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# Institutional Aspects of Sanitary and Phytosanitary Issues in ECOWAS Trade

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## Abstract

The Economic Community of West African States (ECOWAS) has accepted trade liberalization and globalization as important policy directions. West African trade with Europe and the United States is already much greater than trade with other developed countries or intra-regional trade, although trading with developed countries may entail considerable difficulties due to trade regulations and the need to conform to Sanitary and Phytosanitary (SPS) standards. There is generally a low level of awareness of quality standards among produce exporters in West Africa. SPS focal points are not established in all countries, which makes it difficult for exporters to check on standards and requirements. Frequent changes to standards, excessive procedural requirements, high costs for testing and certification, and a lack of transparency in the application of standards combine to compromise the ability of many countries to comply effectively with SPS. Many West African countries have not upgraded their national SPS systems in response to the introduction of the SPS Agreement, leading to differences between local and international standards that makes meeting standards difficult for firms that do business in multiple markets. There also is insufficient testing capability to meet the needs for international trade and a lack of regional coordination. Standards application is not enforced in a number of countries, but others have set up institutions for testing, certification, and quality control of both domestic products and imported goods. The effectiveness of these agencies often is weak due to inadequate equipment, a dearth of skilled technical personnel, inability to assess risks, inadequate laboratory accreditation, and a lack of enforcement.

## Introduction

The introduction of trade liberalization through the World Trade Organization (WTO) and the dismantling of traditional trade barriers were expected to provide considerable export growth opportunities for developing countries to satisfy emerging markets in developed countries. However, in less than a decade of operation, it is clear that developing countries are having problems realizing this potential. Technical, non-tariff regulations in developed countries are constraining the growth of agricultural food and produce exports of many de-

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veloping countries, including those in Africa (Townsend, 1999; Henson and Loader, 2001; Otsuki *et al.*, 2001; Kandiero and Randa, 2004; Jha, 2005).

West African countries face enormous and rather daunting challenges to implement and comply with international standards. The negative impact of standards and technical regulations on the trade positions of West African countries cannot be overemphasized. These countries seek to increase production for export, but there are substantial difficulties because of the influence of trade regulations on trade patterns and the ability of producers to enter new markets. Evidence suggests that the losses associated with divergent national regulations, both in exporting and importing countries, may keep producers in developing countries from entering new markets. An improved understanding of the positive effects of Sanitary and Phytosanitary (SPS) measures could alleviate the situation in which developing countries claim that their access to markets in developed countries is constrained by arbitrary, unreasonable technical requirements. A better understanding of both the positive and the negative effects of the technical issues might increase the willingness of developing countries to participate fully in new rounds of trade negotiations.

All West African countries except Liberia are members of WTO. The obligations under the agreement apply equally to all member countries. Thus, compliance with national and international standards is binding and becoming a prominent issue in successful export promotions. The economies of most West African states are predominantly agricultural and these countries rely on the export of primary products for more than half of their export earnings. To increase their access to global markets these economies must increase product competitiveness, strengthen their ability to promote trade, and meet global demands and standards. The current emphasis on expanding intra-regional trade, and regional integration and market opportunities, shows that the Economic Community of West African States (ECOWAS) member states are aware of this requirement. Increased emphasis on standards and quality would enhance these efforts to boost participation of ECOWAS countries in regional and global trade.

## Data and their analysis

To provide evidence of the importance and scope of SPS issues in West Africa, data were collected from primary and secondary sources. Primary data were collected from export, trade, standards, and quarantine agencies in ECOWAS countries by using questionnaires either during personal visits to these agencies or distributed by mail to key contacts in the ECOWAS region. Secondary data were collated from websites of national, regional and international data sources. Some of the available data must be interpreted with caution as most West African countries have inadequate reporting practices. Trade barriers and restrictive exchange controls in Africa provide incentives to falsify the customs vouchers that are used to compile trade statistics, and goods in some countries flow through unofficial channels that may not be included in the available statistics. Twenty to 35% of the total trade amongst the ECOWAS countries may be unrecorded (Hardy, 1992). For example, the unrecorded trade between Togo and Ghana is believed to be several times the amount of the official trade.

