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# National SPS Coordination Mechanisms: An African Perspective



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# **Standard and Trade Development Facility**

## **NATIONAL SPS COORDINATION MECHANISMS: AN AFRICAN PERSPECTIVE**

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**Disclaimer**

The findings, interpretations, and conclusions expressed in this paper are entirely those of the authors. They do not necessarily represent the view of the Standards and Trade Development Facility (STDF) or any of its partner agencies or donors.

The preliminary conclusions and recommendations in this paper were presented by the STDF at the WTO workshop on best practices in national and regional SPS coordination for officials responsible for implementation of the SPS Agreement, and Codex, IPPC and OIE standards. Further information about this workshop, including copies of presentations delivered, is available on the WTO website

([http://www.wto.org/english/news\\_e/news11\\_e/sps\\_17oct11\\_e.htm](http://www.wto.org/english/news_e/news11_e/sps_17oct11_e.htm)).

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## ACRONYMS

ACFS	Thai National Bureau of Agricultural Commodity and Food Standards
AUC	African Union Commission
BRC	British Retail Consortium
CEN-SAD	Community of Sahel-Saharan States
COMESA	Common Market for Eastern and Southern Africa
DAFF	Department of Agriculture, Forestry and Fisheries
DoH	Department of Health
EAC	East African Community
ECOWAS	Economic Community for West African States
ECCAS	Economic Community of Central African States
EU	European Union
FSCBRC	Food Safety Capacity Building on Residue Control project
GDP	Gross Domestic Product
IGAD	Inter-Governmental Authority on Development
IICA	Inter-American Institute for Cooperation on Agriculture
IPPC	International Plant Protection Convention
ISO	International Organization for Standardisation
ISSB	International Standard-Setting Bodies
KEPHIS	Kenya Plant Health Inspectorate Service
NCC	National Codex Committee
NEP	National Enquiry Point (as foreseen in Annex B of the SPS Agreement)
NRI	Natural Resources Institute, University of Greenwich, UK
OIE	World Organisation for Animal Health
PAN-SPSO	Participation of African Nations in Sanitary and Phytosanitary Standard-setting Organizations
PIP	Pesticide Initiative Programme
PVS	Performance, Vision, and Strategy
REC	Regional Economic Community
SADC	Southern African Development Community
SANAS	South Africa National Accreditation System
SPS	Agreement on the Application of Sanitary and Phytosanitary Measures (WTO)
STDF	Standards and Trade Development Facility
TBS	Tanzania Bureau of Standards
TBT	(Agreement on) Technical Barriers to Trade (WTO)
UNIDO	United Nations Industrial Development Organization
USD	United States Dollar
WAEMU	West African Economic and Monetary Union
WTO	World Trade Organization

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Last but not least, special thanks are due to the STDF team for their encouragement, expertise and assistance in preparing this study.



## 1. INTRODUCTION

1. Sanitary and phytosanitary (SPS) measures are, by their very nature, multidisciplinary in that they encompass the diversity of the animal and plant health, and food safety realm. Given the number of public and private stakeholders involved, a growing interest is observed in setting up regional and national mechanisms to better coordinate and consult on SPS matters. Effective coordination among relevant government institutions, as well as improved interaction between public and private sector stakeholders with an interest in SPS issues, is critical to reduce information gaps, minimize the overlap of activities undertaken by various agencies, address SPS issues in a cost-effective manner and, ultimately, improve the implementation by countries of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and their participation in international standard-setting bodies, i.e. the Codex Alimentarius Commission (Codex), the World Organisation for Animal Health (OIE) and the International Plant Protection Convention (IPPC). Effective coordination on SPS issues strengthens SPS control systems and better equips countries to control SPS risks. As such, it also helps countries in achieving other objectives such as increasing agricultural production, enhancing food security or mitigating the negative effects of climate change.

2. Calls for increased attention to strengthen SPS coordination have come from a number of national, regional and international organizations and initiatives. Since 2009, the Participation of African Nations in Sanitary and Phytosanitary Standard-setting Organizations (PAN-SPSO) project carried out activities to sensitize SPS management authorities in Africa on the importance of improved SPS coordination and provided support for the establishment and operation of national SPS committees.<sup>1</sup> As part of its involvement in this project, the STDF carried out a questionnaire survey to examine the existence and functioning of national SPS coordination mechanisms in Africa. This study presents and analyses the findings of the survey. In addition, information was gathered through e-mail communication and telephone interviews regarding experiences in other parts of the world. The objective of this study is to extract lessons learned and provide suggestions and guidance to support the further establishment and operation of national SPS coordination mechanisms in the future.

3. The study complements a recent STDF publication on Regional SPS Frameworks and Strategies in Africa, which provided a preliminary analysis of the current and potential role of the African Union Commission (AUC) and Regional Economic Communities (RECs) in the SPS area.<sup>2</sup> The report concluded that there is potential for the AUC and RECs to play a coordinating role in SPS issues at the regional/sub-regional level, provided the following conditions are in place: (i) increased SPS capacity, including core SPS staff, in the AUC and RECs; (ii) high-level national support for the work of the AUC/RECs and commitment of national institutions to regional coordination; and (iii) clarity and consensus on SPS regional capacity needs and priorities, based on consultation with all concerned public and private stakeholders. This paper

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<sup>1</sup> The PAN-SPSO project aims to enhance the effective participation of African countries in the standard setting activities of the Codex Alimentarius Commission (Codex), the World Organisation for Animal Health (OIE) and the International Plant Protection Convention (IPPC). Implemented by the African Union Inter-African Bureau for Animal Resources (AU/IBAR), in collaboration with the African Union Inter-African Phytosanitary Council (AU/IAPSC), and financed by the European Union (EU), the project cooperates with seven Regional Economic Communities (RECs).

<sup>2</sup> Regional SPS Frameworks and Strategies in Africa. Report prepared by J. Magalhães for the STDF at the request of the African Union Commission (AUC), July 2010. The report is available at: [http://www.standardsfacility.org/Files/Publications/STDF\\_Regional\\_SPS\\_Strategies\\_in\\_Africa\\_EN.pdf](http://www.standardsfacility.org/Files/Publications/STDF_Regional_SPS_Strategies_in_Africa_EN.pdf)

will also inform another STDF study, to be published in 2012, on public-private partnerships in support of SPS capacity.<sup>3</sup>

4. The STDF encourages interested stakeholders to distribute and discuss the findings presented in this study as a means to promote dialogue on the role and functioning of national SPS coordination mechanisms, and identify concrete ways to enhance their effectiveness. In October 2011, the STDF presented the preliminary conclusions of this study at a WTO workshop on best practices in national and regional SPS coordination for officials responsible for implementation of the SPS Agreement, and Codex, IPPC and OIE standards.<sup>4</sup> Workshop participants formulated a number of recommendations to WTO members and also recommended that the WTO SPS Committee consider the development of guidelines on national SPS coordination and/or a manual of good practices on SPS coordination. It is hoped that this paper will provide useful input and guidance to any future SPS Committee work in this area.

5. Following this short introduction, section II outlines the main characteristics of national SPS coordination mechanisms in Africa, based on the survey findings and other documentation. Section III provides practical suggestions and guidance for the establishment of national SPS committees and offers lessons learned in this regard. Case studies of selected national SPS coordination mechanisms, as well as information documents related to such mechanisms, are included in the Annexes for reference. Annex 1 contains a useful checklist to assist in the establishment and operation of national SPS committees. Annex 2 provides information on two separate tools that, among other things, support coordination and communication among SPS stakeholders at the national, regional and international level. One was developed by the Natural Resources Institute (NRI) and the other by the Inter-American Institute for Cooperation on Agriculture (IICA). Annex 3 provides case studies on national SPS coordination mechanisms with examples from Belize, Burkina Faso, Kenya, Malawi, Morocco, Namibia, South Africa, Thailand and Uganda. Annex 4 briefly summarizes some of the key findings of the previous STDF report on regional SPS frameworks and strategies in Africa.

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<sup>3</sup> This study follows previous STDF work on public-private partnerships in the SPS area, including a workshop on 4-5 October 2010 organized in collaboration with The Netherlands Ministry of Agriculture, Nature and Food Quality and the World Bank Institute. See <http://www.standardsfacility.org/en/TAPPP.htm>.

<sup>4</sup> Information about this workshop, including the programme, presentations and recommendations, is available on the WTO website: [http://www.wto.org/english/news\\_e/news11\\_e/sps\\_17oct11\\_e.htm](http://www.wto.org/english/news_e/news11_e/sps_17oct11_e.htm).

## 2. MAIN CHARACTERISTICS OF NATIONAL SPS COORDINATION MECHANISMS

6. This section outlines the main characteristics of national SPS coordination mechanisms in Africa based on the findings of a questionnaire survey (distributed in 2010 to 38 countries in Africa), other documents and e-mail communication with SPS stakeholders in various countries.<sup>5</sup> While national SPS coordination mechanisms appear under different names, including boards, councils or committees, the name that is most commonly used by respondents to the survey is "national SPS committee".

7. At the outset, it should be noted that there is no obligation in the SPS Agreement for WTO members to establish a national SPS committee. The SPS Agreement requires a country to provide information but it does not set out the mechanism by which countries should comment on and handle the information that is generated by other members. Members' experience indicates that countries that have a formal or informal SPS committee fare better in managing SPS issues.<sup>6</sup> It should also be noted that several regional SPS agreements and frameworks developed by RECs in recent years require their member states to establish national SPS committees. As such, they are an important driver.<sup>7</sup>

8. Twenty three of the 38 countries that were contacted replied to the questionnaire survey, which corresponds to a response rate of 61%.<sup>8</sup> Of the 23 responding countries, 17 indicated that they have some form of SPS coordination mechanism in place. Twelve of these mechanisms exist in the form of mechanisms that address the full realm of SPS issues, while five focus specifically on SPS issues within particular export sectors. Among the countries that have no SPS coordination mechanism in place, two respondents indicated that steps had been taken toward the creation of such a mechanism.

