



PAN-AFRICAN QUALITY INFRASTRUCTURE

The Technical Barriers to Trade (TBT) and
Sanitary and Phytosanitary (SPS) Policies of
African Regional Economic Communities (RECs)

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PAN-AFRICAN QUALITY INFRASTRUCTURE (PAQI)

The Technical Barriers to Trade (TBT) and Sanitary and Phytosanitary (SPS) Policies of African Regional Economic Communities (RECs)

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FOREWORD

One of the principles of the African Continental Free Trade Area (CFTA) negotiation process is to use Regional Economic Communities (RECs)'s Free Trade Areas (FTA) as building blocks for the CFTA so that there is harmony between the progress made by RECs in their integration efforts and the aspirations and objectives of the CFTA. This document was developed as a contribution to the need for RECs technical barriers to trade (TBT) and sanitary & phytosanitary (SPS) measures situational analyses in the CFTA negotiation process.

This document is available at www.paqi.org



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LIST OF ACRONYMS

ACM	African Common Market
AEC	African Economic Community
AFRAC	African Accreditation Cooperation
AFRIMETS	Intra-Africa Metrology System
AFSEC	African Electro-technical Standardization Commission
AFTA	ASEAN Free Trade Area
AHP	Animal Health Programme
APTA	Asia-Pacific Trade Agreement
ARS	African Regional Standards
ARSO	African Organization for Standardization
AU	African Union
AUC	African Union Commission
AU-IAPSC	Inter-African Phytosanitary Council of the African Union
AU-IBAR	African Union Inter-African Bureau for Animal Resources
BIPM	Bureau International des Poids et Mesures / International Bureau of Weights and Measures
CA	Conformity Assessment
CAC	CODEX Alimentarius Commission
CEFTA	Central European Free Trade Agreement
CEN-SAD	The Community of Sahel-Saharan States
CET	Common External Tariff
CFTA	Continental Free Trade Area
COMESA	Common Market for Eastern and Southern Africa
CU	Customs Union
DR-CAFTA	Dominican Republic–Central America Free Trade Agreement
DREA	Department of Rural Economy and Agriculture at the AUC
DTI	Department of Trade and Industry at the AUC
EAC	East African Community
EAS	East Africa Standard
ECCAS	Economic Community of Central African States
ECOQUAL	ECOWAS Quality Policy
ECOWAS	Economic Community of West African States
EU	European Union
FTA	Free Trade Area
GAFTA	Greater Arab Free Trade Area
GCC	Gulf Cooperation Council
GDP	Gross Domestic Product
IAF	International Accreditation Forum
IEC	International Electro-technical Commission
IGAD	Intergovernmental Authority for Development
ILAC	International Laboratory Accreditation Cooperation

IPPC	International Plant Protection Convention
ISO	International Organization for Standardization
MERCOSUR	Southern America Common Market
NAB	National Accreditation Body
NAFTA	North American Free Trade Agreement
NQI	National Quality Infrastructure
NSB	National Standards Body
NTB	Non-Tariff Barrier
OIE	World Organization for Animal Health
OIML	Organisation Internationale de Métrologie Légale / International Organisation of Legal Metrology
PANSPSO	Participation of African Nations in Sanitary and Phytosanitary Standard Setting Organizations
PAQI	Pan-African Quality Infrastructure
PIQAC	Le Programme Infrastructure Qualité de l'Afrique Centrale/ Central Africa Quality Infrastructure Program
PTA	Preferential Trade Area
QI	Quality Infrastructure
REC	Regional Economic Community
SADC	Southern African Development Community
SADCA	SADC Cooperation in Accreditation
SADCAS	SADC Accreditation Service
SADCMEL	SADC Cooperation in Legal Metrology
SADCMET	SADC Cooperation in Measurement Traceability
SADCSTAN	SADC Cooperation in Standardization
SADCTBTEG	SADC Technical Barriers to Trade Expert Group
SADCTRLC	SADC Technical Regulations Liaison Committee
SADC SPS CC	SADC SPS Coordination Committee
SAFTA	South Asia Free Trade Agreement
SI	Système International d'unités / International System of Units
SICA	Central American Integration System
SPS	Sanitary and Phytosanitary
SQA	Standardisation and Quality Assurance
SQAM	Standardization, Quality Assurance, Accreditation and Metrology
TB	Tariff Barrier
TBT	Technical Barriers to Trade
TFTA	Tripartite Free Trade Area
TPP	Trans-Pacific Strategic Economic Partnership
UMA/AMU	Africa Maghreb Union
UNECA	United Nations Economic Commission for Africa
WACIP	West African Common Industrial Policy
WTO	World Trade Organization

1. INTRODUCTION

The Organization of African Unity (OAU), supported by the United Nations Economic Commission for Africa (UNECA) drafted the Lagos Plan of Action in 1980 with the objective of establishing the African Economic Community (AEC). This was followed by signing, in Abuja on 3 June 1991, of the Treaty Establishing the African Economic Community. The treaty, commonly referred to as the Abuja Treaty, divides the continent into five regional areas namely the north, south, east, west and central Africa whilst providing for the establishment of Regional Economic Communities (RECs) aimed at creating nerve centers for the formation of the AEC by 2028. African leaders also agreed in 1991 to encourage the development of Free Trade Areas (FTA) in each REC, followed by Customs Unions. This move was meant to culminate in a continent-wide Customs Union (CU) with the removal of tariffs and quotas between members and the creation of a common external tariff. Ultimately, this process would serve as building blocks for achieving the final objective of an AEC.

The Abuja Treaty lays out a detailed time-bound schedule for African economic and political integration through six stages:

- i. 1994 – 1999: Establish and strengthen African Regional Economic Communities;
- ii. 2000 – 2007: Eliminate Tariff Barriers (TBs) & Non-Tariff Barriers (NTBs) in RECs;
- iii. 2008 – 2017: Establish Free Trade Areas (FTAs) & Customs Union (CUs) in RECs;
- iv. 2018 – 2019: Establish a Continental Level CU & Common External Tariff (CET);
- v. 2020 – 2023: Establish an African Common Market (ACM), including the free movement of factors of production and the right of establishment;
- vi. 2024 – 2028: Establish a Pan-African economic and monetary union that includes the establishment of an African Central Bank and a single African Currency.

Stages i to iii have been largely fulfilled in four of the eight RECs recognized by the AU namely COMESA, EAC, ECOWAS and SADC which are either fully functional FTAs or CUs. In addition, COMESA, EAC and SADC have signed an FTA agreement commonly referred to as the Tripartite FTA. The other four RECs:

CEN-SAD, ECCAS, IGAD and UMA are at lower levels of integration. Due to overlapping REC membership however, all IGAD countries are members of the EAC or COMESA and therefore integrated into those regional arrangements. Some CEN-SAD and ECCAS countries are also members of COMESA or ECOWAS.