Two questionnaires were designed to complement the data from secondary sources. A country level questionnaire was designed to elicit information on the pervasiveness of SPS regulations and the effects of these standards on exporting countries. The second questionnaire was intended as an industrial survey of exporters and was given to selected firms in chosen sectors. These firms were requested to provide information on cost structure, produc-

tion and exports, and impediments to domestic sales, exports and operations resulting from difficulties in complying with SPS regulations. Public agencies and standard setting bodies also were surveyed to elicit information on important standards and perceived trade barriers.

Survey methods have been used in the past, particularly when other sources of information were lacking, to assess the barriers to trade faced by developing countries willing to export to the United States and the European Union. Questionnaires were sent to contact points by e-mail, and in-depth interviews were conducted in three countries: Nigeria, Mali and Ghana. This approach (Henson *et al*., 2002) was adopted to identify the most relevant issues affecting the ECOWAS countries. A weakness of this approach is that exporting companies and governmental agencies may provide biased data if they perceive that the survey is to be used for policy purposes, or that the results could be used for politically motivated purposes or could contribute to dispute settlements.

Trade data were compiled from the websites of major trade institutions and organizations worldwide, including the United States Food and Drug Administration (USFDA), the United Nations Commodity Trade Statistics Database (UN Comtrade), the Food and Agriculture Organization of the United Nations (FAO), the Organization for the Advancement of Structured Information Standards (OASIS), and ECOWAS. Some data on rejections at destinations were obtained from reviewed documents and information from the questionnaires, as well as the international trade websites. To facilitate empirical analysis of the survey results, supplemental and anecdotal information also was collected.

This study was initiated to address the constraints faced by all fifteen ECOWAS member countries in West Africa. Three countries, Nigeria, Ghana and Mali, were selected as representative countries for further studies. The largest trade partner for West Africa is the European Union (EU). The largest EU partners within ECOWAS were Côte d'Ivoire and Nigeria. These two countries accounted for 49% of all ECOWAS imports from the EU and almost 68% of the exports from ECOWAS were to the EU. Senegal and Ghana occupy the third and fourth positions, respectively.

The European Union is gradually introducing reciprocal trade between European Union member countries and sub-regions within the African-Caribbean-Pacific (ACP) group of developing nations since the Lomé Convention provisions expired in February 2000. Agricultural commodities were recommended because they come from sectors that produce goods similar to those found in European Union countries and that are important to the ECOWAS countries due to their role in industrial development and poverty reduction. The agricultural sector and local industries are the ECOWAS sectors with the most problems due to reciprocity in access between the European Union and ECOWAS.

Applicable SPS measures, conformity assessment procedures and enforcement procedures in the major export markets were identified and evaluated for their impact on production costs, export revenues and profit margins in ECOWAS member states. Where possible, macro compliance costs were identified, and cost estimates made for conformity assessment, product quality monitoring and control services by public and quasi-public agencies for each product or product group.

## Discussion

### Economic and trade profile of West Africa

This section broadly describes the overall economic performance of ECOWAS.

**Table 1.** Per capita GDP (US$) in 2003 and growth rate during 2001-2002 of West African countries and some other countries (based on the ranking of 231 countries). Compiled from: http/www.worldfactsandfigures.com/gdp_country_desc.php for per capita GDP and world ranking, and World Bank (2004) for growth rate.