<b>Countries that have some form of national SPS coordination mechanism in place (17)</b>	<b>Countries that have no national SPS coordination mechanism in place (6)</b>
Burkina Faso, Cameroon, Cape Verde, Kenya, Madagascar, Malawi, Mali, Mauritania, Morocco, Namibia, Niger, Senegal, South Africa, Tanzania, Uganda, Zambia and Zimbabwe	Djibouti, Gabon, Mozambique, Seychelles, Swaziland and Togo

Source: STDF survey, 2010

9. Four of the respondents from the left-hand column above indicated the absence of a national SPS committee but highlighted the presence of a National Codex Committee (NCC), which has been given the "extended" task of covering parts of SPS coordination activities. This may indicate that where an NCC already exists and provides a sufficient forum for SPS coordination, there may be less of an immediate need to establish an additional mechanism for this purpose.

10. Interestingly, only one country among the 17 that reported having some form of SPS coordination mechanism in place rated its functioning as satisfactory.

<sup>5</sup> Fifteen countries in Africa were not selected for participation in the survey due to their political situation (e.g. civil war) and/or non-membership of one or more of the ISSBs or the WTO.

<sup>6</sup> WTO workshop on Transparency held on 18 and 22 October 2010; Note by the Secretariat, see document G/SPS/R/60.

<sup>7</sup> See for instance the SPS Annex to the Trade Protocol of the Southern African Development Community (SADC) and the SPS Regulations of the East African Community (EAC) (draft).

<sup>8</sup>The analysis in this paper should be seen in light of the response rate.

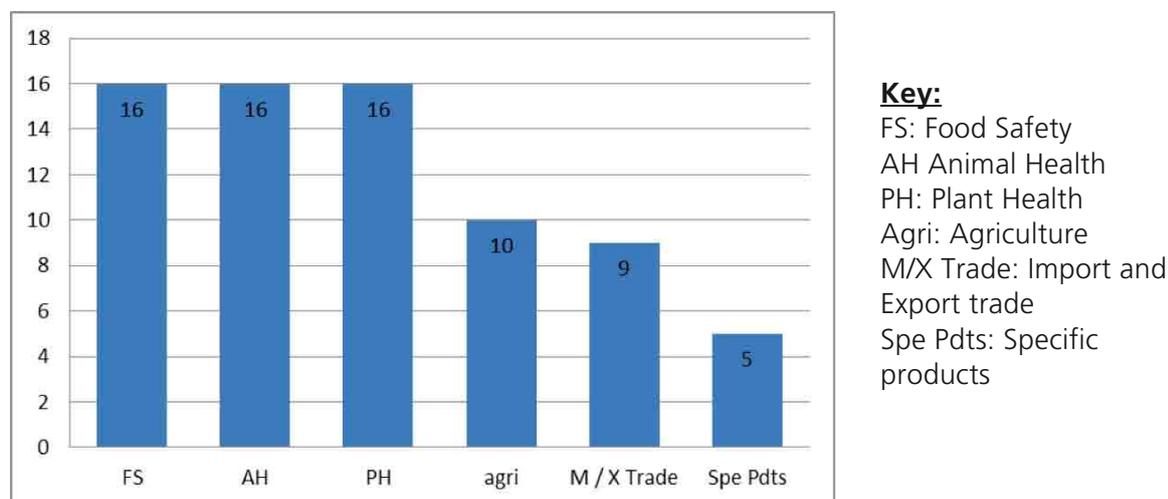
11. Since the STDF survey in 2010, the establishment of 30 national SPS committees has been reported under the PAN-SPSO project.<sup>9</sup> In addition, support for the establishment of national SPS committees was provided to SADC Member States under an EU-funded food safety capacity building project. It should be noted that the findings of the present paper are based on the 2010 survey results and do not take into account the additional mechanisms established under the PAN-SPSO or SADC projects. However, based on discussions held with SPS stakeholders in several African countries in 2011, it appears that most national SPS committees have been established "on paper". The real challenge is in making these committees operational and effective.

## 2.1 Scope and functions

12. In the initial stages of establishing a national SPS committee, it is crucial for public and private SPS stakeholders to clearly define its scope and functions. What is the value added of creating a national SPS committee? This process entails recognizing the SPS information gaps that exist, identifying which stakeholders need to communicate more often, and thinking about what can actually be achieved by bringing different governmental entities and private stakeholders together.

13. The majority of survey respondents indicated that their committee focuses on food safety (FS), animal health (AH) and plant health (PH), as shown in Figure 1. In several instances, national SPS committees also address broader issues such as general agricultural development (Agri), trade and export promotion (M/X Trade), or specific products or product groups (Spe Pdts).

**Figure 1: Scope of SPS coordination mechanisms**



14. Among the countries with a national SPS committee in place, seven indicated that SPS was the sole scope of the mechanism, while six noted that both SPS and Technical Barriers to Trade (TBT) issues were covered. This may reflect the natural linkages between SPS and TBT issues in food and agricultural exports (e.g. Codex labelling standards). It may also be an indication of limited resources, which calls for the establishment of one single mechanism instead of two separate ones.

<sup>9</sup> See the PAN-SPSO evaluation report from 2011 (not publically available at the time of publishing).

15. Three respondents indicated that their respective mechanisms address all standards affecting food and agricultural exports, including TBT as well as private and commercial standards (such as GlobalGAP or other industry-wide standards). On the one hand, broadening the scope of committees to include all standards can make them sufficiently important and relevant for private stakeholders to participate and may reflect a more general trend towards the establishment of "one-stop-shop" approaches. On the other hand, countries should consider that the scope of such coordination mechanisms may become too broad and go beyond food and agricultural exports. An example is provided by the case study of Uganda (see Annex 3).

16. National SPS committees have a variety of functions, ranging from serving as a forum for discussion of SPS issues to acting as a repository of information or a mechanism for communication with relevant stakeholders. Their different roles and responsibilities often reflect why and how they were established, as well as the overall country context. In some cases, mechanisms were formed ad hoc in emergency situations, such as sudden outbreaks of pests and diseases, and continue to operate even after the original cause of their formation disappeared.

17. Figure 2 illustrates some of the functions of national SPS committees in Africa, as indicated by respondents to the survey. These include raising awareness on SPS issues, coordination of SPS-related technical cooperation, coordination of country positions in international/regional meetings, exchange of relevant information, advice on SPS policy and strategy development, and discussion of notifications to and from the WTO. The majority of respondents indicated that their committees are engaged in several of these functions. Dissemination of SPS information appears to be the most common function of SPS committees.

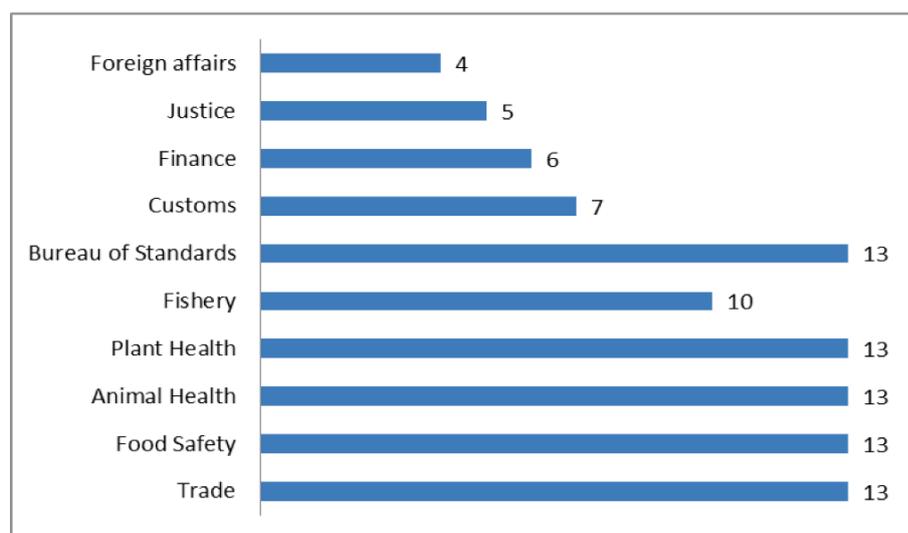
**Figure 2: Functions of SPS coordination mechanisms**



## 2.2 Composition

18. Reflecting the wide range of stakeholders with a role and/or interest in SPS management at the country level, the membership of existing national SPS committees in Africa is diverse, as illustrated by the survey (see Figure 3). Members usually include representatives of different government ministries, departments and agencies involved in SPS-related activities. Frequently the committees include officials representing SPS and TBT enquiry points, as well as the Codex, IPPC and OIE contact points.

**Figure 3: Public sector institutions participating in SPS coordination mechanisms**



19. In several instances, national SPS committees include private sector representatives (such as producer associations, exporters, chambers of commerce, individual companies, etc.). Their inclusion is important as the private sector is directly exposed to SPS compliance issues through international trade. In case of non-compliance, it is the private sector that suffers the consequences such as interceptions of consignments or even an outright ban whereby a country can no longer export certain products to another country. In general terms, however, active private sector participation in national SPS committees seems to be a big challenge.