The Abuja Treaty and Quality Infrastructure

The Abuja Treaty recognizes the importance of Quality Infrastructure (QI) in the economic development of the continent and in Chapter XI, Article 67, lays out a common Policy on Standardization and Measurement Systems, i.e.:

- Adoption of a common policy on standardization and quality assurance of goods and services among member states;
- Undertaking of such other related activities in standardization and measurement systems that are likely to promote trade, economic development and integration within the Community; and strengthen African national and continental organizations operating in this field.

With the aim of keeping up with the continental integration roadmap, the 18th Ordinary Session of the Assembly of Heads of State and Government of the African Union (AU) that was held on January 2012 in Addis Ababa, Ethiopia, adopted an Action Plan for Boosting Intra-African Trade (BIAT) and agreed on a roadmap for the establishment of a Continental Free Trade Area (CFTA) to be operationalized by an indicative date of 2017. Creating an African Continental Free Trade Area is important for strategically positioning businesses to exploit the numerous trade and investment opportunities that exist in Africa.

2 INTRA-AFRICA TRADE

Africa's total trade grew rapidly in value since around 2002, and nearly doubled in the five years from 2009 to 2014. However, intra-African trade as a proportion of the continent's overall trading activities has been slower to climb, going from around 10% in 2002 to 13% in 2014, (The Economist, 2017). There are several reasons for this including poor connecting infrastructure as well as tariff and non-tariff barriers to trade. Tariff and non-tariff barriers to intra-African trade have thus been targeted for elimination through the CFTA initiative amongst other strategies that will further open up trade on the continent. Having learnt from history that reducing or eliminating tariffs does not necessarily result in free trade, CFTA negotiators are determined to ensure that tariff based gains are not eroded by increases in the use of Non-tariff Measures (NTMs) as trade barriers.

The envisaged general categorization of potential non-tariff barriers likely to be adopted in the CFTA is indicated below:

- a) Government Participation in Trade Restrictive Practices
- b) Customs and administrative entry procedures;
- c) Technical Barriers to Trade (TBT);
- d) Sanitary and Phytosanitary (SPS) Measures;
- e) Specific limitations;
- f) Charges on imports; and
- g) Others

It is noted that TBTs and SPS measures play an important role in this regard and it is in these areas where the Pan African Quality Infrastructure (PAQI) can contribute to the successful implementation of the CFTA. PAQI's role would be to facilitate the harmonization of technical regulations, standards and conformity assessment procedures. The PAQI can also play an important role in arrangements for the acceptance of technical regulations as equivalent and the mutual recognition of conformity assessment results.

The CFTA negotiators need to ensure that there are no conflicts or contradictions between the integration progress made at RECs level and realization of the objectives of the CFTA. For this reason it was necessary to conduct RECs situational analyses in all the areas of CFTA negotiation including all aspects of Non-tariff Barriers (NTBs) to trade. This publication provides a summary of the TBT and SPS situational analyses in the eight RECs officially recognized by the African Union.

3 RECs SITUATIONAL ANALYSES

The information provided herewith is based on desk-studies conducted for each African Union recognized REC with a limited amount of direct personal or email consultations with REC representatives.

3.1 CEN-SAD

3.1.1 REC Background

The Community of Sahel-Saharan States (CEN-SAD) was established on 4 February 1998 in Tripoli, Libya, following the Conference of Leaders and Heads of State which brought together six (6) States, namely, Libya, Mali, Niger, The Sudan, Chad and Burkina Faso. Today CEN-SAD is made up of 24 Member States. CEN-SAD became one of the 8 Regional Economic Communities (RECs) after the 36th Ordinary Session of the Assembly of the Organization of African Unity (OAU) held in Lomé, Togo from 4 to 7 July 2000. CEN-SAD gained observer status at the United Nations (UN) pursuant to UN General Assembly Resolution A/RES/56/92. Thereafter, CEN-SAD signed partnership agreements with numerous regional and international organizations. At its inception, the statutory objectives of CEN-SAD were as follows:

- Establishment of a comprehensive Economic Union;
- Elimination of all obstacles impeding the unity of its Member States;
- Promotion of foreign Trade;
- Enhancement and improvement of land, air and sea transportation and telecommunications among Member States;
- Consent by Community Member States to give citizens of signatory Member States the same rights, privileges and constitutional duties as their respective citizens; and
- Harmonization of pedagogical and educational systems, as well as in the cultural, scientific and technical fields.

3.1.2 TBT Situational Analysis

CEN – SAD does not yet have a formal policy in the area of TBT in the same sense that other RECs like COMESA, EAC, ECOWAS and SADC do. Several CEN-SAD countries also belong to ECOWAS, COMESA or ECCAS and to that extent there is cooperation in TBT related

issues like standardization, metrology and conformity assessment. Programmes for the harmonization of standards and cooperation in technical regulations in CEN-SAD are still to be developed.

3.1.3 SPS Situational Analysis

Within the framework of the implementation of its Rural Development Strategy adopted by the Community's highest authorities, the CEN-SAD General Secretariat identified priority developmental activities which included a Continental Project for the Participation of African Nations in Sanitary and Phytosanitary Standard Setting Organizations (PANSPSO) - coordinated by the African Union Inter-African Bureau for Animal Resources (AU-IBAR); a Regional Animal Health Programme (AHP) and a Regional Food Security Programme .

Within the context of **PANSPSO** Project implementation, CEN-SAD has organized capacity building activities in five of its Member States namely Burkina Faso, Mali, Mauritania, Niger and Senegal. The other Member States are included in the groups steered by the Economic Community of West African States (ECOWAS), the Common Market for Eastern and Southern Africa (COMESA), the Economic Community of Central African States (ECCAS) and the Intergovernmental Authority on Development (IGAD).

The capacity building workshops organized by CEN-SAD brought together over 50 national experts who adopted a regional guide for the establishment and/or revival of National SPS Standards Committees. Participants were also trained on themes relating to risk and cost/benefit analysis, and negotiation in the area of SPS standards.

Furthermore, with support from the Project, CEN-SAD gained observer status with international standards organizations such as the World Organisation for Animal Health (OIE), Codex and the International Plant Protection Convention (IPPC) in the SPS field, and the World Trade Organization (WTO) SPS Committee, with a view to participating in their statutory activities in order to defend the interests of its Member States.