| Country | Per capita GDP | World ranking | Growth rate |
|---|---|---|---|
| Benin | 1,100 | 202 | 3.3 |
| Burkina Faso | 1,100 | 204 | 2.1 |
| Cape Verde | 1,400 | 191 | - |
| Cote d'Ivoire | 1,400 | 194 | -3.8 |
| The Gambia | 1,700 | 181 | -5.7 |
| Ghana | 2,200 | 164 | 2.7 |
| Guinea | 2,100 | 168 | 2.0 |
| Guinea Bissau | 900 | 211 | -9.8 |
| Liberia | 1,000 | 209 | 0.8 |
| Mali | 900 | 210 | 1.9 |
| Mauritania | 1,800 | 177 | 0.8 |
| Niger | 800 | 218 | -0.1 |
| Nigeria | 800 | 214 | -3.1 |
| Senegal | 1,600 | 188 | -1.2 |
| Sierra Leone | 500 | 229 | 4.2 |
| Togo | 1,500 | 190 | 2.4 |
| Luxembourg | 55,100 | 1 | - |
| United States | 37,800 | 2 | 1.4 |
| Canada | 29,700 | 12 | 2.3 |
| Japan | 28,000 | 18 | 0.2 |
| United Kingdom | 27,700 | 19 | 1.5 |
| South Korea | 17,700 | 49 | 5.7 |
| Argentina | 11,200 | 72 | -12.0 |
| South Africa | 10,700 | 77 | 1.8 |
| Malaysia | 9,000 | 84 | 1.9 |
| East Timor | 500 | 231 | - |
| World average | 8,200 | 91 | 0.7 |

*Macroeconomic indicators*

The 3.7% annual growth of the Gross Domestic Product (GDP) was higher in 2003 than in any of the years from 1999-2002. The growth rate was positive in all 15 countries except Côte d'Ivoire, which experienced severe civil disturbances. Seven of the 15 countries (Benin, Cape Verde, Gambia, Ghana, Nigeria, Senegal and Sierra Leone) had growth rates that exceeded the regional average (Table 1). This growth occurred despite the weak growth of the global economy and continued structural and political constraints to improved performance in a number of countries.

*Trade performance*

Accurate information on the level and composition of trade flows is essential to formulate trade policy reforms or to design regional trade arrangements. Africa has fared very poorly in its international trade performance over the last two decades (Orden and Roberts, 1997;

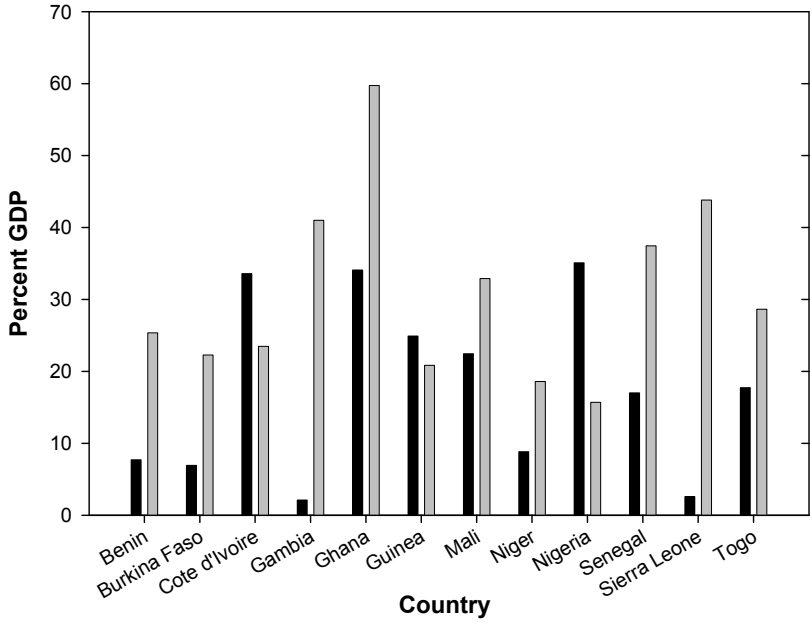


**Figure 1.** Imports (▒) and exports (■) of goods by West African countries as % 2001 GDP. Compiled from: National Accounts of ECOWAS, ECOWAS Handbook of International Trade, ECOWAS website http://www.sec.ecowas.int/.

African Development Bank, 2004; World Bank, 2004), as its share of world exports has declined from ~ 5.5% in 1975 to ~ 2.5% in 2002 (Bora *et al.*, 2007).

Primary products dominate West Africa's exports. All ECOWAS countries except Côte d'Ivoire, Nigeria and Guinea experienced a trade deficit in 2001 (Fig. 1) with Gambia running the highest deficit. The primary products orientation of the exports means that processing within the country could increase export value and that these economies are all quite vulnerable to external shocks. ECOWAS trade with Europe and the United States is considerably greater than trade with other developed countries or intra-regional trade (Table 2), with 58% of exports from West African countries going to the EU and the United States. Trade between West African countries not only is low, but the volume of trade has fluctuated over time. In general, intra-regional trade increased steadily from $1.8 billion in 1998 to $2.6 billion in 2001 and dropped by 1.4 % in 2002.

