministers Meeting held at Marlborough House, London, United Kingdom.


## Previous Ten Issues of the Commonwealth Trade Hot Topics Series

<table>
<thead>
<tr>
<th>Issue</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue 173</td>
<td>Trade × Technology beyond COVID-19: Leveraging Digital Technologies for Economic Co-operation</td>
</tr>
<tr>
<td>Issue 172</td>
<td>The Great Race: Ensuring Equitable Access to COVID-19 Vaccines</td>
</tr>
<tr>
<td>Issue 171</td>
<td>Implications of a Slowdown in the Indian Economy for Commonwealth Countries: The Turning Point</td>
</tr>
<tr>
<td>Issue 170</td>
<td>COVID-19 and Commonwealth FDI: Immediate Impacts and Future Prospects</td>
</tr>
<tr>
<td>Issue 169</td>
<td>Natural Disasters and Recovery Efforts: Tapping into Trade Facilitation as a Response Tool</td>
</tr>
<tr>
<td>Issue 168</td>
<td>WTO Fisheries Subsidies Negotiations: A Time to Remain Vigilant</td>
</tr>
<tr>
<td>Issue 167</td>
<td>Building Africa’s Post-COVID Economic Resilience: What Role for the AfCFTA?</td>
</tr>
<tr>
<td>Issue 166</td>
<td>Dispute Settlement at the WTO: How Did We Get Here and What’s Next for Commonwealth States?</td>
</tr>
<tr>
<td>Issue 165</td>
<td>COVID-19 and Food Supplies in the Commonwealth</td>
</tr>
<tr>
<td>Issue 164</td>
<td>Prioritising the Poor: LDCs and Trade in COVID-19-Related Medical Supplies</td>
</tr>
</tbody>
</table>

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