The Regional Animal Health Programme is part of CEN-SAD planned support for the realization of a livestock vaccination campaign in some Member States (Mali, Niger, Chad and Burkina Faso). It is aimed at mitigating the harmful effects of endemic cross-border diseases in the CEN-SAD space, with a view to improving livestock productivity. The terms of reference for a study to formulate this programme have been prepared, and exchanges initiated with AUIBAR in order to involve them in the conduct of the study.

CEN-SAD is also implementing a **Regional Food Security Programme (PRSA/CEN-SAD)**. Phase 1 of the Regional Food Security Programme, covering challenges relating to SPS measures within the community, was successfully implemented with funding from Libya (US\$9.3 million) in five Member States of the Community (Burkina Faso, Mali, Niger, Chad and The Sudan). The final tripartite evaluation (carried out by Libya, CEN-SAD, and the FAO) of this first Phase determined that the food security and revenue of the populations had improved. Phase 2 of the Programme aims to build SPS capacity in seven additional Member States (Benin, Central African Republic, Eritrea, Guinea Bissau, Senegal, Sierra Leone and Togo) and to strengthen technical capacities and partnership at regional level. With a budget of US\$29.25 million, this Phase will be implemented over a 5-year period.

3.2 COMESA

3.2.1 REC Background

COMESA was formed in December 1994 when it replaced the former Preferential Trade Area (PTA) which had existed from the earlier days of 1981. COMESA (as defined by its Treaty) was established as *“an organization of free independent sovereign states which have agreed to co-operate in developing their natural and human resources for the good of all their people”* and as such it has a wide-ranging series of objectives which necessarily include in its priorities the promotion of peace and security in the region.

COMESA is made up of 19 Member States with a combined population of over 389 million and

its main focus is on the formation of a large economic and trading unit that is capable of overcoming some of the barriers that are faced by individual states. Its objectives can be summarized as being:

- Trade liberalization and Customs co-operation, including the introduction of a unified computerized Customs network across the region;
- Improving the administration of transport and communications to ease the movement of goods services and people between the countries;
- Creating an enabling environment and legal framework which will encourage the growth of the private sector, the establishment of a secure investment environment, and the adoption of common sets of standards; and
- The harmonization of macro-economic and monetary policies throughout the region.

COMESA's FTA was achieved on 31st October, 2000 when nine of the member States namely Djibouti, Kenya, Madagascar, Malawi, Mauritius, Sudan, Zambia and Zimbabwe eliminated their tariffs on COMESA originating products in accordance with the tariff reduction schedule adopted in 1992. This followed a trade liberalization programme that commenced in 1984 on reduction and eventual elimination of tariff and non-tariff barriers to intra- regional trade. The number of Member States participating in the COMESA Free Trade Area (FTA) now stands at sixteen following the passage of the required law by the Democratic Republic of Congo to join the regional economic community in 2016. These sixteen FTA members have not only eliminated customs tariffs but are working on the eventual elimination of quantitative restrictions and other non-tariff barriers. In preparation for a Customs Union, the Eleventh Meeting of the Council of Ministers held in Cairo, Egypt adopted a Road Map that outlined programmes and activities whose implementation was necessary before the launching of the Union.

3.2.2 TBT Situational Analysis

The relevant COMESA instruments in relation to TBT are Chapter 15 of the Treaty on the Common Market for Eastern and Southern Africa and the COMESA Standards, Metrology,

Conformity Assessment and Accreditation Policy of 2009. There have also been discussions on cooperation in the development of a regional Technical Framework for the Implementation of Technical Regulations.

The COMESA Treaty dates back to 1994 thus pre-dating the WTO TBT Agreement which came into existence on 1 January 1995. Chapter 15 contains undertakings on the development of common policies with regard to:

- The standardisation and quality assurance of goods produced and traded within the Common Market;
- The relationship of national standards bodies with international and other organisations concerned with standardisation and quality assurance, and;
- The development of standardisation and quality assurance to support the achievement of the Common Market.

Chapter 15 also provides for the establishment of National Standards Bodies with the necessary capacity to carry out standardisation and quality assurance activities and to co-operate with other Member States and the promotion and enforcement of standards relating to public health and safety and the protection of the environment. COMESA advocates for the recognition of the African Regional Organisation for Standardisation (ARSO) and supports its Member States' accession to the Agreement Establishing ARSO.

On the establishment of standards the following was agreed:

- The application of uniform rules and procedures for the formulation of national standards;
- The adoption of African Regional Standards (ARS) and where these are unavailable, the adoption of suitable international standards for products traded in the common market;
- The coordination of views with regard to the recognition, adaptation and application of regional and international standards in the Common Market; and
- The application of the principle of reference to standards in national regulations, so as to facilitate the harmonisation of technical regulations.

COMESA harmonised standards are developed by COMESA experts on standards representing the National Standards Bodies and other stakeholders within the region in accordance with international procedures and practices. COMESA has created a significant number of COMESA harmonised standards, many of which have been adopted by Member States as national standards.

COMESA SQA policy is implemented by the Committee on Standards, Metrology, Conformity Assessment and Accreditation which undertakes and coordinates activities in the following areas:

- Establishing procedures for the development of harmonised COMESA standards, metrology, conformity assessment and accreditation procedures "*in line with international practices and standards*";
- Establishing procedures for the notification of technical regulations in the COMESA Member States "*in line with the TBT Agreement*"; and
- Establishing liaison mechanisms with relevant regional and international organisations.

Sub-committees on Standards Harmonisation, Metrology, Legal Metrology and Testing and Quality Assurance have been formed to address specific thematic issues. A coordination office has also been established at the COMESA Secretariat to support the Committee. A treaty mandating the use of ARS as basis to standardisation work in COMESA enables COMESA to directly implement ARSO standards and thus prevent duplication of effort.

3.2.3 SPS Situational Analysis

In Article 132(d) of the COMESA Treaty on co-operation in the export of agricultural commodities, Member States undertake to harmonise their policies and regulations relating to SPS measures without impeding the export of crops, plants, seeds, livestock, livestock products, fish and fish-products.

The COMESA Regulations on the Application of Sanitary and Phytosanitary Measures set out principles and create mechanisms for cooperation in the implementation of SPS measures by

Member States to ensure the protection of:

- i) Human health and life from risks arising from additives in food and drink, contaminants in food and drink, toxins in food and drink, and plant or animal carried diseases;
- ii) Animal health and life from risks arising from additives in feed and water, toxins in feed and water, pests, diseases and disease causing organisms;
- iii) Plant health and life from risks arising from pests, diseases and disease causing organisms; and
- iv) The socio-economic structures and institutions of a Member State from risks arising from the entry, establishment and spread of pests and diseases.