## Issues related to trade effects of SPS in ECOWAS

### *Lack of transparency and clarity*

A key principle underlying the SPS Agreement is that countries have the right to decide on measures they deem necessary to protect human, animal or plant life or health in their own country. To prevent abuse, however, these measures should be based on scientific principles, should not be maintained without scientific justification and should not be applied in an arbitrary or unjustifiable manner (World Bank, 2005).

**Table 2.** Geographic destination of West African exports (1996-2001). Compiled from National Accounts of ECOWAS, ECOWAS Handbook of International Trade, ECOWAS website http://www. sec.ecowas.int/.

| Country | Total exports (Million US$) | % of total export trade with | | | |
|---|---|---|---|---|---|
| | | Japan | USA | Europe | Africa & the rest |
| Benin | 304 | 0.2 | 0.2 | 14.6 | 85.1 |
| Burkina Faso | 171 | 1.8 | 0.5 | 54.5 | 43.2 |
| Cape Verde | 10 | 0.1 | 17.7 | 11.7 | 70.5 |
| Cote d'Ivoire | 5,406 | 0.2 | 7.1 | 53.8 | 38.9 |
| Gambia | 16 | 0.2 | 1.8 | 10.8 | 87.2 |
| Ghana | 1,671 | 1.4 | 5.9 | 45.6 | 47.2 |
| Guinea | 525 | 0 | 8.8 | 53.4 | 37.8 |
| Mali | 519 | 0 | 0.5 | 13.5 | 86.1 |
| Niger | 206 | 14.9 | 4.6 | 43.8 | 36.8 |
| Nigeria | 27,055 | 0.4 | 42.6 | 18.0 | 39.0 |
| Senegal | 696 | 0.1 | 0.2 | 14.4 | 85.4 |
| Sierra Leone | 41 | 0.1 | 1.0 | 0.2 | 98.7 |
| Togo | 251 | 0.1 | 0.4 | 6.4 | 93.3 |
| Total | 36,872 | 0.5 | 32.7 | 25.1 | 41.7 |

Despite these provisions, the SPS Agreement still has major weaknesses in the lack of transparency in the definition and application of standards, which often results in requests for clarification. For example, the 16th Technical Consultation between Regional Plant Protection Organizations held in Nairobi (30 August to 3 September 2004) highlighted the need for explanatory documentation to accompany International Standard for Phytosanitary Measures (ISPM) 15, the international phytosanitary measures developed by the International Plant Protection Convention, to clarify many issues that cause disagreements and concern. This lack of clarity results in different rules in different countries regarding SPS restrictions such as inspection of imported products, specific treatment or processing of products, setting maximum allowable levels of pesticide residues or mycotoxins, and the permitted use of some food additives. These deliberate "flexibilities" in the SPS Agreement leave room for discretion, but also lead to trade disputes when products are treated differently in different markets. Several revisions have been made to ISPM 15, and these details are updated at the International Portal on Food Safety, Animal and Plant Health (http://www.ipfsaph.org/En/default.jsp).

*Lack of authoritative source from which information on standards can be obtained*

At the onset of the SPS Agreement (available through the International Portal on Food Safety, Animal and Plant Health) in January 1995, all WTO Members assumed specific obligations that effectively prohibit the use of SPS measures as arbitrary or unjustifiable restrictions of trade. The obligation of each member includes the establishment of a "national enquiry point" and the designation of a national notification authority to ensure transparency on SPS matters. Familiarity with the WTO and other international standard bodies generally is low in West Africa and produce exporters often are unaware of relevant quality standards due to the absence or lack of recognition of such "enquiry points".

