



**Food and Agriculture
Organization of
the United Nations**



**World Health
Organization**

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - Fax: (+39) 06 5705 4593 - E-mail: codex@fao.org - www.codexalimentarius.net

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PAPER ON THE SANITARY AND PHYTOSANITARY SITUATION IN AFRICA IN THE SCOPE OF THE AU-IBAR PROJECT “PARTICIPATION OF AFRICAN NATIONS IN SANITARY AND PHYTOSANITARY STANDARD-SETTING ORGANIZATIONS”

INTRODUCTION

Africa’s overall development policy for the continent is defined in the Strategic Plan of the African Union Commission (AUC). The Commission is mandated to provide leadership in the implementation of the continent’s development policy. As a continent which is still largely rural, agricultural development (including livestock and fisheries) is considered to be imperative for achieving accelerated economic and social development.

The vision of the current AUC’s Strategic Plan is an “*Africa free of hunger and poverty beyond 2015*” and its mission is “*to work with member states, RECs, African institutions, civil society and development partners to reverse the poor state of rural economies in order to improve the livelihoods of the African people*”. The AUC works with RECs (considered as the building blocks of the AUC) to implement its strategic plan.

An important area addressed in the AUC Strategic plan is the improvement of agricultural systems and productivity so as to attain food security, enhance nutritional quality and food safety, as well as expand export markets for agricultural products (including livestock and fisheries products). The implementation of agricultural and livestock development activities, particularly those involving animal and plant health is the responsibility of the Inter-African Bureau for Animal Resources (AU-IBAR) and the Inter-African Phytosanitary Council (AU-IAPSC), respectively, and the two institutions are, therefore, mandated by African Heads of State and Government to assist Member States to develop their animal and plant resources.

The improved participation of African institutions in international standards-setting processes is important for Africa, as currently, the major contribution to standard setting processes in international organizations is provided by the developed world. Increasing participation of stakeholders along the value chain, and in particular the private sector, would not only give them capacity to influence standards, but also increase their understanding of the benefits of compliance at national, regional and continental levels, thus fostering better adoption. Harmonization of sanitary regulations across RECs will facilitate increased inter-regional trade on the continent and enhance the capacity for engagement within the international standard-setting process.

AFRICAN CONTEXT ON SPS ISSUES

The WTO has instituted important safeguard measures to protect countries from the abuse of SPS rules and regulations and against their use as non-tariff barriers to protect national markets, by requiring that standards applied to trading partners must be internationally accepted and must be considered as equivalent.

Most development programmes addressing SPS related problems on the Continent have focused on technical issues of compliance such as providing technical assistance/expertise, training and investments in maximum residue levels (MRL) compliance, improving sanitary and hygienic conditions for certain products, disease and pest control, and harmonization of SPS **measures**.

Less work has been done on promoting participation and contribution of African countries in setting international standards. Meaningful participation in the activities of the World Animal Health Organization (OIE), the International Plant Protection Convention (IPPC) and the Codex Alimentarius Commission (CAC), will enhance understanding of the requirements for meeting SPS measures as well as enable African countries to put across their views and interests in proposing new standards and/or changes to existing standards, that will better meet the specificities of African production and trade, without compromising international compliance.

The participation of African countries in the activities of organizations mandated by the WTO to set SPS standards, notably the OIE, CAC and IPPC, is limited, both in terms of attendance and effectiveness. Most of the countries do not have appropriate personnel, with knowledge and expertise in the relevant scientific fields, available in national standard-setting bodies or in the ministries and government departments that are responsible for representing them in international or regional standardisation activities,. This renders African countries as simply “standards consumers” rather than “standards producers”. The lack of effective participation in “producing” standards is sometimes blamed on the following factors:

1. The expertise of the delegates attending International standard-setting organizations (ISSO) meetings in most cases is not appropriate and/or the designated delegates attend these fora without prior preparation on the issues to be discussed. Acquisition of such expertise is usually difficult. In addition, the turnover among African experts attending the OIE, IPPC and CAC technical committee meetings is too high and there is lack of follow-up on decisions reached during these meetings.
2. The inadequate technical capacity and resource limitation that hinder the development of new standards and assessing the scientific justifications for particular SPS measures, coupled with the shortfall of the technical capacity to analyze the economic implications of new standards and their applications.
3. The lack of consultation of public and private stakeholders at national level in preparation of submission of contribution of countries to standard setting. The experience shows that countries that involve the private sector and organize wide consultations at national level in preparation of their participation to the activities of the Standard setting organizations, considerably improve the quality and the relevance of their contributions.
4. According to the SPS agreement, WTO Member States can, when necessary, restrict international trade in order to protect human, animal and plant life or health. At the same time, it safeguards against countries using unnecessary health and safety regulations to prevent trade by others. To prevent the use of SPS measures as a cover to restrict trade, the measures adopted must be necessary and based on scientific arguments. Most African countries are unable to demonstrate the scientific basis of a particular SPS measure they apply or are faced with. Often, most African countries are unable to demonstrate that national standards are compliant with international standards.
5. The lack of harmonization among African nations has led to failure to reach common positions, and this has negatively impacted the effectiveness of participation at ISSOs activities. Some Regional Economic Communities (RECs) are making efforts to co-ordinate and harmonize activities among their Member States. However, there are major gaps in Regional and continental co-ordination and harmonization efforts.
6. Most of the people who represent African countries in the OIE, CAC and IPPC meetings find it difficult to respond to requests for SPS-related information on animal diseases, food safety and plant pest prevalence.
7. The WTO has achieved considerable progress in the reduction of tariffs. However, these achievements are increasingly at risk of being rendered useless by potential non-tariff barriers such as unnecessary SPS measures.
8. Some agricultural products, for which African countries have a comparative advantage, have been barred from international markets for fear of possible transmission of diseases and pests.
9. Many African countries find it difficult to demonstrate that their export products are free from animal diseases or plant pests and diseases, because they cannot adequately respond to requests for information on disease and pest prevalence.

MAIN CHALLENGES

The major challenges that African countries face, therefore, include the following:

- Inadequate common or coordinated African positions on standards issues.
- Ineffective participation by stakeholders along the supply chain in the development of standards and promotion of compliance at different levels.
- Inadequate adoption by Member States of international standards and regulations, and insufficient investment in monitoring their application.
- Inadequate mobilization, use, and development of competencies and skills that ensure further development of the expert base needed to support standard setting and compliance.
- Inadequate coordination mechanisms among different institutions involved in sanitary and phytosanitary issues, and between private and public sector, at national and regional levels, such as effective National SPS Committees.
- Private standards that hinder the access by poor animal producers to lucrative international markets.
- Inadequate Regional laboratory networks and control systems.
- Inadequate harmonization of regulatory measures and procedures (such as surveillance, control and inspections).

ON-GOING PROGRAMMES TO LEVERAGE THE CHALLENGES

Some of the issues and the challenges need international and regional support from technical institutions like the WTO, the STDF, the OIE, the IPPC and the CAC to in order to provide technical assistance to African countries. At the African Union Commission and the Regional Economic Community levels the SPS issues are well identified and well taken into account in their strategic plans. Capacity building programs, are therefore being implemented within these institutions.

The African Union is committed (through DREA, AU-IBAR and AU-IAPSC) to assist African countries enhance their expertise and capacity to contribute to the development and implementation of policies that improve production, trade and marketing of agricultural products. By helping countries to adopt measures that improve their human, animal and plant health situation, and, therefore, their ability to access and maintain markets, the AU is contributing to poverty reduction, food security and food safety in Africa. In addition to ensuring that African countries produce and market quality and safe agricultural products in their domestic markets, facilitating access for them to regional and international markets through greater participation in standard-setting and enhanced compliance with international standards, has the added advantage of tapping the potential economies of scale that exist in these external markets.

The “Participation of African Nations in sanitary and phytosanitary standard-setting organizations” (PAN-SPSO) project, being jointly implement by the AU-IBAR, the AU-IAPSC and 7 African RECs, aims at facilitating effective participation of African countries in the activities of the OIE, IPPC and the CAC, especially in the formulation of international standards on animal (terrestrial and aquatic) and plant health, and food safety.

The project is implementing its activities in African countries through seven regional economic communities (CEN-SAD, COMESA, EAC, ECCAS, ECOWAS, IGAD and SADC). The main trusts include (i) the building of common or coordinated positions in SPS standards at continental and REC levels; (ii) the enhancement of the technical capacity to draft standards and to develop science-based arguments; (iii) the enhancement of the effectiveness of National SPS Committees in African countries for effective participation in SPS standard setting activities; and (iv) the building of an SPS database that will serve as an information sharing platform for the continent.

The WTO, STDF, OIE, IPPC and CODEX are also providing technical assistance and capacity building programs while bilateral and multilateral donors (European Union, World Bank, USAID, etc.) are funding these activities. At the REC level, regional SPS policy frameworks are being adopted or are at the implementation stage.

All these efforts need to be coordinated at national, regional and continental level in order to maximize and assess the impact of these programs.

At the continental level, the AUC, jointly with the European Union, is implementing two major projects dealing with standard matters. The first is the “Better Training for Safer Food” (BTSF) programme, that

aims to support food safety mainly by the transfer of technical expertise and policy advice in areas of food safety and quality across Africa.