The regulations are also there to ensure that the application of SPS measures does not unnecessarily hinder trade in food and agricultural products in the Common Market. To achieve this, Member States undertake to harmonise SPS measures, including surveillance, emergency preparedness, traceability, control, inspection and approval procedures. To this are added some obligations on risk assessment, notification to the COMESA Secretariat and a reference on basing some procedures on international standards.

The Regulations also establish the COMESA Green Pass system, which is intended to be a commodity-specific SPS certification scheme and authority for movement of food and agricultural products within the Common Market, issued by a National Green Pass Authority. The aim is to make a Green Pass issued by a National Green Pass Authority in one Member State valid in other COMESA Member States.

The following institutions have been established to operationalise SPS collaboration within COMESA:

- The COMESA Committee on Agriculture;
- The regional Sub-Committee on SPS matters; and
- The SPS Unit within the COMESA Secretariat.

Member States are encouraged to set up such national bodies or institutions as may be appropriate to facilitate the implementation and administration of the COMESA SPS Regulations at national level, including providing a forum which will allow consultation between the public and the private sector on SPS issues.

Disputes about the application and interpretation of COMESA legal instruments fall under the jurisdiction of the COMESA Court of Justice, established under the COMESA Treaty. The Court's jurisdiction includes SPS related disputes. This Court may also hear complaints by private parties.

3.3 EAC

3.3.1 REC Background

The East African Community (EAC) is a regional intergovernmental organization of 6 Partner States: the Republics of Burundi, Kenya, Rwanda, South Sudan, the United Republic of Tanzania, and the Republic of Uganda, with its headquarters in Arusha, Tanzania. The EAC is home to 150 million citizens, of which 22% is urban population.

The work of the EAC is guided by its Treaty which established the Community. It was signed on 30 November 1999 and entered into force on 7 July 2000 following its ratification by the original three Partner States - Kenya, Tanzania and Uganda. The Republic of Rwanda and the Republic of Burundi acceded to the EAC Treaty on 18 June 2007 and became full Members of the Community with effect from 1 July 2007. The Republic of South Sudan acceded to the Treaty on 15 April 2016 and became a full Member on 15 August 2016.

As one of the fastest growing regional economic blocs in the world, the EAC is widening and deepening co-operation among the Partner States in various key spheres for their mutual benefit. These spheres include political, economic and social.

At the moment, the regional integration process is in full swing as reflected by the encouraging progress of the East African Customs Union,

the establishment of the Common Market in 2010 and the implementation of the East African Monetary Union Protocol. The process towards an East African Federation is being fast tracked, underscoring the serious determination of the East African leadership and citizens to construct a powerful and sustainable East African economic and political bloc.

3.3.2 TBT Situational Analysis

The relevant EAC instruments from which the TBT policy has been derived include Article 75 of the EAC Treaty which refers to EAC Partner States agreeing to establish a Customs Union and to achieving a range of objectives relevant to deeper regional integration amongst them. Article 81 of the same Treaty refers to the need for Partner States to accept that standardisation, quality assurance, metrology and testing can bring about many benefits for the Community. They accordingly undertake to evolve and apply, by way of a Protocol, a common policy in relation to goods and services produced and traded in the Community.

Ultimately in 2001 the EAC established the East African Protocol on Standardisation, Quality Assurance, Metrology and Testing as the basis of their regional strategy for Quality Infrastructure related issues. The Protocol outlines expectations that Partner States will, among others:

- Recognise African Regional Organisation for Standardisation (ARSO) standards. Where ARSO standards are not available, the Partner States shall adopt international standards as East African Standards (EAS);
- Establish a sectoral committee known as the East African Standards Committee for formulating and developing East African Standards;
- Adopt “and implement” East African Standards as national standards;
- Apply the principle of reference to standards in their national legislation, so as to facilitate the harmonisation of their technical regulations; and
- Develop and harmonise environmental standards within the community, with an obligation to adopt and use international standards.

With regards to cooperation on conformity assessment Partner States have to harmonise procedures for inspections, sampling, testing, documents for evaluating products, certification schemes and accreditation schemes. They shall also promote the recognition of test results.

In order to give effect to regulatory cooperation as a priority, the East African Standardisation, Quality Assurance, Metrology and Testing Act was subsequently adopted in 2006 in order to create a clear legislative framework. The East African Standardisation, Quality Assurance, Metrology and Testing Act mandates the East African Standards Committee to coordinate Members’ activities with respect to standardisation, quality assurance, metrology and conformity assessment. The main focus of the Act is to ensure regulatory cooperation and it gives the Council of Ministers of the EAC the power to declare an East African Standard a “compulsory standard”, which in turn requires that it be transposed into a national technical regulation. The Act refers to the WTO TBT Agreement and states that the EAC Standards Committee, in carrying out its functions, shall have due regard for the requirements and obligations of the WTO TBT Agreement.

The EAC TBT Structures are:

- The East African Standards Committee (to undertake and coordinate activities related to standardization, metrology and conformity assessment);
- A Liaison Office to support this Committee;
- Each Partner State has to have a national standards body, metrology institute, legal metrology department, and accreditation body;
- The East African Accreditation Board;
- Bodies selected to serve as test laboratories and provide scientific and technical services;
- National public regulatory bodies to administer compulsory standards;
- The EAC Council of Ministers; and
- The EAC Court of Justice.

Partner States retain the power to implement their own technical regulations, subject to notification to the EAC Secretariat, and the requirement to base them on East African Standards, where they exist.

The Act provides that Partner States shall approximate their conformity assessment modalities applicable to demonstrating compliance with compulsory standards. It also states that a product falling within the scope of a compulsory standard which has been approved by the regulatory authority of a Partner State, shall be accepted by the regulatory authorities of other Partner States.

Any Partner State alleging that its interests have not been recognised by the East African Standards Committee may appeal to the Council of Ministers. Other disputes between Partner States shall be referred to the Council of Ministers. Where the Council of Ministers fails to resolve a matter, the matter may be referred to the East African Court of Justice.

The EAC TBT arrangement supports the eventual achievement of a high level of regional integration. The more recent of the EAC instruments demonstrate an improved focus on the WTO TBT Agreement which can be considered as a positive development. The key developments are a strong emphasis on technical regulatory cooperation and cooperation with regard to the recognition of the results of conformity assessment.