*Complexity of SPS measures and issues*

SPS measures and issues are becoming increasingly complex. In general, the SPS measures adopted by developed countries are considered incompatible with the traditional systems of production and marketing in developing countries. Developing countries view the costs of compliance to be high and sometimes prohibitive. For example, slight differences in sampling methods for the aflatoxin standard significantly influence the risk of rejection and illustrate both the increasing stringency of SPS measures and the complexity of testing methods (Jha, 2005). Many of these testing methods are relatively expensive and may be difficult to implement routinely in developing countries. Similarly, risk assessment methodologies are becoming increasingly complicated and cases with conflicts in the scientific data have yet to be resolved by WTO panels.

*Capacity to challenge and defend positions on exports*

The capacity to challenge and defend positions on exports regarding SPS issues often is very weak. This weakness results from inadequate human and capital resources, little information and inexperience. Private sector operators in West Africa have little or no capacity to influence the content and development of international standards even for their most important products. This inability to articulate and defend their interests also renders them vulnerable to changes in standards that may lack clarity in definition. Increased transparency in standards formulation requires that the views of the African countries be taken into account from their initial drafting to their ultimate implementation.

*Lack of coherence in standards*

There is a big difference between international standards and local or regional standards in many countries, with the harmonization within the EU as a notable exception (FAO, 2004), which can make exporting to multiple markets difficult. Discriminatory standards may limit trade by raising the costs of market entry, which eventually undermines global competition and imposes severe costs on consumers.

*Costs of compliance*

Other prominent issues include the changes in production costs, export revenues and profit margins as result of the SPS Agreement. The compliance costs for these international standards are prohibitive at both the level of the agencies responsible for standards development and enforcement as well as for the exporters and the producers. Thus, it is increasingly difficult to ensure compliance with the international standards. In some cases, standards agencies have found it difficult to develop, revise and implement relevant domestic standards and regulations in compliance with international standards and obligations. The major factors affecting compliance are insufficient financial resources and inadequate facilities, personnel, standards and technologies for African countries in general. There is a lack of adequate testing capability and much of that available is not internationally accredited (Waliyar *et al.*, Chapter 31).

**Table 3.** Number of contraventions cited for US Food and Drug Administration import detentions, June 1996 to June 1997 [after Henson and Loader (2001)].

| Reason for contravention | Africa | Latin America & Caribbean | Europe | Asia | Total |
|---|---|---|---|---|---|
| Food additives | 2 | 57 | 69 | 426 | 554 |
| Pesticide residues | 0 | 821 | 20 | 23 | 864 |
| Heavy metals | 1 | 426 | 26 | 84 | 537 |
| Mold | 19 | 475 | 27 | 49 | 570 |
| Microbial contamination | 125 | 246 | 159 | 895 | 1,425 |
| Decomposition | 9 | 206 | 7 | 668 | 890 |
| Filth | 54 | 1,253 | 175 | 2,037 | 3,519 |
| Low acid canned foods | 4 | 142 | 425 | 829 | 1,400 |
| Labeling | 38 | 201 | 237 | 622 | 1,098 |
| Other | 51 | 68 | 39 | 151 | 309 |
| Total | 303 | 3,895 | 1,184 | 5,784 | 11,166 |

*Inadequate regional coordination*

Many West African countries have neither upgraded nor reorganized their national SPS systems in response to the introduction of the SPS Agreement. These efforts should be harmonized to ensure compliance with ISPMs and SPS standards of major markets. Harmonization of African national standards with currently accepted ISPMs and other international standards should expand Africa's market opportunities since products could then be exported without further intervention to all of the countries with the same standards.

**Product rejection**

The following cases of rejections and the accompanying rationales are indicative of the challenges that exporters face. These examples are principally cases of bans and restriction of export products in traditional markets, especially the European Union and the United States. Discussions with trade organizations in Nigeria, Ghana and Mali, indicated that cases of rejection are incontrovertible. In most cases, however, rejection results from the refusal of the exporters to supply evidence of certification by the regulatory agencies with the obvious implication that the rejected consignments may not have met national and international standards before they were exported.

There were significant rejections of imports from Africa, Asia, Latin America and the Caribbean due to microbiological contamination, filth and decomposition between June 1996 and June 1997 (Table 3) (Henson and Loader, 2001). These rejections were attributed to the inability of these countries to meet basic heath requirements for food safety rather than the inability to test for compliance with more sophisticated standards such as those for pesticide residues and heavy metals.