20. It appears that in many cases the private sector already coordinates and shares information *within* a specific SPS sub-area (i.e. food safety, animal or plant health), or *within* a specific export sector, and it may not recognize the added value of participating in a national SPS committee with a broader mandate. The Kenya National Task Force on Horticulture (NTH) and the Market Access Working Group for Fresh Fruit in South Africa are interesting examples of public-private collaboration in the agricultural export sector (see Annex 3).

21. Other stakeholders that are generally less well represented in national SPS committees include academia and consumer organisations. Academia can contribute technical expertise as well as data and information on specific SPS trade issues. Participation of consumer organisations may be relevant in terms of bringing a domestic health and food safety perspective to the discussions.

22. In terms of the seniority of the individuals that participate in national SPS committees, it appears appropriate for committee members to be as senior as possible without compromising the functioning of the committee. Committee members that are too senior are likely to be frequently absent due to time constraints, while junior officials are often not in a position to take decisions.

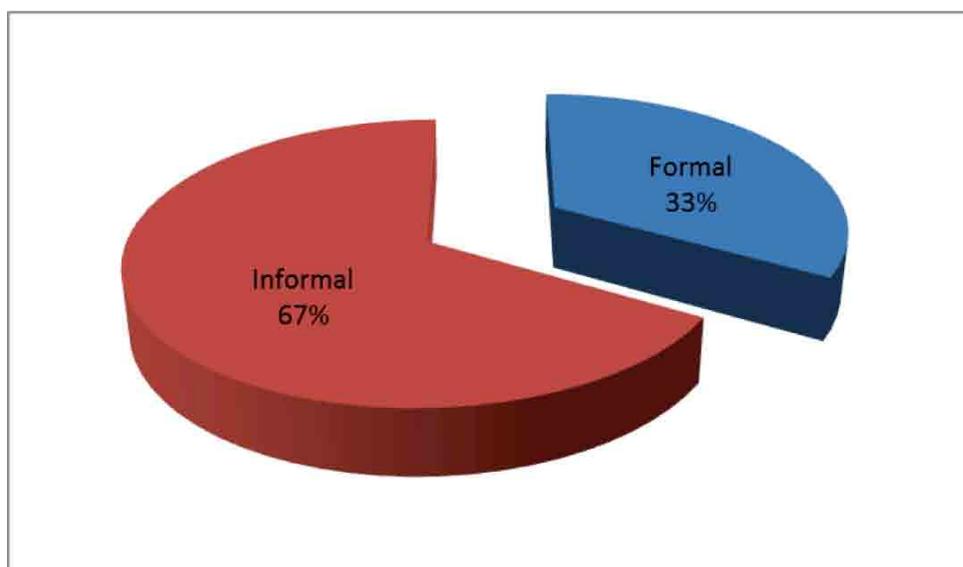
### **2.3 Structure and operation**

23. National SPS committees in Africa are either "formal" or "informal" in nature. Whereas formal committees are officially recognized in national legislation, informal committees operate without an official endorsement of their mandate. Responses to the survey indicated that 67 per cent of existing national SPS committees in Africa are informal in nature. Among the 12

countries with a cross-cutting national SPS committee (as opposed to mechanisms focusing on specific sub-areas or export sectors), only four are formal in nature.<sup>10</sup>

24. The majority of respondents considered that national SPS committees should be formal in nature, as this would assist to define roles, mandates and membership, and to secure funding. While formal recognition may be preferable, it is not uncommon for the achievement of this status to take several years. There are also numerous examples of informal mechanisms that have been successful in achieving their objectives. These include ad hoc coordinating committees that have come to life in emergency situations, such as outbreaks of plant pests and animal diseases (see Figure 4 below), as well as examples of public-private coordination in specific export sectors. Moreover, as highlighted below in sub-section 2.5, funding needs for the establishment and operation of national SPS committees appear to be modest. In short, the informal nature of a national SPS committee should not be used by countries as an excuse to put coordination and information sharing "on hold".

**Figure 4: Legal status of SPS coordination mechanisms in Africa**



25. In the survey, ten countries indicated the existence of terms of reference to guide the operations of their committee in terms of a secretariat (responsible for organizing meetings, setting agendas, etc.) and chairperson, composition, frequency of meetings, etc. In eight countries, respondents indicated that the ministry responsible for agriculture served as the secretariat of the SPS committee. In three cases, this function was performed by government agencies responsible for trade and in two cases by the Bureau of Standards. In most countries, the secretariat function coincided with the function of National Notification Authority (NNA) under the WTO SPS Agreement. This may be appropriate for a number of reasons, *inter alia*:

- The NNA has a broad overview of SPS issues at the country level;
- The NNA has an existing mandate to provide a repository of SPS-related information and a dissemination function;
- The NNA may be seen as "neutral" if there are contentious issues to be addressed, notably in countries where SPS-related responsibilities are shared across several different government institutions.

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<sup>10</sup> This figure may have changed since 2010, notably due to activities under the PAN-SPSO project.

26. In some cases, national SPS committees are chaired by a representative of the institution that also provides the secretariat. In other cases, the chair rotates among the principal authorities involved in SPS management. Regardless of the institutional affiliation of the chairperson, it is important that this person has the necessary authority, respect and SPS knowledge to lead a committee that encompasses a relatively wide range of technical subjects and interests. Similarly, it is advisable to ensure that rules on how the chairperson is selected are clear.

27. National SPS committees can either meet on a regular or ad hoc basis. In the survey, seven respondents indicated that meetings were held on a regular basis, compared to three who said that meetings follow a call from a specific member. Four respondents mentioned "other reasons" such as trade disruptions or the outbreak of pests or diseases. Only eight respondents indicated that their mechanisms meet prior to, or immediately after, meetings of the WTO SPS Committee, regional SPS bodies or international standard-setting bodies (ISSBs). Only five countries indicated that their committee prepares reports for distribution within regional SPS bodies. This may illustrate that meetings of national SPS committees in Africa tend to be relatively disconnected from SPS meetings at the regional and international level.

28. Although there is a certain danger that meetings become routine and the issues discussed become less important as time passes (which could be accompanied by diminishing attendance), it appears there are advantages to a standing committee that meets on a regular basis. Regular committees are believed to be better positioned to take strategic decisions, while ad hoc committees tend to be more reactive (e.g. in the face of an SPS emergency situation) and less strategically oriented. One option is for the national SPS committee to meet at least three times per year, in preparation for meetings of the WTO SPS Committee in Geneva.

## **2.4 Communication**

29. In almost all the countries responding to the survey, the primary function of national SPS committees is sharing and exchange of SPS-related information among a wide range of public and private sector stakeholders. In this regard, further consideration should be given to the development of networks and web-based tools that assist in enhancing the flow of relevant SPS-related information, not only among relevant government institutions but also between public and private sector stakeholders. Relevant information should not only encompass WTO content but also technical information from the ISSBs, or relevant SPS information from existing or targeted markets. Within these broader networks, "physical" national SPS committees and their secretariats could have a central coordinating role.

30. Respondents to the survey indicated that they use different methods to share information, from face-to-face communications to electronic channels. According to the survey, 13 of the 17 existing committees share information during meetings (often as a standing agenda item) and via meeting reports. Eleven of the committees make regular use of e-mail. Two respondents indicated that their committees communicate and share information through a dedicated website, while one respondent indicated the use of text messaging (SMS). In some instances, SPS information is also shared with external audiences, for instance through the organization of meetings and training workshops.<sup>11</sup>

## **2.5 Funding**

31. Eight respondents to the survey indicated that their SPS coordination mechanism does not receive any funding from the national government, donors or other sources. Two

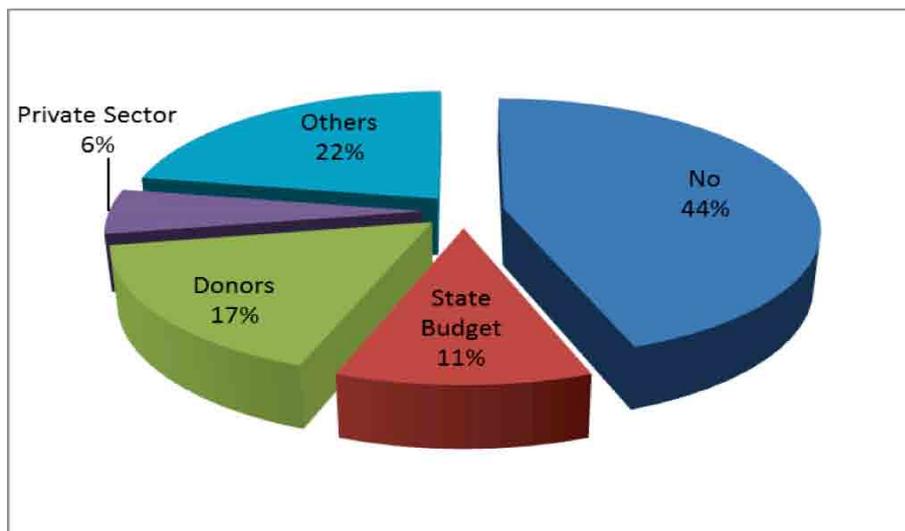
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<sup>11</sup> Recently, under WTO's regular training programme several national SPS workshops have been organized back-to-back with meetings of Members' national SPS committees.

respondents indicated that their committees benefited from governmental budget allocations, three respondents pointed to external donor funding, and one to contributions from the private sector. Four respondents referred to "other" sources of funding, without providing specific details (see Figure 5).

32. Several respondents indicated that the establishment and operation of their committee is constrained by inadequate funding. Admittedly, minor costs may be involved in maintaining a secretariat, a website or other web-based tools. Some costs may also be related to participation of officials from outside capital. However, these costs are not substantial and should be integrated in and covered by national government budgets, where appropriate. Meetings can be rotated among certain ministries or other committee members to share the costs related to the venue, coffee and/or lunch. The practice whereby committee members receive extra compensation for their participation (i.e. the "per diem syndrome") should be strongly discouraged, as they are likely to distort incentives and lead to discontinuation when funding dries up.