3.3.3 SPS Situational Analysis

The EAC legal instruments underpinning the region's SPS policies are the Articles 108 and 110 of Chapter XVIII of the EAC Treaty, Article 45 of the EAC Common Market Protocol, Article 38 of the EAC Customs Union Protocol and the East African Protocol on SPS Measures. These articles state that the Partner States shall, amongst other things, harmonise policies, legislation and regulations for enforcement of pests and disease control, and shall harmonise quality and standards of inputs and products including food additives. Partner States are expected to cooperate in the control of plant and animal pests, vectors and diseases and to establish an effective regime of SPS measures and conclude protocols on areas of co-operation, amongst others, SPS measures. Protocols shall spell out the objectives, scope of co-operation and institutional mechanisms for co-operation.

The objectives of the East African Protocol on SPS Measures are to:

- Promote trade in food and agricultural commodities within the Community and the Community with other trading partners;
- Promote within the Community, the implementation of the principles of harmonization, equivalence, regionalization, transparency and risk assessment in the WTO SPS Agreement;
- Strengthen cooperation and coordination of sanitary and phytosanitary measures and activities at national and regional level, based on common understanding and application within the Community; and
- Enhance the sanitary and phytosanitary status through science based approach in the Community.

The Protocol defines specific areas of cooperation under the headings “plant health”, “animal health” and “food safety”.

The EAC Sectoral Council on Agriculture and Food Security approved a “final draft” of the Sanitary and Phytosanitary Protocol in December 2009. The EAC Council of Ministers in March 2010 endorsed the final draft of the protocol. In October 2010 the EAC Legal and Judicial Sectoral Council decided to refer the final draft of the protocol to legal drafters for their inputs.

In the period during which the SPS Protocol was in extended limbo, the harmonisation of standards and technical regulations became routine in the EAC under the East Africa SQMT Act. As a part of this the EAC countries developed harmonised regional standards for a wide range of staple foods, taking the Codex Alimentarius Commission as the basis, and making what is mostly SPS measures mandatory under the SQMT Act. In this process the EAC has therefore created regional SPS-related standards which were then made compulsory under the SQMT Act.

3.4 ECCAS

3.4.1 REC Background

ECCAS was officially established in 1983 and began functioning in 1985 but was inactive for several years because of financial difficulties (non-payment of membership fees) and the conflict in the Great Lakes area. The Economic Community of Central African States (ECCAS) comprises eleven member states: Angola, Burundi, Cameroon, Central African Republic, Congo, Democratic Congo, Gabon, Equatorial Guinea, Rwanda, Sao Tome & Principe and Chad. ECCAS has been designated a pillar of the African Economic Community (AEC) having signed the Protocol on Relations between the AEC and the Regional Economic Communities in October 1999. Key members of ECCAS also belong to the Central African Economic and Monetary Community (CEMAC), a REC that is not officially recognized by the AU. These States are Gabon, Cameroon, the Central African Republic (CAR), Chad, the Republic of the Congo and Equatorial Guinea.

ECCAS launched its Free Trade Area in 2004. The ultimate goal of ECCAS is to establish a Central African Common Market. At the Malabo Heads of State and Government Conference in 1999, four priority fields for the organization were identified:

- to develop capacities to maintain peace, security and stability - as essential prerequisites for economic and social development;
- to develop physical, economic and monetary integration;
- to develop a culture of human integration; and
- to establish an autonomous financing mechanism for ECCAS.

3.4.2 TBT Situational Analysis

ECCAS plans to establish a common market in Central Africa in the medium term. As part of the current efforts to enhance Quality Infrastructure in the region, the implementation of the Central Africa Quality Infrastructure Program (PIQAC) and the Regional Standardization Program (PRMN), have been ongoing since 2015. As of now, the PIQAC has made substantial progress towards meeting the following objectives:

- i) to establish Regional Quality Policy in Central Africa;
- ii) enhance quality infrastructure; and
- iii) raise awareness in the private sector and among consumers on the importance of quality.

Specifically, in each of the above areas the following achievements can be identified:

- 1) Gains in the development of the Regional Quality Policy:
 - Mapping carried out on legislation and Quality Infrastructure institutions at the national and regional levels in order to create regional bodies that pool state resources in Central Africa Quality Infrastructure Programme (PIQAC) countries;
 - Technical Working Group on Regional Quality Policy set up to put in place Regional Quality Policy;
 - Adoption of the Regional Quality Policy Document;
 - Enactment of regulation on Regional Quality Policy implementation;
 - Adoption of the Regional Quality Policy Application Guide at the national level;
 - Adoption of the national implementation action plan for the Regional Quality Policy.
- 2) Gains in the enhancement of Quality Infrastructure:
 - A mechanism for coordinating standardization and quality promotion activities put in place at the regional level;
 - Technical Working Group “Regional Standards Harmonization Mechanism” set up to develop strategy and a mechanism to coordinate regional standardization and quality activities;
 - National Steering Committee meetings held in all the PIQAC countries to disseminate and discuss documents on the regional standards harmonization mechanism;
 - Workshop to validate basic documents on the regional standards harmonization mechanism by the Ministries in charge of Quality Infrastructure in

PIQAC beneficiary countries held on 29 November 2016 in Douala;

- Support to PIQAC beneficiary countries in reviewing standardization laws with a view to synchronizing them with the standardization and quality promotion legislative framework;
 - Capacity developed in food safety certification (ISO 22000);
 - Support to testing and analysis laboratories: Number of major laboratories built in Central Africa: 47 diagnostic laboratories;
 - 14 laboratories (2 per country) selected to receive accreditation support for the first laboratory and functionality support for the second laboratory;
 - Start of technical assistance in laboratory accreditation; and
 - Training of laboratory officers on ISO Standard 17025;
- 3) Gains in the development and adoption of regional standards harmonization mechanism documents, namely:
- Central Africa Region Standards Harmonization Strategy;
 - Memorandum of Understanding on the Organization of Regional Standards Harmonization in Central Africa;
 - Regional Standards Harmonization Rules of Procedure; and
 - Implementation Plan for the Central Africa Standards Harmonization Strategy.
- 4) Gains in awareness creation on the importance of QI in the private sector and among consumers
- Research carried out on the existence of quality awards held at national and regional levels and on the industrial network in various beneficiary countries;
 - The Benchmark for the Regional Quality Award;
 - A human resource plan, marketing strategy and advertisement of the award, time and date planning for the 1st edition of the Regional Quality Award; and
 - Quality awareness and information seminars held: close to 1,500 people sensitized or trained in 2015-2016.