Further evidence on rejection of imports from African countries is provided by a study of exporters in Ghana (Oduro, 2003). Ghanaian exporters have experienced problems with quality and phytosanitary requirements. For example, a shipment of cassava leaf exports was rejected in the UK because of the presence of insects. Reactive training of inspectors who could then identify the insects helped the country to overcome the problem.

**National capacities and institutional arrangements**

The need to increase consumer protection from health hazards, and the expectation that increased livelihoods will lead to greater demands for food, drugs and other health-related commodities, have led to the establishment of product quality monitoring and control services by public and quasi-public agencies. On the public sector side, SPS capability includes legislation, standards enforcement mechanisms, inspection and certification systems, monitoring and surveillance systems, management structures, trained staff, adequate laboratories and equipment, and communication systems. On the part of the private sector, there are complementary capabilities in production supervision, plant and animal health monitoring, and pest management. These systems together manage national food safety and biosecurity risks, and are expected to operate in a manner consistent with the country's obligations under the SPS Agreement.

The Senegalese peanut sector utilizes 60% of the cultivated land and 80% of the rural labor force in the country. In 2000, 60% of household agricultural income was generated from peanuts, and this sector made up 5% of GDP. Oil-mill peanut (peanut oil and oilcake) and confectionary peanut are the two major commodities from the peanut sector. Senegalese edible peanut products exported to Europe have decreased sharply in recent years, falling from 10,000 tons per year in the 1990s to approximately 500 tons in 2004. A major reason for the decline in peanut exports is stringent aflatoxin regulatory levels (4 ng/g for confectionary peanuts and 20 ng/g for oil-mill peanuts) in Europe. Aflatoxin contamination of edible peanuts occurs mainly in the field, and there is no method of detoxifying edible peanuts during processing at the factory. The agricultural practices for managing aflatoxin are well known and simple (Turner *et al.*, 2005; Waliyar *et al.*, Chapter 18). To follow these practices in the field, growers require support from extension services and incentives to market superior quality products. The cost/benefit analysis of Mbaye (2004) estimated that compliance with international standards for oil-mill production, and confectionary peanuts would accrue net benefits of CFAF 138 billion and CFAF 92 billion, respectively (US$ 1 = CFAF 490). These benefits would result from higher prices for the higher-quality products and the potential for more sales if the products met the quality standards of increasingly demanding markets. Increasing the role of the peanut industry-wide private sector would promote exports through institutional innovations, *e.g.*, aflatoxin testing and certification protocols, training and adoption of good agricultural practices.

**Development of trade regulations**

The ability of a country to meet SPS requirements depends on several elements including the regulatory, institutional and technical frameworks. Appropriate national legislation for implementation of the SPS is at various stages of development in West Africa. Standards application is not enforced in a number of countries, but others have set up institutions for testing, certification and quality control that are applicable to both domestic products and imported goods. Countries that have evolved quality control and monitoring systems include Côte d'Ivoire, Benin, Ghana, Guinea, Nigeria, Senegal and Togo. In Côte d'Ivoire, Benin, Nigeria and Guinea, application of standards to health-related products is compulsory, and Nigeria's environmental standards are compulsory as well. Most African countries base their standards on international standards, which implies that those standards are

not substantially different from the international standards (Oyejide *et al.,* 2004). Benin, Ghana, Guinea and Nigeria have standards based on guidelines issued by International Organization for Standards (ISO), The *Codex Alimentarius* Commission and the African Regional Standards Organization (ARSO). Ghana has a domestic quality standard for exports, while Guinean exporters adopt foreign standards when selling in foreign markets.

Nigeria and Ghana have a reasonably well established body of contemporary legislation and government officials who can administer these regulations. The acceptance by importing countries of the phytosanitary certificates issued by these countries is indicative of the competence of these countries in these fields. In both countries, regulatory agencies to set and enforce standards are in place and appropriate legislation has been enacted to back their operations. In fact, the local legislation relating to standards and technical regulations predates the SPS Agreement in both countries.