**Figure 5: Funding of SPS coordination mechanisms in Africa**



33. In several situations, however, external donor funding can help in terms of "getting things started", provided that long-term sustainability issues are carefully considered. For instance, assistance could be provided for the creation of broader web-based networks and tools that help public and private SPS stakeholders to assimilate and respond to flows of SPS information. Assistance could also be provided to national SPS committees that wish to develop a national SPS strategy or action plan, or apply SPS-related capacity evaluation and prioritization tools developed by international organizations, to inform future interventions.

### **3. PRACTICAL RECOMMENDATIONS AND LESSONS LEARNED**

34. National, regional and international organizations involved in SPS-related matters generally agree on the importance of effective SPS coordination at the national level. This is based on the recognition that SPS management capacity and compliance depends on coordinated action by a number of different public and private sector stakeholders, each with their own particular roles and expertise. As outlined above, experiences of WTO members participating in the WTO SPS Committee further indicate that those with a national SPS committee (formal or informal) fare better in managing SPS issues.

35. The survey that was held as part of this study highlights some of the challenges inherent in achieving successful SPS coordination in several African countries. Indeed, among the countries that responded to the survey questionnaire, it is notable that only one (i.e. South Africa) rated the functioning of its national SPS coordination mechanism as satisfactory. Various reasons are put forward for the inadequate performance of national SPS coordination mechanisms in Africa. These include, for instance, unclear organizational mandates, out-dated legislation, limited SPS awareness, inadequate resources and difficulties in involving the private sector.

36. Some of the above factors certainly impede efforts to achieve SPS coordination at the country level. Yet, in spite of these constraints, it is apparent that with sufficient commitment and resourcefulness, much more could be done to strengthen SPS coordination in many countries. Donors can also play a role in this regard based on a clear assessment of SPS needs and priorities and well-articulated proposals. However, where SPS committees are established with donor support, it is essential to pay attention at the outset to their medium and long-term sustainability.

37. This section identifies a number of practical recommendations and lessons learned to enhance the development, performance and sustainability of national SPS committees. The findings in the previous section highlighted that SPS coordination mechanisms are characterised by their diversity in terms of members, objectives, functions, legal status, etc. In view of the very different country contexts and institutional settings in which SPS coordination emerge and operate, one "size" or "type" cannot fit all. The recommendations below should be interpreted in this light.

#### **3.1 Raise awareness on the importance of SPS capacity for trade and economic growth, and ensure high-level government buy-in**

38. The findings of the survey and desk research carried out for this study indicate that national SPS committees are more likely to exist and be effective where key stakeholders recognize the importance and inter-disciplinary nature of SPS management capacity, including the need for diverse public and private sector organizations to collaborate effectively. High-level commitment is generally a prerequisite to achieve an enabling environment in which mechanisms for national SPS coordination can become established and flourish. Buy-in among senior politicians and government officials requires awareness raising on the importance of SPS issues and the potential impact that SPS measures can have on international trade and the wider economy. Senior politicians may need to be convinced by hard facts on what is at stake and what the necessary measures are to put a functioning SPS coordination mechanism in place.

39. Awareness raising activities can be undertaken by well-respected, national experts on SPS matters. Development partners and specialist bodies (such as the STDF) also have a role to play. Needless to say, the private sector ought to be represented in relevant awareness raising activities (e.g. workshops). Organizing a high-level national SPS workshop, possibly in

collaboration with a REC or as part of a national training activity (for instance under WTO's regular training programme for developing countries), is one practical option to help achieve enhanced SPS awareness, create a political impetus for SPS coordination, and reach consensus on the main objectives and scope of a national SPS committee.

40. A good understanding of the effects of inadequate SPS capacity, including the financial costs of failure to manage SPS issues, may be a catalyst for governments to establish SPS coordination mechanisms. In some cases, negative experiences (such as trade crises) can help to raise this awareness and encourage improved coordination among public and private sectors involved in SPS management. Other "windows of opportunity" which facilitate the emergence of coordination may also exist, for instance, after national elections or "reshuffling" of senior government positions.

41. The adoption of an official decision or decree on the creation of an SPS coordination mechanism at the national level may be helpful, particularly in situations where several different government ministries are involved in the SPS area or where there is inadequate clarity and consensus on respective roles and responsibilities. Experiences indicate that countries where SPS functions are spread over several ministries may find it more difficult to establish SPS coordination mechanisms without the involvement of government offices at the highest level.

### **3.2 Clarify organizational mandates and roles in the SPS area, based on a review and update of legislation as appropriate**

42. In addition to high-level government endorsement for SPS coordination, clarity and consensus on organizational roles and responsibilities in the SPS area (as reflected in SPS-related legislation and other policy documents) is important for the establishment and effective operation of such mechanisms at the country level. This may require attention to review and update legislation since in many countries the legal framework governing SPS matters is fragmented and/or out-dated. For instance, various government organizations may share responsibilities for SPS management with overlapping mandates, which creates confusion and impedes coordination. The reasons for this situation may be historical as new organizations may have been created based on a new government act but were not necessarily accompanied by a comprehensive reworking of all relevant legislative texts.

43. While informal SPS coordination mechanisms can operate effectively in some cases, formalization appears to be helpful for the creation and operation of such structures, at least in Africa. This sometimes requires steps to integrate SPS coordination into SPS policy and legislation. This may require reference to national SPS committees, and the role of various public institutions in them, in relevant government acts. National legislation may also need to be reviewed in light of developments at the regional level and membership in RECs. However, reviewing legislation is often a very lengthy process, which may require years, rather than months, to complete. Substantial human and financial resources are also likely to be needed. In the meantime, it is important to find a practical way to bring together all the concerned SPS stakeholders to promote dialogue and coordination. Lengthy legal processes should not serve as an excuse to put SPS coordination on hold.

### **3.3 Build on existing mechanisms and encourage the active engagement of all the concerned SPS stakeholders**

44. In some countries, national committees, working groups, task forces and other mechanisms already exist with a mandate for addressing issues related to Codex, animal or plant health matters, or specific export commodities. Where these mechanisms operate effectively and it is practical and feasible (for instance in terms of institutional arrangements and membership), it may be possible to coordinate on SPS issues sufficiently within these existing

mechanisms, or to build on and enlarge their scope and mandate. In view of resource limitations and the demands already existing on the time of SPS stakeholders, it is recommended to consider how best use could be made of existing related mechanisms, where appropriate. Otherwise, there is a clear risk of establishing a number of SPS-related committees, which do not achieve much in practice.

45. One alternative to creating a number of different SPS-related committees, could be to organize national SPS committee meetings that have "break-out" sessions of the different Codex, IPPC and OIE national bodies. Fewer resources would likely be required and reporting the outcomes and discussion of these specialized break-out groups to the plenary session of the national SPS committee may be significantly easier than when having multiple independent SPS-related committees. In addition, the private sector may be more inclined to participate in these types of national SPS committee meetings as they would be able to individually choose which break-out session(s) to participate in, depending on their interests.

46. Achieving effective SPS management and compliance at the national level depends on the active participation and collaboration of a number of different stakeholders from various parts of government, the private sector, academia, etc. The role of the private sector is crucial given its need to comply with trade requirements. However, multi-stakeholder collaboration requires trust, respect and transparency, and takes time and effort to achieve, particularly given the often different organizational cultures and perspectives of the public and private sector. National SPS committees provide a useful vehicle to encourage public-private dialogue and information exchange on SPS issues. Moreover, this can create a basis for deeper partnerships focused on particular SPS functions such as training, diagnosis, etc.

### **3.4 Establish effective communication strategies, and consider the creation of web-based networks and tools.**

47. Good communication is critical to the effective operation of national SPS committees. This requires willingness on the part of diverse public and private sector stakeholders involved in the SPS area to actively share information and engage in dialogue, as well as communication strategies and tools to make this work. In practice, the number of organizations involved in SPS management at the national and sub-national level increases the complexity of achieving effective communication. As such, increased attention and targeted resources should be aimed at enhancing communication flows within and across public and private sector agencies in order to ensure that SPS coordination systems function effectively.

48. Communication strategies may focus on raising SPS awareness among government staff, the private sector and/or general public, and/or dialogue between stakeholders involved in SPS management within the country. It is essential that national SPS committees, and particularly the individuals responsible for communication within them, understand the type of information that stakeholders require and their preferred communication channels. Hence, countries are advised to prepare and use "standard operating procedures" for the dissemination of relevant information, such as SPS notifications. It is also important to ensure that communication is not regarded as a one-way process. Mechanisms that encourage and facilitate feedback and real dialogue are recommended.

49. Various tools can be used to enhance and facilitate communication. Web-based information delivery is increasingly effective in developing countries and can be supplemented by additional means of reaching members, where appropriate, such as SMS text-messaging or fax alerts. In addition, different types of media outlets (e.g. television or radio to broadcast short programmes and/or training workshops) and information materials (e.g. print or audio-visual materials prepared by national stakeholders or development partners including the STDF) can assist in disseminating information. In some cases, it is important to present and explain

official documents (such as government acts, regulations and protocols) in a simplified and user-friendly form to facilitate understanding by the general public.