3.4.3 SPS Situational Analysis

ECCAS coordinates SPS activities in Central Africa by supporting Member States within the framework of Regional Programs carried out with the support of technical and financial partners, which include FAO. Nine out of the eleven ECCAS Member States are members of the WTO implementing the SPS Agreement. In relation to the status of SPS programmes in other RECs, ECCAS's SPS programme can be considered to be still in its infancy.

SPS achievements in the ECCAS Bloc so far include, among others, the following:

- Development of a joint Phytosanitary regulation project in Central Africa;
- Carrying out Phytosanitary capacity building activities in Member States;
- Establishing National SPS Committees and SPS Focal Points established in Member States; (done to enable more effective participation of Central African countries in Committees of international standards organizations (OIE, IPPC, Codex Alimentarius));
- Launch of a regional pesticide registration system in 2012 ;
- Establishment of an interstate Committee on Pesticides in Africa (CPAC) to facilitate the issuance of licences for using Phytopharmaceutical products within Member States in the region;
- Operationalization of a Regional Animal Health Centre to cover the entire ECCAS bloc;
- Adoption of a coordinated and integrated approach in monitoring cross-border diseases and zoonoses in Central Africa in 2012;
- Adoption of a Regional Program on health safety during cross-border disease outbreaks and vector-borne diseases in 2016; and
- Operationalization of the Regional Food Safety Program in Central Africa.

3.5 ECOWAS

3.5.1 REC Background

The Economic Community of West African States (ECOWAS) was established on 28 May 1975 via the Treaty of Lagos. ECOWAS is a 15-member regional group with a mandate of promoting economic integration in all fields of activity of the constituting countries. Member countries making up ECOWAS are Benin, Burkina Faso, Cabo Verde, Cote d' Ivoire, The Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Sierra Leone, Senegal and Togo. Considered one of the pillars of the African Economic Community, ECOWAS was set up to foster the ideal of collective self-sufficiency for its member states. As a trading union, it is also meant to create a single, large trading bloc through economic cooperation.

Integrated economic activities as envisaged in the area revolve around but are not limited to industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial issues, social as well as cultural matters.

The Vision of ECOWAS is the creation of a borderless region where the population has access to its abundant resources and is able to exploit the same through the creation of opportunities under a sustainable environment.

3.5.2 TBT Situational Analysis

The ECOWAS Quality policy, signed in 2012, is the basis of regional quality infrastructure cooperation in West Africa. The policy was derived from the West African Common Industrial Policy (WACIP), which emphasizes standardization, quality assurance, accreditation and metrology (SQAM/Quality Infrastructure). The ECOWAS Quality policy was designed to address quality and TBT coordination weaknesses in the region and give fresh impetus to the competitiveness of West African products.

Based on that of the WACIP, the ECOWAS Quality Policy vision is to ensure the following:

- economic competitiveness of the region through provision of world class quality goods and services,
- effective protection of consumers and the environment for sustainable development.

The ECOWAS Quality Policy reflects the needs, growth, and development imperatives of the Member States. It is thus the basic foundation for the preparation of National Quality Policies (NQP) which must translate into the establishment of national quality infrastructure (NQI) that is suitable, efficient and of internationally accepted standards. It is envisaged that National Quality Infrastructures (NQIs) will help improve the quality and competitiveness of products, trade promotion, environmental, human and animal health protection, securing the incomes of farmers and the fight against bad trade practices. The conformity of West African products with international standards will facilitate access to global markets.

The overall objective of ECOQUAL aims at establishing a framework for the development and operation of suitable, relevant, efficient and effective quality infrastructure to facilitate intra-regional and international trade, protect the consumer and the environment, and promote sustainable economic development.

The specific objectives of this Quality Policy are to facilitate regional cooperation in the areas of standards, technical regulations, conformity assessment, accreditation and metrology supported by the relevant activities to capacitate institutions carrying out these tasks. The supporting activities include:

- promoting quality culture and QI awareness in the Region;
- providing education and training services on quality;
- promoting Public-Private-Partnership in financing NQI;
- establishment of quality award schemes;
- establishment of information network on quality issues;
- establishment of the relevant legal frameworks;
- improving participation of Member States in the activities of regional and international quality organizations; and
- improvement of stakeholders' dialogue.

It should be noted that seven out of 15 members of ECOWAS are also members of the West African Economic and Monetary Union, WAEMU, (also known by its French acronym, **UEMOA**) are Be-

nin, Burkina Faso, Cote d'Ivoire, Guinea-Bissau, Mali, Niger, Senegal and Togo. **UEMOA** member **countries** agreed to establish a System for Accreditation, Standardization and Quality Promotion through their quality programme launch in November 2005. Although as a REC UEMOA is not officially recognized by the AU, there is a need to harmonize or align the quality programmes in ECOWAS and UEMOA so as to optimally benefit from QI programmes and avoid duplication of effort.

3.5.3 SPS Situational Analysis

ECOWAS coordinates SPS activities in the region through harmonization and support to Member States in the implementation of specific programs. In 2010 the ECOWAS enacted the SPS Regulation C/REG. 21/11/10 on the 'Harmonization of the Structural Framework and Operational Rules Pertaining to the Health and Safety of Plants, Animals and Foods' in the ECOWAS region. The regulation is meant to facilitate setting up of a regional legal framework of harmonization of national legislations in the area of phytosanitary, zoo sanitary and food safety, in line with international health requirements, which will contribute to improving trading in animals and food commodities in the community as well as their regional and international trade. Also it will constitute the framework of actions aimed at furthering and consolidating the common market.

The ECOWAS strategy involves, as a first step, the harmonization of SPS regulations of the eight French-speaking ECOWAS Member States with the rest of the ECOWAS membership. In doing so, ECOWAS involved technical experts from Member States, as well as experts from partner organizations (FAO, OIE) who prepared and validated harmonization documents. The ECOWAS Joint Legal/Judicial and Agriculture Committee compared and aligned the documents to international standards and brought them in line with the ECOWAS legal texts. The Specialized Technical Committee on Agriculture, Environment and Water Resources, comprising the Ministers of Agriculture, Livestock, Health and Trade, validated these documents. It is evident that a single set of standards will facilitate increased intra-regional trade, while strengthening regional integration and food safety and security. The challenge for ECOWAS will be to

monitor and assist Member States in the implementation of new regional regulations.

3.6 IGAD

3.6.1 REC Background

The Intergovernmental Authority on Development (IGAD) is an eight-country trade bloc in Africa. It includes governments from the Horn of Africa, Nile Valley, and the African Great Lakes. Its headquarters are in Djibouti City. IGAD was established in 1996 succeeding the earlier Intergovernmental Authority on Drought and Development (IGADD), a multinational body founded in 1986 by Djibouti, Ethiopia, Somalia, Sudan, Uganda and Kenya, with a focus on development and environmental control. The current members of IGAD are Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda.

