

The Donor Committee for Enterprise Development

# **Business Environment Working Group Meeting**

# **Meeting Minutes**

# 8 November 2016

#### Ministry of Foreign Affairs of Denmark, Copenhagen

#### Approved via email 23 November 2016

# Present:

Farid Hegazy (ILO) Chair Birgit Seibel (GIZ on behalf of BMZ) Nathalie Gonçalves Aurélio (Netherlands) Alain Buehlmann (SECO) Alexander Widmer (SDC) François-Philippe Dubé (Canada) Henrik Vistisen (Danida) Hanna Carus (Danida) Wade Channel (USAID) – connected by telephone Andreja Marusic (World Bank Group) – connected by telephone <b>Apologies:</b>	Siobhan Kelly (FAO) – connected by telephone Jim Tanburn (DCED Secretariat) Nick Wilson (DCED Secretariat) Melina Heinrich-Fernandes (DCED Secretariat) – connected by telephone Simon White (Consultant, BEWG Coordination) – connected by telephone Deborah Mansfield & Elbereth Donovan, LASER (for Meeting Item 4)
Stefanie Springorum (GIZ)	Toru Homma (JICA)
Liliana de Sa Kirchknopf (SECO)	Juergen Reinhardt (UNIDO)
Jan Meijer (Netherlands)	Carl Aaron (DFID)

#### 1 Meeting Opening 9:10AM CET

Farid Hegazy (ILO) BEWG Chairperson: opened the meeting and welcomed everyone.

#### 2 Introductions

Members introduced themselves.

Membership changes to note:

- Tim Green replaced on BEWG by Carl Aaron, DFID.
- Gayle Barnett replaced by François-Philippe Dubé, Canada.

#### **3** Business arising from previous minutes

The Minutes of the Last Meeting (14 June 2016) had previously been approved by email. This was confirmed. There was no business arising from previous BEWG Minutes.

# 4 Presentation by DFID-funded LASER program: Adaptive programming in BER

Deborah Mansfield & Elbereth Donovan gave a presentation on the experiences and lessons learned from the DFID-funded Legal Assistance for Economic Reform (LASER) programme. This was followed by a general discussion on adaptive programming in BER.

See Annex 1 for copies of the slides presented.

## 5 Work Item Updates

### 5.1 BER and Gender

Birgit Seibel (GIZ) provided an update on the BER and Gender work item. She described the background, including the Technical Report by Katherine Miles and the publication of the Donor Guidance Annex, which had been approved by the Work Item Task Team, but was not previously approved by the BEWG.

See Technical Report: <u>http://www.enterprise-development.org/wp-content/uploads/BEWG-DCED-Technical-Paper-Gender-and-BER.pdf</u>

See Annex: <u>http://www.enterprise-development.org/wp-content/uploads/BEWG-DCED-</u> Annex-Gender-and-BER.pdf

# <u>AGREED</u>: The Meeting approved the Donor Guidance Annex, recognising it has been through an extensive process of consultation.

There was a discussion on the next steps:

- 1. Prepare a guide for policy makers on gender-sensitive BER
- 2. Prepare a series of case studies, which would be of use to BER practitioners.
- Use World Bank's Enterprise Survey data proposal to influence the use of gender indicators
- 4. Informality, gender and BER

Wade Channel indicated USAID may be able to finance some of this work. However, it may take a few months to get clearance. Because of this, it was considered important to begin this work using the available funds, as outlined in the current Annual Work Plan and Budget. Many members voiced an interest for the BER and gender case studies to look into the topics informality and access to finance. There was also a discussion on the topic customary law reform. However, it was unclear what value the BEWG could add to these issues. The Task Team for the case studies will check whether there are already case studies available on BER and gender focusing on access to finance; if so, the task team will propose a different topic for the case study besides informality.

<u>AGREED:</u> The Meeting agreed to proceed with the first two items (i.e., guide and case study) using the available funds from the DCED Trust Fund, as contained in the BEWG Work Plan (US\$25,000).

The Meeting also agreed to pursue the proposal regarding the World Bank Enterprise Survey. This was initially proposed by DFID. The Task Team will continue these discussions. Wade Channel (USAID) offered to follow-up on the contacts with WB.

BEWG members were also encouraged to consider joining the Task Team.

<u>AGREED</u>: The Meeting agreed that GIZ and SDC will, on behalf of the Task Team, circulate the TOR for the guide and case studies to BEWG members. Members would comment on the draft TOR by 30 November 2016.

# 5.2 DCED Annex: Regional and Local BER

Simon White provided the background on the work item, describing the preparation of the Technical Report, which the BEWG approved in June 2016.