In relation to the health and safety of consumer goods in Ghana, technical regulations and standards for the imports are set by the Ghana Standards Board, which is a member of the ISO and the *Codex Alimentarius* Commission. The Ghana Standards Board was originally established in August 1967 as the National Standards Board and renamed in 1973. The standardization objectives of the Ghana Standards Board include the establishment and promulgation of standards with the objectives of ensuring that high quality goods are produced in Ghana for both domestic consumption and export, promoting standardization in industry and commerce, promoting industrial efficiency and development, and promoting standards to protect public and industrial welfare, health and safety. The Ghana Standards Board also is a member of International Electrotechnical Commission (IEC), the International Organization of Legal Metrology (IOLM), and ARSO. It is the officially designated WTO–TBT (World Trade Organization – Technical Barriers to Trade) National Enquiry Point. The Ghana Standards Board is currently supported by the World Bank to seek accreditation of selected tests being conducted at Ghana Standards Board laboratories with the goal of improving the technical competence of the laboratories and improving trade.

The Food and Drugs Law of 1992 that established the Ghana Food and Drug Board invests it with the regulation and control of the manufacture, importation, exportation, distribution, use and advertisements of food, drugs, cosmetics, medical devices and household chemical substances with respect to ensuring their safety, quality and efficacy. The Board licenses and registers all manufacturers and their products and issues export certifications in accordance with international mandatory requirements. The Ghana Food and Drug Board's Quality Control Laboratory provides laboratory services in the form of quality evaluation of foods, drugs, cosmetics and chemical substances.

**Enforcement mechanisms**

The effectiveness of these standards agencies is weak due to constraints of inadequate equipment, availability of highly skilled technical persons, inadequate capacity in risk assessment, and a limited number of accredited testing laboratories (Waliyar *et al.*, Chapter 31).

*Inspection and certification systems*

The application and enforcement of SPS by Nigerian standards agencies are based on a monitoring procedure covering food products and consumption. The Hazard Analysis and Critical Control Point (HACCP) principle and a code of practices and general principles of

food hygiene to manufacturing process are used in Nigeria. Similar activities also are conducted in Ghana, where there is no laboratory accredited by the International Organization for Standardization (ISO) to do the requisite tests. The Ghana Food and Drug Board also does laboratory tests. Some pre-shipment agencies operate alongside public standard agencies to effect the inspection and certification systems in the region. In Nigeria, some independent agencies are engaged by the government to verify the quality, quantity, price, financial terms and customs classification of goods imported into Nigeria.

*Management structures*

Although appropriate legislation is in place, the coordination and inter-agency cooperation mechanisms for the enforcement of these laws in ECOWAS are ineffective. Often the proper definition of roles and responsibilities among agencies is lacking. Public agencies responsible for standards belong to different supervising bodies, each with different targets. This separation may result in different actions for solving the same problem. Exporters also complain about cumbersome paperwork requirements and inefficient document handling.

*Private sector participation*

Appropriate recognition by the private sector of their role in effectively implementing standards and contributing to the enhancement of competitive production is lacking in many countries. Generally, the public and private sectors have not formed an effective partnership, which results in a lack of effective compliance with the standards, technical regulations and conformity assessment schemes required to improve both domestic and international trade. There are some examples of effective partnerships/cooperative agreements between public and private sector agencies in the region. Associations of manufacturers, traders and exporters also promote standards enforcement through self-regulatory practices. These associations are being used by National Agency for Food and Drugs Administration and Control (NAFDAC) in Nigeria to disseminate relevant information on SPS to their members. Such strong and healthy partnerships between standards agencies and stakeholders will enable the private sector to contribute to the standardization of the regulations they must operate under. Private sector organizations also could collaborate with public agencies to organize training and workshop activities that enhance public/private partnerships in food standard control strategies. Similarly the involvement of consumer organizations provides a strong lobby system that can balance pressure from industry.