IGAD expanded its activities in 2008 with initiatives to improve the investment, trade and banking environments of member states. The organization stressed the deployment of highly innovative programmes and mechanisms.

3.6.2 TBT and SPS Situational analysis

IGAD has no formal Free Trade Area established and collaborates on SPS and TBT issues with trade partners in Africa using the Members' overlapping REC membership in EAC and/or COMESA.

3.7 SADC

3.7.1 REC Background

The Southern African Development Community (SADC) was established as a development coordinating conference (SADCC) in 1980 and transformed into a development community in 1992. It is an inter-governmental organization whose goal is to promote sustainable and equitable economic growth and socio-economic development through efficient productive systems, deeper co-operation and integration, good governance and durable peace and security among fifteen Southern African countries: Angola, Botswana, DRC, Lesotho, Madagascar,

Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe. The SADC region has a combined population of over 577 million and a GDP of US\$576bn (2010). The Comoros islands are expected to join SADC in the near future as the sixteenth member.

The main objectives of SADC are to achieve development, peace and security, and economic growth, to alleviate poverty, enhance the standard and quality of life of the peoples of Southern Africa, and support the socially disadvantaged through regional integration, built on democratic principles and equitable and sustainable development.

3.7.2 TBT Situational Analysis

The legal foundation of The SADC TBT acquis can be traced to the following legal instruments: Article 5 of the SADC Treaty, Articles 2, 3, 6, 17 and 26 of the SADC Protocol on Trade, Article 6 of Annex V on Trade Development, and Annex IX on Technical Barriers to Trade (TBT). The first version of the Annex IX on TBT was approved by the SADC Committee of Ministers of Trade on 12 July 2008. It was subsequently replaced by a later version, adopted on 17 July 2014. The new version superseded the earlier one, which in turn superseded the SADC Memorandum of Understanding on SQAM.

SADC TBT policies seek to achieve or contribute to, among other things, the following:

- the establishment of a Free Trade Area in the SADC Region, with an eventual ambition of deeper regional integration; progressive elimination of obstacles to the free movement of goods including the phased elimination of non-tariff barriers;
- that Member States promote harmonised standards and appropriate quality assurance systems within the Community;
- to the greatest extent practicable, make compatible Member States respective standards-related measures, so as to facilitate trade in goods and services within the Community;
- to promote the compatibility of specific standards or conformity assessment procedures that are maintained in Member States with the standards or conformity assess-

ment procedures maintained in the territory of other Member States; and

- Member States and the private sector to take measures to ensure that SADC exports meet quality standards, in accordance with specifications set by international standards organisations.

As strong focus is on regulatory cooperation, Annex IX establishes a Technical Regulation Framework and a range of TBT cooperation structures as follows:

- The SADC Technical Regulations Liaison Committee (SADCTRLC);
- The SADC TBT Stakeholders Committee (SADCTBTSC);
- The SADC Cooperation in Accreditation (SADCA);
- The SADC Cooperation in Legal Metrology (SADCMEI);
- The SADC Cooperation in Measurement Traceability (SADCMET);
- The SADC Cooperation in Standardisation (SADCSTAN);
- The SADC TBT Expert Group (TBTEG); and
- There is also a reference to the SADC Accreditation Service (SADCAS).

The intention is that the TBT cooperation structures will deal with quality infrastructure issues within SADC including:

- Consultation, participation and exchange of information processes shall be used when technical regulations are developed, amended and implemented;
- Basing national standards on relevant international standards to the greatest extent possible;
- Harmonisation of standards texts and technical regulations are to take place at the SADC level;
- Conflicting national standards shall be withdrawn once the text of a regional standard developed by SADCSTAN becomes available, and the SADCSTAN text shall be adopted as a national standard;
- Member States shall use impact and risk assessment to inform technical regulatory decisions;
- Coordination between various institutions forming part of the Technical Regulation Framework;

- The formal recognition of listed international, African and SADC accreditation bodies;
- Member States have to establish a “function” within government which will oversee the implementation of this Annex; and
- The SADC Technical Regulations Liaison Committee (SADCTRLC) will be involved in mediation and conciliation in respect of technical regulations, before Article 32 of the Trade Protocol is invoked.

The SADC Technical Regulations Liaison Committee (SADCTRLC) is effectively the body managing TBT issues in SADC. SADCSTAN on the other hand has a clear mandate to achieve the harmonisation of texts necessary to support the objectives of the SADC Protocol on Trade.

3.7.3 SPS Situational Analysis

Article 16 of the SADC Protocol on Trade states that Member States shall base their SPS measures on international standards, guidelines and recommendations, so as to harmonise SPS measures for agricultural and livestock production. The Member States shall also, upon request, enter into consultations with the aim of achieving agreements on the recognition of the equivalence of specific SPS measures, in accordance with the WTO Agreement on the Application of SPS measures.

Annex VIII of the SADC Protocol on Trade is the instrument developed to guide collaboration and cooperation on SPS issues in SADC. The first version of this Annex was adopted by the Committee of Ministers of Trade in July 2008 and a second revised version in July 2014.

Specifically, the objectives Annex VIII of the SADC Protocol on Trade are to:

- facilitate the protection of human, animal or plant life or health in the territory of the Member States;
- enhance the Member States’ implementation of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures;
- enhance technical capacity to implement and monitor SPS measures including promoting greater use of international standards and other matters concerning SPS;
- provide a regional forum for addressing sanitary and phytosanitary matters, and to;

- provide a regional forum for resolving trade related sanitary or phytosanitary issues.

The most significant of these objectives however is the creation of a regional forum, the SADC SPS Coordination Committee (SADC SPS CC), with the function to address regional SPS issues and to resolve trade-related SPS issues. The SADC SPS Coordinating Committee shall *promote transparency* in the area of SPS measures, including overseeing implementation of the transparency provisions, and shall *act as a consultative forum* for (a) promoting the objectives of this Annex, and (b) strengthening cooperation between the national regulatory agencies having responsibility for SPS measures. These can be seen as the main tasks of this committee. The SADC SPS CC is assisted by three thematic technical sub-committees in the areas of Food safety, Animal Health and Plant Protection. Efforts have also been made to establish formal relationships with the autonomous regional bodies working on Animal Vaccines and Pesticides registration.

Additionally, each Member State is required to establish a National Committee on SPS Measures. These national Committees are responsible for their WTO SPS National Notification Authorities and Enquiry Points, and shall appoint two representatives to serve on the SADC SPS Coordinating Committee.