At micro-level, the activities of BTSF will help improve the use of agricultural inputs (fertilizers, pesticides, veterinary drugs) and the enhancement of good hygiene practices in the production and distribution chains, as well as animal/product management systems of control and certification. It will also assist in strengthening the competent authorities and producers' associations (small and medium enterprises).

STRATEGIES TO ADOPT BY AFRICA

The WTO's SPS Agreement allows countries to set their own standards, but these must be compliant with the international ones, based on science and should be applied only to the extent necessary to protect human, animal or plant life or health.

The regulations and measures resulting from these standards should avoid unjustifiable discrimination between Members with similar conditions and between own territory and other Members.

The SPS Agreement encourages governments to establish national SPS measures consistent with international standards, guidelines and recommendations as established by reference International Standards Setting Organizations (OIE, IPPC, CAC) and referred as harmonization. It also permits the use of the 'Equivalence' concept as long as the trading partner can show that the measures it applies provide the same level of appropriate protection as desired by the importing member.

African governments, with the growing influence of consumers association and of the civil society, recognize the need to improve the provision of safe food of animal origin to the population and to promote the regional, inter-regional and global trade. To reach this goal, African nations should strengthen their national SPS institutions in order to participate effectively in the development and application of international standards and regulations required for food safety, export of animals and animal products, and control of animal diseases.

The strategies should be developed at national, regional and continental and should receive commitment and support from the Member States, the RECs, and the African Union Commission. These strategies include:

At National level:

- Building capacity to implement sanitary measures and monitor compliance with regional and international standards.
- Support to national SPS coordinating mechanisms to contribute to the formulation of international standards (legal framework, budget, etc).
- Involve the stakeholders in the animal industry in standards development processes.
- Facilitate national positions on draft standards.
- Development of national certification system.

At Regional level

- Strengthen the capacity of RECs to contribute effectively to the formulation of international standards and regulations.
- Establishing Regional SPS committees to improve coordination for common/coordinated position and enhance participation of stakeholders in the animal industry in standards development processes.
- Harmonization of cross-border sanitary measures.
- Harmonization of policies, guidelines and modalities for implementing sanitary measures.
- Development of sanitary certification schemes.
- Establishing regional food safety and animal health offices in the RECs to ensure harmonized tracking of and support for compliance.

At Continental level

- Improving coordination for common/coordinated position by African countries and facilitation of participation in ISSOs activities.
- Advocacy for harmonization of policies, guidelines and modalities for implementing sanitary measures.

- Establishment of a secretariat to support coordination of animal and plant health and safety standards.
- Developing strategic partnerships with standard setting bodies and other relevant entities to deliver effective capacity development and support for Member States and RECs.
- Analyses and understanding of the processes and requirements of the global standards and regulations environment to keep African stakeholders abreast of emerging issues, likely implications and needed actions at various levels.
- Establishing effective mechanisms for implementing standards with peer-review mechanisms for compliance.
- Establishing a forum for stakeholder networking and mobilization on standards and regulations.
- Establishing a standing committee of AU Member State experts on animal and plant health and food safety.

CONCLUSION

Trade in livestock and livestock products are vital for the development of the economies African countries. All issues that impede trade, particularly SPS measures, need to be addressed to access higher value markets – into and out of Africa. Although regional SPS frameworks have been adopted by Regional Economic Communities (RECs), i.e. the Common Market for Eastern and Southern Africa (COMESA), the Southern Africa Development Community (SADC) and the Economic and Monetary Union of West Africa (WAEMU) amongst others, in order to foster regional integration and trade in food and agricultural products. At country level however there is largely inadequate government support to national SPS coordination mechanisms (like SPS Committees) where they exist, and there little coordination and almost no dialogue between the various SPS institutions. Besides, there is little involvement of key stakeholders such as the private sector, the consumers and the academic institutions.

A strong coordinating SPS institution is needed to bring all the different institutions and other stakeholders dealing with SPS matters to coordinate the national consultation and position processes and to advise the Government on the decisions and positions to take to the WTO-SPS Committee and ISSOs meetings.

Such National institutions need to have sufficient legal and sustainable financial backing. Such institutions would then serve as solid foundation for the creation of Regional SPS Committees, which would promote the formulation of regional common or coordinated positions.

The PAN-SPSO project being implemented by AU-IBAR, AU-IAPSC and seven regional economic communities (CEN-SAD, COMESA, EAC, ECCAS, ECOWAS, IGAD and SADC) is contributing to solve the issues raised above and particularly the issues of strengthening the capacity of national SPS institutions and the involvement of the private sector, of improving the technical capacity of African delegates to articulate their comments and review of draft standards based of scientific arguments, of effective participation in international standard setting organizations. The project helped to put in place permanent mechanisms to coordinate common positions on animal and plant health standards and proposed for adoption such a mechanism for food safety standards.

The African Union is engaged to sustain these mechanisms.