50. Experience in STDF projects indicates that in particular the creation of web-based SPS networks and tools to facilitate the flow of relevant information within and across public and private sector stakeholders may be useful and should be considered. This would not only include information about official SPS measures but also encompass technical information from the ISSBs, and in some instances industry-wide private standards or other non-tariff measures such as TBT. Broadening the scope of information networks to cover all standards that affect trade and agricultural products and encouraging "one-stop-shop" approaches could make a new "wholesale" system sufficiently important and useful for the private sector to justify the effort. External funding from development partners can play a catalysing role, provided that in the longer-term the resources needed to cover the operational expenses of the SPS information system are covered by national government budgets (possibly under co-funding arrangements with a private sector chamber, federation or development foundation).<sup>12</sup>

### **3.5 Take a pro-active approach to enhance sustainability**

51. Experiences indicate that it is relatively straightforward to establish a national SPS committee. However, the real challenge is in making these committees effective and operational, and ensuring their sustainability over the medium to long-term. The research carried out for this study has identified some key factors, which can help to enhance sustainability. These include the following:

- **Ownership and commitment** of the key organizations and individuals participating in national SPS committees is a prerequisite to their success. Experiences demonstrate that committees that include a critical number of members that are committed to actively share information and engage in dialogue, are most effective. In general, it is important that members of such committees see their participation as an integral part of their regular work, rather than as an additional or voluntary task. Strong leadership abilities of key government employees to push for these types of activities have also been shown to be an important factor in setting up successful coordination mechanisms.
- **Formalization** of institutional arrangements for national SPS committees is likely to enhance their long-term success and sustainability. This requires preparation and endorsement of clear terms of reference for the committee (including details about its mandate, membership and operational procedures), and may also require harmonisation of the SPS legal framework. However, as mentioned above, lengthy legal processes should not serve as an excuse to put SPS coordination on hold.
- **A practical and workable design and structure** that takes into account the local context is essential to ensure that a national SPS committee, once established, can operate effectively in support of its mandate. The design and structure of national SPS committees does not need to be very complex or ambitious. Periodic reviews are recommended to assess how the committee is functioning, and to adapt its structure and operations as needed.
- **Resource provisions.** At the outset, it is advisable to identify and agree on the resources (human and financial) that are required to establish and operate a national SPS committee, and to determine where these resources may be found. While the

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<sup>12</sup> See: Abt Associates, Model Arrangements for SPS Stakeholder Involvement at the National Level, STDF 19; Phase Three (Final) Report, March 2008.

budget need not be large, provision should be included for all necessary expenses (e.g. meetings, travel of committee members, communications, etc.). While resources may be provided by donors or development partners, particularly to help national SPS committees become established, in the long-term funding should be provided by government budgets to cover operational expenses on an ongoing basis. It is recommended to avoid establishing overly generous *per diem* payments for out-of-capital participants.

- **Capacity building** may be required in some cases to help national SPS committees become established and operational. For instance, training may sometimes be needed for persons involved in the dissemination of SPS-related information and/or the management of databases or websites. The WTO mentoring mechanism could play a role in this respect in line with its aim of assisting developing country WTO members in implementing and benefiting from the transparency provisions of the SPS Agreement.<sup>13</sup>

### 3.6 Use national SPS committees to promote regional SPS coherence

52. Effective SPS coordination at the country level makes an important contribution towards achieving national objectives. In addition, it is likely to support SPS coherence at the regional level. In view of these synergies, RECs in Africa have sought to play a catalytic function in the establishment of national SPS coordination committees in recent years. Some RECs (including the East African Community (EAC) and the Southern African Development Community (SADC)) have formally stipulated that their members should establish national SPS committees. The intention of these RECs (as reflected in some regional SPS agreements) is to bring together representatives of national SPS committees, established by REC member countries, to strengthen SPS coordination at the regional level (see Annex 4 for additional information).

53. In general, these regional SPS coordination mechanisms appear to be at an early stage of development and have not started meeting on a regular basis. Mechanisms to improve regional SPS coordination are important and should be encouraged. However, more attention needs to be given to how to best achieve this in view of resource limitations (i.e. human and/or financial) and the membership of some countries in more than one REC. More attention should be given to the proper role and function of RECs in supporting the creation of SPS legal frameworks for member states, harmonizing regional and international standards, mobilizing resources for capacity building and developing regional SPS strategies.<sup>14</sup> Some RECs in Africa are already observing the regular meetings of the WTO SPS Committee in Geneva.

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<sup>13</sup> The WTO Secretariat launched the mentoring mechanism in 2008 which involves the development of an ad hoc and informal supportive relationship between individuals with similar responsibilities in Enquiry Points and/or Notification Authorities. For more information, see the "Update on the Mentoring System of Assistance relating to the Transparency Provisions of the SPS Agreement" (WTO Secretariat's note G/SPS/GEN/1097).

<sup>14</sup> Regional SPS Frameworks and Strategies in Africa. Report prepared by J. Magalhães for the STDF at the request of the African Union Commission (AUC), July 2010. The STDF is planning to organize a meeting on these and other issues with the AUC and the RECs in 2012.

## **ANNEXES**

Annex 1: Checklist to Assist the Establishment and Operation of National SPS Committees

Annex 2: Tools for strengthening SPS coordination (NRI and IICA)

Annex 3: Country case studies

Annex 4: Overview of Regional Economic Communities efforts

√ **Establish the Objectives of the Committee**

The objectives of the national SPS committee will obviously depend on a number of factors including the country situation, the stakeholders involved in the committee and its expected goal. Possible objectives may include the following:

- to provide a national forum for dialogue and coherence on SPS matters;
- to provide a forum for resolving SPS issues affecting regional and/or international trade;
- to enhance a country's implementation of the WTO SPS Agreement;
- to discuss and prepare national positions and to enhance a country's participation in regional and multilateral SPS fora including RECs, the WTO SPS Committee and the international standard-setting bodies; to monitor the country's capacity to implement SPS measures and make recommendations for technical co-operation.

√ **Structure, Membership and Size**

- The structure, membership and size of national SPS committees will vary depending on the country context. Nevertheless, it is advisable to include representatives of all relevant government ministries and departments, as well as other stakeholders (such as the private sector, academia, consumers' associations, etc.) that have a particular involvement or interest in SPS issues. Inclusion of the private sector (companies, producer/exporters associations, etc.) is strongly recommended in view of the private sector's critical role in achieving SPS compliance.
- While it is important to encourage participation of all the key stakeholders involved in the SPS area, this needs to be balanced against a group size that is workable. Committees that are too large may become unmanageable. It may be preferable that the number of members of the committee not be exceedingly large in order to have more fluid discussions among key stakeholders.
- In countries that have a number of different national committees related to particular aspects of SPS (e.g. national Codex Committee, OIE contact point, horticulture export committee, etc.), it is advisable to consider the scope and nature of possible linkages and synergies between them and the national SPS committee. In some cases, it may be warranted to integrate such sectoral committees within the national SPS committee.

√ **Secretariat and chairperson**

- Identifying a willing and capable organization to serve as the secretariat for the committee is important. There is no hard and fast rule on where the secretariat should be located institutionally. Experiences from some countries indicate that the government department that acts as National Notification Authority (NNA) may be in a suitable position to assume this role.
- Clarity and consensus (ideally in writing) on the functions of the secretariat is important, including the procedures to be followed with regard to communications and information dissemination, organization of meetings, etc. In general, electronic tools (e.g. e-mail) should be used as much as possible.

- Agreement should be reached on: (i) the role of the chairperson (e.g. calling meetings, formulating the agenda, and preparing, storing and disseminating meeting reports); and (ii) the procedure through which the committee's chairperson will be selected, as well as the length of his/her term in office. The chair may be nominated by Cabinet decision or elected by the committee members (e.g. once every two years).

#### √ **Committee meetings**

- Committee meetings often represent the most obvious expression of the national SPS committee at work. The schedule for committee meetings may vary depending on the country situation and the range of issues to be addressed. One option is for the committee to meet approximately every four months, i.e. in between meetings of the WTO SPS Committee, with additional meetings as required (e.g. in response to SPS crises).
- It is imperative that the secretariat adequately prepares for meetings in advance, including by drafting and circulating an agenda, as well as any other documents to be discussed, and identifying a suitable venue. Efforts are also needed to ensure effective follow-up to meetings including the preparation and distribution of draft minutes to participants, with sufficient time for them to provide comments, as required.
- Committee meetings are more effective when the members have discussed and agreed on how they should be organized and run. In particular, it is advisable to agree on how the committee will make decisions in terms of who is involved and how, and the quorum (e.g. 50% of members present + one) if any.

**Toolkit to strengthen Sanitary and Phytosanitary (SPS) coordination systems and support the implementation of SPS Standards**

The Natural Resources Institute (NRI) of the University of Greenwich in the UK has developed a Toolkit to support public and private sector stakeholders in developing countries in implementing SPS standards and participating in the international trade system. The Toolkit consists of four components, with the first part aiming specifically to help strengthen national and regional SPS coordination systems. As this study underlines, sound coordination and communication between and amongst public and private sector entities dealing with food safety, animal health and plant health at national, regional and international levels is fundamental to increase trade in food and agricultural products and to effectively address SPS issues. The first component of the NRI Toolkit aims to contribute to this by providing methods and techniques to:

- Acquire better understanding of the SPS institutional environment by mapping out the various national and international public and private sector actors dealing with food safety, animal health and plant health; the way they are related to each other; and the regulatory system in which they are embedded;
- Assess key elements within SPS coordination mechanisms and analyse their strengths, weaknesses, opportunities and threats;
- Find solutions to overcome identified problems and challenges, whilst building on strengths and capturing opportunities;
- Develop action plans and/or projects to turn the ideas for solutions into practice.