**Plant and animal health monitoring**

There are complementary capabilities in production supervision, plant and animal health monitoring and pest management to monitor food safety and biosecurity risks in a manner consistent with the obligations under the SPS Agreement to facilitate the export of animal and plant products in conformity with the requirement of importing countries. Although legislation on sanitary standards appears to be firmly in place, the enforcement by regulatory authorities of phytosanitary issues is inadequate across the region. To promote the use of phytosanitary measures to ensure food safety standards, the 21st General Assembly of the

Inter-African Phytosanitary Council in Dakar, Senegal, drew attention to the enormous constraints and obstacles to the implementation of phytosanitary standards that exist in Africa, particularly in the areas of phytosanitary and plant protection regulation, capacity building in pest risk analysis, pest surveillance and phytosanitary inspection. Other areas of concern were certification as well as import control and transparency issues.

## Conclusions

Food safety standards and the trade-off between these standards and agricultural export growth are currently at the forefront of the trade policy debate. How food safety is addressed in the world trade system is critical for the developing countries of West Africa that continue to rely on agricultural exports. In a fragmented system of conflicting national food safety standards, contentious globally accepted standards and limited capacity for certification, export prospects for the ECOWAS countries may be severely limited.

SPS regulations imposed on agricultural products affect trade patterns, the ability of exporters to enter new markets, and consumer costs. The number of SPS measures has steadily increased over time. These measures may be justified and appropriate compliance measures should be taken, but there are numerous inherent difficulties, detentions and complaints against food exporters from developing countries that reflect real SPS problems and that are not simply non-tariff barriers masquerading as SPS measures.

Significant donor resources are needed to strengthen national capacities. Large donors have a role in facilitating capacity-building programs. The Standards and Trade Development Facility (STDF) is a global program in capacity building and technical cooperation established by FAO, the World Organization for Animal Health (OIE), the World Bank, the World Health Organization (WHO) and the WTO. Countries such as Benin and Guinea have benefited from STDF funding. The similarities between the countries offer the opportunity for cooperation at a regional level for harmonization of capacity building strategies. For example, the Common Market for Eastern and Southern Africa (COMESA) has received funding from the African Development Bank in 2005 to strengthen SPS capacity and harmonization in member states of this Regional Economic Commission. Local institutions can enhance the effectiveness of development assistance programs by increasing their relevance, cost efficiency and sustainability.

The relevant institutions in these fields, however, face formidable problems. Some of these problems include: (i) the existence of significant numbers of plant pests and diseases, (ii) the threat of introduction of other serious pests and diseases, and (iii) food safety controls, especially in local food distribution chains and for street vendors, that are either rudimentary or completely lacking. It is difficult, if not impossible, to make land borders impervious to uncontrolled imports of plants and animal products, movement of wild animals and the seasonal incursions of pests and domesticated animals from one area to another.

## The way forward

The major challenge for West African countries relates to capacity inadequacy at both the national and the regional levels. There is an acute need for appropriate policy responses to deal with capacity constraints. A number of trade and trade-related capacity building initia-

tives for Africa already exist or are in the planning stages. National training programs should be designed to educate technical personnel in laboratories in both the private and the public sectors. Since capacity constraints are a cross-cutting issue, regional training programs would provide multiple benefits including enhanced regional cooperation based on a common understanding of the growing concern about the problem of food safety.

SPS Agreements should allow sufficient time for developing countries to adjust and implement new regulations and they also should be provided with appropriate technical assistance to enhance their expertise. West African countries also need to be pro-active in the enactment of legislation to adapt local standards to the requirements of external markets, *i.e.*, national standards should be based on recommendations from the National *Codex* Committee. Appropriate provision should be made for the periodic revision of these standards based on changes in the export markets particularly for significant exports. Efforts should be made to ensure that details of methodology, risk assessment and other factors are taken into consideration and shared with exporters.

Export development organizations in West African countries need to concentrate their efforts on building infrastructure and disseminating information to improve standards compliance in specific sectors. In some cases, exporters are simply unaware of the available support to enhance trade promotion in spite of awareness-raising programs promulgated by the standards agencies. Trade agencies also need to build partnerships to help them comply with export standards and related requirements and to use available sources of advice and support from within the importing country. Development of adequate capacity in SPS and other regulatory issues will allow West Africa to compete as an equal partner in global trade and by so doing address the economic constraints that are the foundation of many of the region's development needs.

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