Technical Report available from: <u>http://www.enterprise-development.org/wp-</u>content/uploads/BEWG-DCED-Technical-Report-Beyond-National-BER-2016.pdf

Based on this report, the BEWG agreed to produce an Annex on Regional and Local BER. The first draft of the annex was sent to Task Team members and other agencies. The draft as revised based on comments received. He then presented the report to the meeting. The following comments were made.

Add to LBER key messages:

- Building capacity of local agencies;
- Highlight the risk of capture by elites at the local level;
- Supporting civil society participation;
- Implementation of LBER
- Institutional capacity how to support.
- Benchmarking municipalities as a key function of local BE assessments.
- Are "location" and "place" the same thing?

Add to RBER key messages:

• Begin with a message about why RBER is important (creates a greater scale of economy (through integration), while supporting value chain development by bringing regulators together (harmonisation).

Change the opening key message: Regional and local BER *complements* national reforms, rather than *combines*.

<u>AGREED</u>: Simon will revise the draft based on comments received and circulate a new draft for final comments and adoption after a two-week period (i.e., by 23 November 2016).

#### 5.3 Business Environments for Inclusive Business

Birgit Seibel provided a brief background to the work item.

Melina Heinrich-Fernandes (DCED Secretariat) called in and described the finalised report.

Available from: <u>http://www.enterprise-development.org/wp-</u> content/uploads/DCED\_Creating\_An\_Enabling\_Environment\_For\_Inclusive\_Business.pdf

She then described some next steps, specifically the organisation of a seminar on IB and BER. This may be held alongside the DCED Annual Meeting, or earlier. It could combine a virtual and physical meeting.

<u>AGREED</u>: The Meeting agreed to organise a seminar on this topic. This could be one of three options: (1) a stand-alone seminar, (2) back-to-back to the DCED Annual Meeting 2017, or (3) linked to another UN SDG-inclusiveness related meeting.

#### 5.4 BER and Green Growth

Farid Hegazy provided a brief update on this item, which has not progressed much in recent months. The consultants and the Task Team are currently considering criteria for choosing

case studies. By the end of November 2016 the Task Team will decide on the case studies and immediate next steps.

## 5.5 BER and Labour Productivity

Alexander Widmer (SDC) updated the meeting on the creation of this work item, which was agreed to in June 2016. This work item sees to understand how business environment reform can be used to promote skills development and labour productivity. Key questions to answer are:

- Better understand the ways BER can contribute to improvements in labour productivity
- Identify new and emerging (best) practices and policies in this field

The consultants, Michael Morlock and Harald Meier, called in and presented their current progress — see Annex 2. There was a substantial Q&A session following this presentation. A number of members expressed an interest in ensuring the findings of the study draw clear and direct linkages with BER interventions.

The consultants' final report will be produced in March 2017. It is anticipated the report can be discussed at the next BEWG, which will most likely be in March.

# 5.6 Public Procurement for SMEs

Andreja Marusic (World Bank Group) called in from Washington DC and provided an update, along with the consultant commissioned for this work item, William Nielsen, and Lars Grava, Senior Private Sector Specialist at the Investment Climate Department in the World Bank.

This work item recognises that many countries have procurement regulations and rules that provide preferential treatment for SMEs in public procurement, but there is very little information on the impact such policies and regulations have had on the development and growth of companies that have benefited from such preferential treatment. There is also very little information on the adverse impacts this may have (i.e., the risk with preferential treatment is that it can be manipulated for capture and rent seeking which ultimately increases prices and has a negative impact on transparency and competition). The objective of this work item is to analyse the various models of preferential treatment of SMEs in public procurement, and evaluate the impact that such policies have had on SME development.

William Nielsen provided an overview of his approach to this work. See Annex 3 for a proposed outline of the report he is working on.

There following comments were raised:

- The report outlined appears blind to gender it will be very important to ensure gender is fully integrated and dealt with in the report;
- It would be useful to explore the link between public procurement and business formalization;
- It would be useful to explore synergy opportunities with the other current BEWG work items (e.g., the link with public procurement incentives for SMEs promoting the labour productivity of young people);
- Assistance to SME is one of 46 EU exemptions to state support.

World Bank has published a benchmarking public procurement report, which this year will cover some 189 countries. William will meet with the team preparing this report.

Lars Grava provided a brief update on the World Bank's work on SME procurement, specifically Qatar where SME procurement is seen as a way of diversifying the economic base.

The draft report is anticipated in March 2017, with the final report due in May 2017.

<u>AGREED</u>: The meeting agreed that BEWG members would comment on the outline within two weeks (i.e., by 23 November 2016). The timeframe for the delivery of the draft and final reports was also agreed (i.e., draft: March 2017, final: May 2017).

#### 6 Agency update

Participants then provided a general update on their work.

#### 7 Other Business

There was no Other Business.

#### 8 Next Meeting

It was agreed that the next meeting will be a teleconference, which will be in March 2017.