The Toolkit therefore can be used for the design and implementation of projects to strengthen national and regional SPS coordination, help implement the WTO SPS Agreement, improve effectiveness, and utilise resources in an efficient manner. The other three components of the NRI Toolkit to support the implementation of SPS standards are as follows:

- Part 2: Use of sustainability impact assessment and causal chain analysis to analyse the impact of SPS trade measures;
- Part 3: Use of value chain analysis to identify SPS related constraints and potential interventions;
- Part 4: Cost-benefit analysis of SPS control measures. This part contains two Microsoft Excel models for calculations (a short and a long version), plus accompanying guidance notes. At present, these Excel models are designed for the plant health sector, but could be altered to suit the needs of stakeholders dealing with food safety and animal health as well.

The four components have been developed in close cooperation with stakeholders in East Africa (particularly in Kenya) at various levels. The Toolkit forms part of NRI's 'Agrifood Standards – Ensuring Compliance Increases Trade for Developing Countries (ASEC) Programme', which is supported by the UK Department for International Development (DFID). For further information about this Toolkit, please contact Hanneke Lam at [j.w.m.lam@gre.ac.uk](mailto:j.w.m.lam@gre.ac.uk).

**Source:** NRI (2011), Toolkit to strengthen SPS coordination, assess the impact of SPS notifications and analyse the costs and benefits of control measures.

### **The SPS-PVS tool: Performance Vision Strategy for Sanitary and Phytosanitary Implementation**

The Inter-American Institute for Cooperation on Agriculture (IICA) has designed instruments for evaluating the performance and implementation of development strategies for the institutions involved in agricultural health and food safety. This includes the Performance Vision Strategy for Sanitary and Phytosanitary Implementation (SPS-PVS) tool which addresses SPS measures from an institutional, international, and horizontal perspective. Institutional and international, because it focuses on the responsibility of national public and private entities of maximizing the benefits from and compliance with commitments made by the country to international standardization organizations and the WTO. Horizontal, because it analyses all sectors rather than just one in particular.

The goal of the SPS-PVS tool is not to assess the performance of technical functions. Its objective is rather to determine the characteristics of the various means of coordination and communication used to take advantage of the multilateral trade system at a national level.

Thirty-four countries in the Americas have applied the tool under an STDF-funded project. A large number of technical experts from ministries and entities responsible for food safety, plant and animal health, and foreign trade, have benefited from it. Based on the applications and on direct observations in developing countries that actively participated in the SPS Committee, five variables were identified that appear to be fundamental for fostering active participation:

- (1) Coordination and interaction mechanisms: mechanisms that allow the various stakeholders involved in the processes of SPS negotiations, administration and implementation to carry out monitoring and follow-up tasks, evaluate the impact of the SPS and take advantage of opportunities that arise in the international forums.
- (2) Priority assigned to SPS issues: the level of support that the national authorities accord to the development of national capacities in the area of SPS.
- (3) Human resources: the resources assigned to attract and retain professionals having technical capacity and leadership qualities.
- (4) Coordination between Capital and the Mission in Geneva: to improve the country's international participation through links and feedback between the experts working in the country and the representatives to the WTO.
- (5) Financial and technical resources: this refers to the country's technical and financial capacity to implement the SPS and play an active role in the WTO SPS Committee.

These fundamental variables were identified following five years of observation in the countries of the Americas that have an active international participation in the SPS Committee. Therefore, they constitute "lessons learned" in institutional capacity building that can be replicated and adapted to other countries.

**Sources:** Bolaños and Cordero, 2008, STDF/PG/108 project reports

**Box 1: Belize – A single agency scheme (BAHA)**

The Belize Agricultural Health Authority (BAHA) was established in 2000 by the Belize Agricultural Health Authority Act. BAHA is a quasi-government corporate body, linked to the Ministry of Agriculture and Fisheries (MAF). The Statutory Body is recognized as the competent authority for agricultural health and food safety in Belize and consists of four technical departments: Plant Health, Animal Health, Food Safety, and Quarantine & Inspection. BAHA is also designated as the SPS Enquiry Point for the country and hosts the contact points for the IPPC, the OIE, and the Cartagena Protocol on Biosafety. Although the Codex focal point is with the Bureau of Standards, the Coordinator of the SPS Enquiry Point is Vice-Chair of the National Standards Advisory Council and the Director of Food Safety is the Belize representative on all Codex meetings.

Over the years Belize has maintained a favourable SPS status because of the highly motivated staff in BAHA, which are multi-tasked and very flexible, adapting easily to new challenges brought on by emerging issues, and the good relationship it has with the private sector and other regulatory authorities.

In an effort to be effective in addressing SPS issues, BAHA established a Scientific Steering Committee in 2004. The membership comprises the Technical Directors of Food Safety, Quarantine & Inspection, Animal Health, Plant Health, Coordinator of the SPS Enquiry Point and the Veterinary Drugs Registrar. The Committee deals with all SPS issues, including the development and implementation of new measures, review of existing measures, risk assessments, establishing procedures for emergency response, and participation in regional and international fora. All SPS matters are first dealt with at the level of the Scientific Steering Committee. Depending on the nature of the issue, the pertinent department takes the lead in addressing the concern with the respective stakeholders.

The Inter-Ministerial Committee for Trade and Trade-related Matters functions as the National SPS Coordinating Committee. Its terms of reference include dealing with all trade-related matters. Meetings are held at least every two months but may be called before depending on the issue at hand.

BAHA and MAF are joint collaborators in addressing several SPS issues at the national level. BAHA is the sole agency responsible for SPS. However, if there is a cross-cutting issue it has representation on several Committees and Councils. In addition to collaborating with MAF on several SPS issues, BAHA has a Memorandum of Understanding with the Ministry of Health for the inspection and certification of some components of the Food Control System in Belize. BAHA also has a partnership with the Ministry of Health on matters related to foodborne surveillance. The Authority also has a Memorandum of Understanding with the Pesticide Control Board for the inspection of pesticides at the official points of entry.

BAHA does not have an information unit and as such, each department uses any of the following means to communicate with stakeholders: user groups, task forces, electronic working groups, meetings/workshops/seminars with stakeholders, press releases and talk shows. In terms of awareness raising, BAHA also attempts to have at least one accountability seminar at the end of each year to inform stakeholders on the benefits achieved through Belize's active participation in international meetings such as those of the WTO SPS Committee, IPPC, OIE, CODEX and others.

**Sources:** Ms Delilah Cabb (2011), BAHA; [www.baha.bz](http://www.baha.bz)

## Box 2: Burkina Faso – Getting stakeholders involved

Agriculture is the backbone of Burkina Faso's economy. The bulk of export earnings are derived from trade in agricultural products and the sector employs more than 85% of the population. In view of this, and in the context of a growing global economy, the pressing need for adequate SPS measures and appropriate coordination mechanisms is recognised by stakeholders dealing with food safety, animal health and plant health. These stakeholders are organised as follows to address respective SPS issues:

The National Codex Committee (NCC) exists since May 2004 and meets in regular session three times a year. It comprises four technical sub-committees: chemical additives; general issues; food of animal origin; and food of plant origin. The NCC is an inter-ministerial body that involves the private sector, civil society and consumer groups. The Director of Nutrition (Ministry of Health) is the Chairperson, while the Head of Pest Control and Quality Service (Ministry for Agriculture) serves as the focal point. The National Codex Committee is responsible for:

- Following and analysing policy development related to food safety and nutrition in Codex to help guide Government decisions;
- Advice on the texts submitted by Codex members.

There is no dedicated permanent structure in Burkina Faso dealing with animal or plant health matters. But these two international organizations are represented nationally by the Director General of Veterinary Services, who is the representative to the OIE, and the Director of Plant Protection, who is the focal point for the IPPC.

The Ministry of Agriculture through its SPS Enquiry Point has developed an action plan for SPS activities to mobilise the relevant Ministries (Trade, Agriculture, Livestock, Health, Research) as well as the private sector. The overall objective is to raise awareness and advocate for the establishment of a dedicated SPS coordination body. Its role would be to coordinate actions and to prepare and convey national positions in international standard-setting bodies.

Because of the importance of agricultural trade and exports for Burkina Faso, there is a need to further develop the country's capacity to effectively analyse, communicate and enforce SPS standards through training. The challenges for Burkina Faso are to raise awareness of and to advocate SPS matters at a high political level to ensure support and a strong commitment from the authorities.

With technical and financial support from CEN-SAD (since 2010) and ECOWAS (since 2011), a national SPS committee will soon be introduced in Burkina Faso. The decree to establish the national SPS committee is currently under finalization.

**Source:** Mr Moussa Ouattara (2011)

### **Box 3: Kenya – The role of the National Task Force on Horticulture**

Kenya's framework for managing SPS issues is fragmented: different institutions have different mandates that, in the majority of cases, only partially empower them to enforce SPS measures. Overall, the responsibility for plant health is under the Kenya Plant Health Inspectorate Service (KEPHIS) in regard to pests occurring in imported or exported commodities, whereas the Pest Control Products Board is concerned with pesticides. Animal health is the mandate of the Department of Veterinary Services, and food safety is with the Department of Public Health. However, the responsibility for food safety standards, under the auspices of Codex, is with the Kenya Bureau of Standards.

In order to deal with SPS issues that threatened market access of horticultural products, the Kenyan horticultural sector developed a framework to address SPS issues in a more coordinated manner. With support from the Pesticides Initiative Programme (PIP), a taskforce was created with lead public and private sector institutions amongst its members. The taskforce was initially called the National Maximum Residue Level (MRL) Steering Sub-Committee and was created by the Ministry of Agriculture. However, the evolution of official SPS regulations as well as private standards into powerful market forces in controlling international markets forced the MRL Sub-Committee in 2004 to be renamed as the National Taskforce on Horticulture (NTH) to reflect its broadened remit and multi-stakeholder membership. As for operations of the NTH, its Secretariat is now based at the Ministry of Agriculture, although it was originally based at KEPHIS.