There are parts of the Annex (such as Article 11 on Control, Inspection and Approval Procedures) which can be seen as improving on the WTO SPS Agreement. Examples are the separate provision on accepting, upon the request of any other Member State, the relevant control, inspection and approval procedures of another Member State as equivalent, and the review, on request, of its inspection, testing, certification and other relevant import and export approval systems or procedures to ensure these are reasonable and necessary, so as to further facilitate access of traded products to its territory.

3.8 UMA

3.8.1 REC Background

The Union of the Arab Maghreb or Arab Maghreb Union (AMU) as it is often referred to, was established in 1989 when the five founding members, Algeria, Tunisia, Morocco, Libya and Mauritania, signed the Treaty of Marrakesh. At the Treaty approval, the member States agreed to coordinate, harmonize and rationalize their policies and strategies to achieve sustainable development in all sectors of human activities. In addition to the Treaty, the Marrakesh Summit adopted the Solemn Declaration on the establishment of AMU and its work program. The Arab Maghreb Union objectives are to:

- Strengthen the ties of brotherhood which link the member States and their peoples to one another;
- Achieving progress and prosperity of their societies and defending their rights;
- Contributing to the preservation of peace based on justice and equity;
- Pursuing a common policy in different domains; and
- Working gradually towards achieving free movement of persons and transfer of services, goods and capital among them.

3.8.2 TBT and SPS Situational analysis

The Current member States of AMU are Algeria, Libya, Mauritania, Morocco, and Tunisia. UMA has no formal Free Trade Area established and collaborates on SPS and TBT issues with trade partners in and outside Africa on a case by case basis.

3.9 TRIPARTITE

Member/Partner States of the three RECs comprising the COMESA, EAC and SADC signed up to what is being referred to as the Tripartite Free Trade Area (TFTA) in June 2015. This move resulted in the biggest free trade area on the continent and a big step forward for African economic integration. The instruments of the TFTA agreement governing SPS and TBT were among the first to be finalized. The annexes represent a hybrid of the approaches used in the Member RECs and as expected, refer strongly to the WTO agreements relating to TBT and SPS measures and recognize the role of PAQI institutions

4 TBT Summary

The design of a continental scheme to deal with Technical Barriers to Trade is one of the essential requirements for the success of the CFTA implementation. African countries and RECs have long recognized this and have established national and regional quality infrastructures. These resources will now need to be adapted to serve continental trade efficiently and effectively. Technical barriers to trade are necessary and acceptable if applied for justifiable reasons and implemented in accordance with international best practice. The internationally accepted reference for the foregoing is the WTO TBT Agreement. When implemented for protectionist reasons or in ways that defeat WTO fair trade principles, TBTs become unjustified obstacles to trade.

Continental collaboration in TBTs must ensure that technical regulations and other TBT measures do not unnecessarily constitute barriers to trade. Rather the aim should be to strengthen existing REC TBT arrangements and to align them with a continent wide TBT effort to improve cooperation in TBT related matters including standards, technical regulations and conformity assessment. The recognition of equivalence in standards, technical regulations and conformity assessment should be given priority and unnecessary duplication should be avoided.

Whilst intra-Africa trade has traditionally featured agricultural goods and commodities and SPS issues have received the necessary attention, TBTs are equally relevant and are of growing importance as African countries pursue their integration and industrialization plans.

5 SPS Summary

Agriculture is the most important sector of the African economy and plays a major role in alleviating poverty. It accounts for 65% of employment and 75% of domestic trade. For this reason SPS measures are of particular importance to African trade and the products that fall under SPS Agreements are almost always agricultural in nature. Cooperation in the development and application of SPS measures in the CFTA will facilitate increased harmonization of measures and reduce the impact of SPS measures as a factor limiting export capacity or the ability to effectively control imports. Non-harmonized SPS measures can be a serious barrier to intra-Africa trade.

Most of the African RECs have developed legal and technical instruments to enhance the management of SPS issues in the context of promoting trade. Noting that the maximum benefits of regional harmonization of SPS measures would only come from an efficient and controversy free system, most RECs have developed mechanisms that fit in with the WTO SPS principle of basing measures on international standards, guidelines and recommendations. The importance of participation in the activities of the three SPS standards setting bodies CAC, IPPC and OIE has been recognized and when funds permit, African countries are represented in these bodies' meetings.

In practical terms little momentum has been generated in the actual harmonization of SPS measures in most of the RECs. This is largely due to limited technical capacity and resources. This is an area the CFTA will have to address for effective reduction of SPS based non-tariff barriers to intra-African trade.

6. CONCLUSION

The African Union has embarked on perhaps what is one of its most ambitious developmental projects yet: establishment of the Continental Free Trade Area. When fully implemented, 55 Member States will mutually open up for trade in goods and services with a commitment to eliminate all tariff and non-tariff barriers. All stakeholders will have to play their role to make this venture a success.

The CFTA will build upon the acquis of the RECs. Almost all the RECs have put in place measures to address TBT and SPS issues with the objective of protecting the health and safety of humans, plants, animals and the environment but ensuring that doing so does not result in any measures becoming impediments to trade. The existence of the Pan African Quality Infrastructure provides early relief to addressing TBT matters in particular for the CFTA. Continental collaboration in the areas of standardization, metrology, and accreditation based on international best practice provides the platform to ensure that non-tariff measures do not impede trade. The PAQI officially collaborates with the Department of Trade and Industry at the AUC and aligns its strategies and work plans with AU developmental priorities, especially Agenda 2063 – The Africa We Want.

A ‘PAQI equivalent’ in the area of SPS would be greatly welcome. It is noted that the AU has already established the two organizations AU-IBAR and AU-IAPSC for handling animal/animal diseases and plants/plant diseases related matters respectively. Plans are at an advanced stage to create a continental food safety authority body which would complete the mirroring of Africa’s SPS architecture with that of the global level (CAC, IPPC and OIE). The linkage of the SPS bodies to the AUC through the Department of Rural Economy and Agriculture (DREA) would ensure that overlapping matters are effectively addressed. African SPS experts would also be expected to participate in relevant PAQI bodies and committees where agro-related activities are being carried out.

Resource capacity, both human and technical, are however the major challenges being faced by Africa’s QI institutions rendering them less effective in delivering their mandate. The CFTA could be the catalyst in forcing African nations

to find suitable local solutions and in sharing technical capacity. It could in particular make a major contribution by enhancing transparency with regard to the adoption and implementation of TBT related measures and disseminate this information to private and public users and stakeholders. Transparency is essential for the effective functioning of SPS and TBT related governance.

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