#### 9 Meeting Closed

Farid Hegazy closed the meeting at 4:50PM.

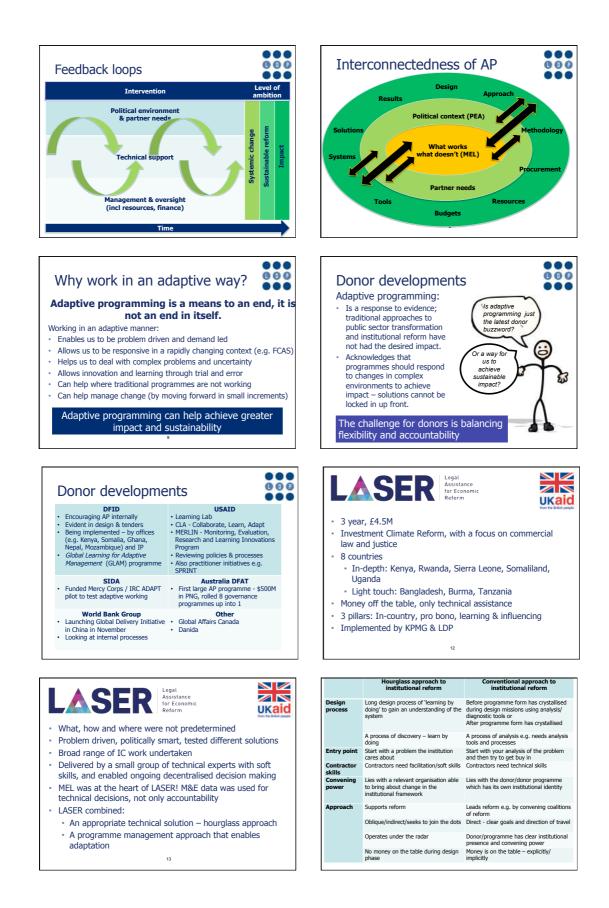
#### ATTACHMENTS/

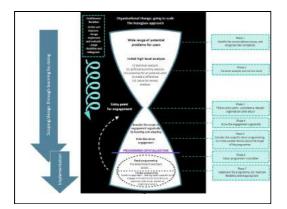
# **Business Environment Working Group Meeting**

# **Meeting Minutes – Attachments**

# Annex 1: Presentation by DFID-funded LASER program: Adaptive programming in BER



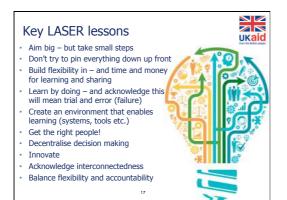






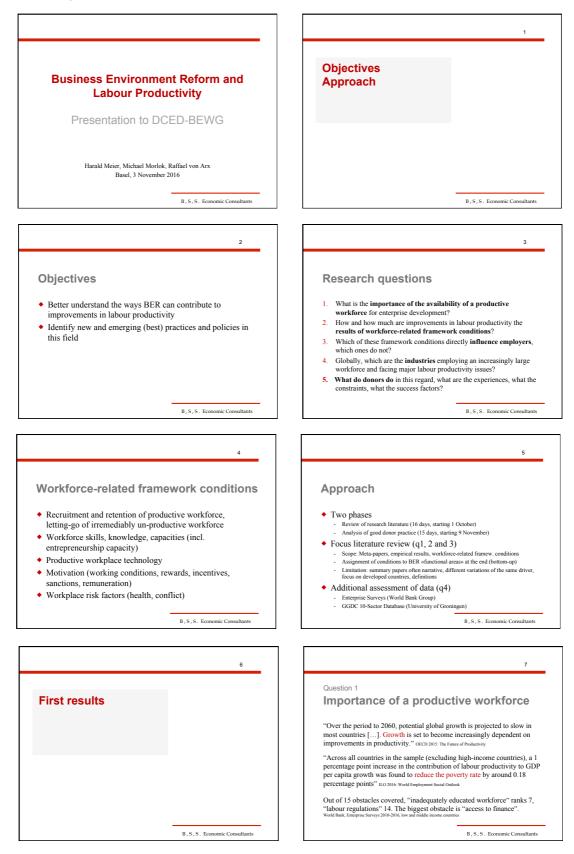


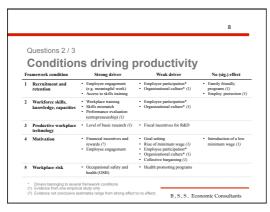
- Rwanda: put in place practical tools to negotiate and manage contracts (used by line ministries & district government)
- .
- Sierra Leone: commercial justice reform now in national policy & President's Priority Plan Somaliand: Trade policy framework put in place & bilateral transit agreement with Ethiopia for utilisation of Berbera port agreed. Somaliland: Identified key problems in energy sector & helped
- develop action plan. **Uganda:** Helped with roll out of SCP in magistrates court, to increase access to and speedy dispute resolution for SMEs. .
- Helped DCs develop and manage sustainable relationships with suppliers of specialist legal technical assistance & leveraged over £800,000 pro bono legal services. 16 .