This coordination framework also included building laboratory capacity within KEPHIS for the analysis of chemical food contaminants and issuance of certificates. This led to the establishment of an analytical chemistry laboratory and its accreditation according to ISO 17025 by the South African National Accreditation Service (SANAS).

The NTH is an interactive and consensus building forum representing a wide range of stakeholders in the horticulture export sub-sector from the public sector (e.g. Ministry of Agriculture, KEPHIS, Kenya Agricultural Research Institute, Horticultural Crops Development Authority, Pest Control Products Board, Export Promotion Council) and the private sector (Fresh Produce Exporters Association of Kenya, Kenya Flower Council, Kenya National Federation of Agricultural Producers, Agrochemical Association of Kenya).

The NTH has the objective to ensure that: (i) horticultural produce comply with market requirements; (ii) reliable and consistent information channels on issues relating to the horticultural sub-sector are opened and maintained; (iii) stakeholders are trained and informed on market requirements; and (iv) capacity building is undertaken to ensure international accreditation.

Market requirements can broadly be classified into regulations/laws (public standards) and private or voluntary standards. The latter include GlobalGAP, British Retail Consortium (BRC), Tesco's Nature's choice, Flower Label Program (FLP), MPS social certification, Farm to Fork (FtoF), Horticulture Ethical Business Initiative (HEBI), Ethical Trading Initiative (ETI), International Food Standard (IFS), Rainforest Alliance and others.

In sum, the establishment of the NTH has enabled the opening of level platforms between the public and private sectors for discussions related to specific issues on market requirements such as pesticide residues, interceptions due to pests, food miles, horticultural policy and others. These have brought common strategies/understanding resulting in positive growths to this important sub-sector. Horticulture is dynamic as it is always changing and the need for responsive systems is critical to the survival of the industry.

**Source:** Dr. Washington Otieno (2011)

#### **Box 4: Malawi – Gradually upgrading coordination efforts**

Agriculture in Malawi accounts for a major share of its GDP and is the principal source of export earnings that accrue mainly from three crops: tobacco, tea and sugar. The heavy reliance on only a few export crops can lead to shocks in the economy. It is recognised that, amongst several other supply side constraints, SPS issues limit Malawi's capacity to expand its exports. The process of SPS coordination started in 1996 with the establishment of a National SPS Committee, which was later transformed into a combined SPS and TBT Committee. This Committee was established under the leadership of the Ministry of Industry and Trade. The process was further strengthened in 1997 with the formation of a National Codex Committee (NCC), with the Malawi Bureau of Standards as its Secretariat. This followed a national conference which appointed a dedicated task force to set up the NCC.

The national SPS committee was established to ensure Malawi's participation in the WTO SPS Committee and is chaired by the Ministry of Agriculture. The Malawi Bureau of Standards (which is the Codex Contact Point, the TBT enquiry point and SPS enquiry point responsible for food safety) serves as the secretariat for the committee. The lack of private sector participation in the committee was highlighted during a consultative seminar on SPS measures in 2007. As a result, the SPS Committee decided to invite the private sector to participate to ensure a more sustainable participation and better representation of all stakeholders. The national SPS Committee is now constituted of all relevant Ministries; Chambers of Commerce, the Malawi Export Promotion Council and the Malawi Investment Promotion Agency; and the following contact points: Department of Animal Health and Livestock Development in the Ministry of Agriculture (contact point for the OIE and SPS enquiry point responsible for animal health) and the Department of Agriculture Research in the Ministry of Agriculture (contact point for IPPC and SPS enquiry point responsible for plant protection).

Participation in the national SPS coordination committee has enhanced committee members' knowledge on standard setting activities. However, according to the experience of the national SPS Committee, there is a need to formalise the coordination mechanism so that it is recognised at a higher level, and to update the legal framework for food safety, animal health and plant health. In addition, there is a need to adopt a sustainable funding scheme.

Among the recommendations from a FAO country situation report on biosecurity was that the national SPS Committee and the NCC consider merging to form one committee, given that many of the same organizations are or should be members of both committees. The report noted that this would help conserve resources and streamline and strengthen the work of both committees.<sup>15</sup>

**Source:** Mr Fred Sikwese (2011)

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<sup>15</sup> FAO Country Report on the Republic of Malawi. Integrated Approach to Food Safety, Plant & Animal Health: National Biosecurity Capacity. Case Study 3. 2009.

### Box 5: Morocco – a single agency scheme

As part of the implementation of the *Plan Maroc vert* (Green Morocco Plan), a strategy launched with a view to turning the agricultural sector into a lever for the economic and social development of Morocco, the Ministry of Agriculture and Marine Fisheries created the National Office for Food Safety (ONSSA), established by law in February 2009.

The ONSSA (Office National de Sécurité Sanitaire des Produits Alimentaires) brings together the veterinary services which came under the former Livestock Directorate and the plant services which came under the former Plant Protection, Technical Inspection and Anti-Fraud Directorate. The Office is a public agency with legal personality and financial autonomy. The ONSSA performs functions on behalf of the State relating to the protection of consumer health and animal and plant health at every stage of the food chain.

The ONSSA is the official Moroccan authority responsible for the focal points relating to the following international organizations:

- Codex Alimentarius Commission: Secretariat of the National Codex Alimentarius Committee;
- OIE: National Delegate representing Morocco for the OIE;
- IPPC: Moroccan contact point;
- WTO SPS Agreement: enquiry point for SPS measures.

Moreover, in connection with the implementation of the SPS Agreement, the Moroccan Government set up a national SPS Committee by Prime Ministerial Decree. This Committee, whose Secretariat function has been entrusted to ONSSA, is responsible for:

- Proposing actions to implement the WTO SPS Agreement;
- Studying SPS measures taken by WTO Members and reporting the results to relevant authorities and other stakeholders concerned;
- Participating in the drafting of the proposals that Morocco plans to submit to the SPS Committee;
- Transmitting to members of the national SPS Committee all notifications received and made by WTO Members;
- Informing trade partners of the implementation of new international regulations and standards relating to the safety of animal and plant products and to animal and plant health;
- Contributing to the incorporation of sanitary and phytosanitary measures in economic and social development programmes and preparing any relevant recommendations in that respect;
- Coordinating and organizing SPS awareness campaigns in cooperation with the competent State agencies and institutions;
- Contributing to the dissemination of the results of the work and studies conducted at the national and international levels in the SPS area.

**Source:** G/SPS/GEN/1039; WTO/SPS Committee notification relating to the presentation of the official Moroccan authority responsible for implementation of the WTO SPS Agreement and serving as the SPS enquiry point.

### **Box 6: Namibia - Gradually upgrading coordination efforts**

The National SPS and Food Safety Committee of Namibia was established in May 2009 in response to a new obligation under the SPS annex to the "SADC Protocol on Trade". This committee is still at an early stage, and much of its work has so far been concentrated on developing the appropriate mechanisms for its operation. The Secretariat of the committee is hosted by the Ministry of Agriculture, Water and Forestry. No specific funding is dedicated to the functioning of the committee and each member covers its cost of attendance.

As laid out in its terms of reference, the committee has specific objectives, including: (i) to provide a national forum to discuss SPS and food safety matters; (ii) to enhance Namibia's capacity to implement the WTO-SPS Agreement and its effective participation at regional and multilateral SPS and food safety forums; (iii) to coordinate national positions on SPS matters; and (iv) to monitor the implementation and to promote the greater use of international SPS standards.

Since its inception, the committee continues to meet on a quarterly basis, in most cases prior to the WTO SPS Committee meetings. The committee is composed of representatives from the public sector and the private sector. Amongst the public sector bodies are the Ministries of Agriculture, Water and Forestry; Fisheries and Marine Resources; Health and Social Services; Trade and Industry; Education, the Namibian Standards Institution; Environment and Tourism; and the City of Windhoek. Private sector stakeholders consist of the Agronomic, Meat and Karakul Boards; the Abattoir Association; the Agricultural Trade Forum and the Farmers Unions. Under the Committee, three subcommittees were established: Food safety, Livestock and Plant protection. Their terms of references are in the process of being drafted. The three subcommittees meet prior to the National committee and report back to this body.

With regard to the functioning of the national SPS committee and SPS coordination in general, some challenges have been identified such as lack of human and financial resources in the public sector to effectively deal with SPS issues and to participate in the meetings of the WTO SPS Committee and the standard setting organizations. In addition, awareness about SPS issues, including the WTO SPS Agreement should be increased, at both the technical and political levels. Finally, at present SPS issues in Namibia are under the jurisdiction of various institutions, which may impede on the functioning of the committee.

In October 2011, a WTO national workshop on the SPS Agreement was held in Namibia with a particular focus on making Namibia's national SPS committee more effective and sustainable. The participants came up with very specific recommendations during a facilitated session, including the selection of a chairperson who works directly on SPS issues, linking the committee's work and meeting schedule more closely with that of the SPS Committee, assigning a person responsible for tracking SPS notifications through the SPS Information Management System (SPS IMS), having commodity-specific focus, and possibly bringing in food safety issues under the same Ministry as for animal and plant health issues. It was noted that these recommendations were to be further discussed and reflected upon before being implemented.