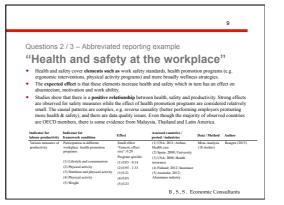




# Annex 2: BER and Labour Productivity: update and possible presentation of draft report

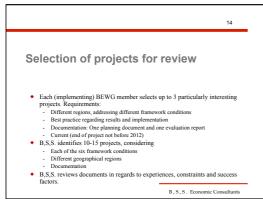




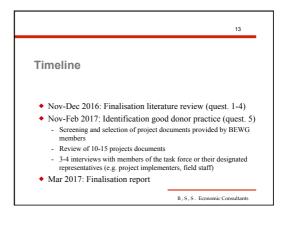








Manufacturia	Employment Growth (1y)	Productivity Growth (1y)	Constraints Labour Reg. Education		Skills %unskilled	Countries
			Labour Reg	□ 20.2 %	% unskilled	82
Manufacturing Services	5.1%	-1.7 %	9.7%	20.7 %	□ 28.9 % □ n/A	82 82
Manufacturing	3.3 %	-4.3 %	9.5 %	□ 13.5 %	24.8 %	8
Chemicals	2.7%	-0.7 %	8.0 %	15.3 %	28.7 %	8
Food	4.2 %	-1.7 %	10.1 %	10.3 %	26.7 %	8
Garment	2.3 %	-3.5 %	10.3 %	14.1 %	20.8 %	8
Other Manufacturing	2.8 %	-5.0 %	8.7%	14.0 %	25.4 %	8
Services	3.9 %	-2.1 %	8.3 %	14.5 %	n/A	8
Retail	3.2 %	-4.5 %	8.2 %	12.2 %	n/A	8
Other Services	3.9%	-1.8 %	9.8%	20.0 %	□ n/A	8



#### **Annex 3: SME Procurement: Preliminary Outline**

- 1) Introduction (2 pages)
  - a. Public procurement scale, uses, impact, role in development agenda (demand based policy)
  - b. Centralized vs. Decentralized procurement
  - c. Preferential public procurement
    - i. Spectrum of Pure Competitive to Pure Preference
    - ii. Direct vs. Indirect support
    - iii. Examples: SME, SPP, Green, Social, etc.
- 2) Review of preferential procurement models for SMEs including their structure, their place along the spectrum, their place in project cycle, and any pros/cons (6-8 pages)
  - a. Procurement project cycle
  - b. Bid-price preference
  - c. Set asides
  - d. Award criteria
    - i. Based on size of firm
    - ii. Social value and/or specific social criteria
      - 1. Emphasis on gender component
  - e. Less intrusive efforts to minimize size discrimination:
    - i. Improved institutional/regulatory frameworks
    - ii. Streamlined/shortened bid, evaluation and award procedures
    - iii. Electronic procurement platforms
    - iv. Reduced/waived application costs (both time and money)
    - v. Financing options, advanced payments
    - vi. Increased product visibility services
    - vii. Technical assistance provision
- 3) Policy Design and Best Practices (3 pages)
  - a. Definition of SME
  - b. Clarity, transparency of process
  - c. Sectors of focus
  - d. Level of market distortion pursued
  - e. Political Environment and Institutional/regulatory framework
  - f. Capacity for implementation
  - g. Trade agreements
  - h. Barriers and Risks
  - i. Stakeholders

- 4) 3-4 Country Cases Analysis of impact on SME development and broader economic impacts (6-10 pages)
  - a. Rep. of Korea Advanced payments, waived fees, award programs, etc. for SMEs
  - b. China Set aside and Bid price preference to SMEs
  - c. India Set aside and Bid price preference to MSEs (Micro and small enterprises)
  - d. UK Social value in public procurement
  - e. USA Federal targeted percentages, SBA regulation
  - f. Germany Social criteria in public procurement
  - g. South Africa Award criteria for BEE
- 5) Summary of lessons learnt (2-3 pages)
  - a. In general
  - b. Country specific
- 6) Evidence on Economic/Social impacts both positive and negative (2 pages)
  - a. Positive Ex: Brazil study SME growth and employment effects
  - b. Negative Ex: Greece "Salami" procurement
- 7) Future research needs (1 page)
  - a. More extensive cost benefit analyses
  - b. Experimental/quasi-experimental impact assessments
  - c. More time needed many of the existing preferential procurement policies are young