**Source:** Ms Karita Rejoice and Ms Serra Ayral (2011)

## Box 7: South Africa – Coordination in the plant health area

An analysis of the South African SPS system was carried out by the National Resource Institute (NRI) as part of a study on the impact of Citrus Black Spot (*Guignardia citricarpa*) on the citrus industries in South Africa and Swaziland with a focus on plant health matters and the functioning of the National Plant Protection Organisation (NPPO).<sup>16</sup> The main stakeholders in South Africa's SPS coordination system for plant health are the following:

- The Directorate of Plant Health (DPH) acts as the national plant protection contact point for South Africa. It is responsible for policy development within the NPPO and ensures compliance with international plant health obligations and responsibilities.
- Agricultural Product Inspection Services (APIS) is responsible for phytosanitary certification at points of entry/exit. Together with the DPH, APIS comprises the NPPO of South Africa.
- Perishable Products Export Control Board (PPECB) is a parastatal body working closely with the Department of Agriculture, Forestry and Fisheries (DAFF), which is responsible for performing quality assurance inspections and the certification of fresh produce for export from South Africa.
- Citrus Growers Association (CGA) represents citrus grower interests through representation to industry stakeholders – including government, exporters, research institutions and suppliers to the citrus industry.
- Citrus Research International (CRI) provides research and technical support to the citrus industry, with the objective of maximising the long-term global competitiveness of the South African citrus industry through the development, support, co-ordination and provision of Research and Technical services. CRI is funded from the Citrus Growers Association levy.

The NPPO holds various meetings and forums together with CGA, CRI, and other stakeholders to discuss issues regarding the phytosanitary requirements for the export of citrus fruit from South Africa to overseas markets. The forums and committees include: Market Access Working Group for Fresh Fruit; Annual Citrus Export Coordinating Meeting; the Fresh Produce Exporters' Forum (FPEF); and Ad-hoc working groups such as the CBS Expert Working Group (which has been set up to prepare responses to the EU in relation to notifications and subsequent communications).

In sum, the South African NPPO is a well-established organization that has extensive experience in dealing with CBS and other plant diseases and pests. The NPPO has been able to establish good communication with all stakeholders involved in the export of citrus products. Although there are a multitude of forums and working groups, according to stakeholders these are, in fact, necessary for priority setting in the industry. At the same time, there appears to be scope for strengthening the link between Directorate of International Trade, the NPPO and the private sector players.

South African stakeholders have taken seriously the necessity of complying with the requirements of sensitive citrus markets in order not to jeopardise exports of this important industry. This has resulted in a sharp drop of CBS related interceptions of South African citrus upon arrival in the EU.

**Source:** Kleih and Cassidy (2010).

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<sup>16</sup> Kleih, U., and Cassidy, D., Impact Assessment of Sanitary and Phytosanitary Measures: A Case Study of the Impact of Citrus Black Spot on the Citrus Industries in South Africa and Swaziland; Project report; Chatham, UK: Natural Resources Institute; 2010.

### **Box 8: Thailand – The importance of a pro-active approach**

Given Thailand's strong agricultural export sector and its contributions to the national economy, the Thai government recognized the importance of SPS related issues early on. In particular, they recognised the need for a strong political commitment and a solid legal basis to support food safety control systems and actions.

As a result, the Thai National Bureau of Agricultural Commodity and Food Standards (ACFS) was established in 2002 under the Ministry of Agriculture and Cooperatives. It was commissioned to be the lead agency and focal point for food safety, together with three other competent authorities, namely the Department of Agriculture, the Department of Livestock Development, and the Department of Fisheries.

ACFS works in partnership with government departments, local authorities and national, regional and international organizations to achieve its goals. According to its website, ACFS's functions are as follows:

- Standard setting for agricultural systems, commodity and food items, and food safety;
- Accreditation of certification bodies;
- Dialogue and negotiation with international trade partners on disputes concerning SPS/TBT issues, (including reduction of non-tariff trade barriers);
- Food standard control;
- Promotion of standard compliance for farms and food establishments.

ACFS is the national information centre for agricultural and food standards and also acts as the focal point for WTO – SPS/TBT, Codex and IPPC. It is also Thailand's SPS National Notification Authority and Enquiry Point.

The case of Avian influenza provides an example of ACFS's operations. Following the outbreak of bird flu in Thailand in January 2004, the Thai Government took immediate action in appointing Deputy Prime Minister Somkid Jatusripitak to chair a special committee consisting of senior officials from related authorities, namely the Ministries of Agriculture and Cooperatives (MOAC), Public Health, Interior, Foreign Affairs, and the Bureau of the Budget, who were required to provide full support for the panel.

MOAC was instructed to set up a coordination centre combating poultry disease outbreaks, which was located at ACFS. The centre worked closely with the bird flu outbreak centre of the Department of Livestock Development, in order to bring the disease under control. ACFS, in collaboration with the Department of Livestock Development, also played a leading role in early 2004 in negotiations leading to cooked poultry products being allowed for export to countries such as Japan and South Korea when there was still a ban on fresh poultry meat.

**Source:** [www.acfs.go.th](http://www.acfs.go.th) and ACFS Annual Report, 2004.

### **Box 9: Uganda – Considering scope and legal status**

In Uganda, a number of regulatory agencies and ministries are responsible for the administration and implementation of the TBT and SPS Agreements. Until 2004, there was no mechanism in place to coordinate the responsible ministries and agencies, and to consult and include the private sector - on which implementation of the provisions of the Agreements has a big impact. The need to coordinate SPS and TBT matters was recognised and led to the creation of a forum where representatives from ministries, agencies and the private sector could meet and discuss SPS and TBT issues and formulate national positions.

As a result, Uganda established a National TBT/SPS Committee in 2004. This was an initiative led by the Uganda National Bureau of Standards (UNBS) which also holds the Secretariat and the Chair of the Committee. The Committee currently meets three times per year, at least two weeks prior to meetings of the WTO TBT and SPS Committees. However, thoughts are beginning to emerge to separate TBT and SPS issues because the administration and implementation of the TBT and SPS Agreements is increasingly becoming demanding for the Secretariat of the Committee, who – despite efforts to source funds, have no additional financial resources to dedicate themselves to both fields.

Major international projects are being implemented in Uganda to strengthen trade capacity, with an emphasis on SPS matters. It is expected that these projects will improve existing initiatives to enhance SPS coordination, especially regarding the budgetary constraints which currently restrict the Secretariat of the Committee in their operations. At the same time it is recognised that although international projects may bring a temporary solution, a more sustainable approach should be found.

The effectiveness of the Committee could be further enhanced if stakeholders increase their participation by providing feedback on notifications. The use of appropriate means of communication (such as IT infrastructure) and an awareness strategy has been identified as a way of enhancing transparency and communication.

Although there are intentions to formalize the TBT/SPS Committee by law to ensure that decisions made by the Committee are legally binding, to date it has no legal status.

**Source:** Mr George Opiyo (2011)

Annex 4: Overview of Regional Economic Communities

	COMESA	EAC	IGAD	SADC	WAEMU	ECOWAS	CEN-SAD	ECCAS
<b>Existence or planned SPS policy framework</b>	Yes "Umbrella" type framework, plus development of separate standards for the region	Yes "Umbrella" type framework, plus development of separate standards for the region	SPS framework to be developed within five years	Yes "Umbrella" type framework	Yes, Similar to "Umbrella" type framework with relatively detailed technicalities and procedures	Yes Largely based on WAEMU's framework	SPS framework to be developed after adoption of the region's free trade zone	Common phytosanitary regulations to be developed for the region as part of trade facilitation work
<b>Key strategy/ action plan elements</b>	Green Pass Certification system	Development of harmonised SPS standards for the region	Regional Policy Framework on Animal Health in the Context of Trade and Vulnerability	Strengthening harmonization with objective of facilitating trade and promoting food safety in region	Regional SPS harmonization. Cooperation with ECOWAS and CILSS.	Harmonization of SPS regulations of the 8 French-speaking ECOWAS MS with other MS	No specific strategy on SPS matters. It deals with SPS issues on an ad-hoc basis	Regional Food Security Programme (FAO) includes development of SPS regulations
<b>Projects/ Initiatives</b>	Agricultural Marketing Promotion and Regional Integration Project	UNIDO Trade capacity building project	Livestock Information Portal (LIP)	Several capacity building activities ( e.g. FSCBRC project)	EU / UNIDO West Africa Quality Programme; capacity building	EU / UNIDO West Africa Quality Programme; capacity building	Regional Programme for the Control of Transboundary Animal Diseases	
<b>Regional committees</b>	Preparations for Free Trade Area (FTA) involving SADC, COMESA, and EAC	Regional Steering Committee on Transboundary Animal Diseases; also prep. for FTA	IGAD Partners Forum (IPF), incl. developed countries and international organizations	Preparations for Free Trade Area (FTA) involving SADC, COMESA, and EAC	Regional committee for international trade negotiations	Regional Veterinary Committee		
<b>REC's observer status in the WTO SPS Committee and International Standard-Setting Bodies (ISSBs)</b>								
<b>WTO</b>	No	No	No	Yes	Yes	Yes	Yes	No
<b>Codex</b>	No	No	No	Yes	?	Yes	Yes	No
<b>OIE</b>	Yes	No	No	Yes	?	Yes	No	No
<b>IPPC</b>	No	No	No	Yes	?	Yes	No	No

**Source:** Regional SPS Frameworks and Strategies in Africa. Report prepared by J. Magalhães for the STDF at the request of the African Union Commission (AUC), July 2010.





The Standards and Trade Development Facility (STDF) is a global programme in capacity building and technical cooperation established by the Food and Agriculture Organization of the United Nations (FAO), the World Organisation for Animal Health (OIE), the World Bank, the World Health Organization (WHO) and the World Trade Organization (WTO).

More information is available at: [www.standardsfacility.org](http://www.standardsfacility.org)