

Using Good Regulatory Practice to Facilitate Safe Trade in Africa

Highlights from the Learning Workshop for the Year of AfCFTA Implementation: Acceleration of the African Continental Free Trade Area (AfCFTA)

Accra, Ghana, 21-22 September 2023



Over 50 representatives of national government authorities, Regional Economic Communities (RECs), the private sector, academia and other stakeholders from 20 African countries gathered in Accra, Ghana on 21-22 September to share their experiences on the use of Good Regulatory Practices (GRPs) to improve the design and implementation of sanitary and phytosanitary (SPS) measures for safe trade facilitation.

The event was hosted by the African Union Commission (AUC), the AfCFTA Secretariat, the Standards and Trade Development Facility (STDF) and the U.S. Department of Agriculture (USDA) and U.S. Agency for International Development (USAID) under the Feed the Future Initiative.

Key Messages

- Non-tariff measures (NTMs) – including SPS measures like limits on the use of pesticide residues or veterinary drugs, or fumigation to eliminate plant pests – are essential to protect human, animal and plant life and health. They also contribute to the Sustainable Development Goals (SDGs). However, the unjustified and/or improper application of SPS measures may result in non-tariff barriers (NTBs) to trade.
- NTBs have costs for consumers, companies and governments. Consumers pay directly through higher prices. Companies pay higher prices for goods, and face reduced competitiveness, revenues and profit margins. Governments pay too, for instance, through excessive inspections, unnecessary duplication in paperwork, inefficient use of staff time.
- More attention to address NTBs is essential to enable the AfCFTA to contribute to sustainable development, through private sector participation, industrial development and enhanced competitiveness. GRPs have a key role to play in the success of the AfCFTA and other African development goals, including the Malabo Declaration and Agenda2063, to reduce poverty and increase food security through enhanced safe trade.
- Africa stands to benefit greatly from the increased use of GRPs to facilitate safe trade. For instance, UNCTAD estimates that regulatory convergence alone can reduce SPS-related costs by some 20% (Knebel & Peters, 2019; UNCTAD 2018).
- Some government authorities and RECs in Africa are promoting or using different types of GRPs to facilitate safe trade to regional and international markets. These span from regional cooperation, convergence and harmonization of SPS requirements to transparency, stakeholder consultations, regulatory mapping and stocktaking and regulatory impact assessments (see below). GRP uptake varies greatly across countries and there is room to further enhance GRP implementation at national and REC level for more effective SPS regulations.
- Using the international standards recognized in the WTO SPS Agreement – Codex Alimentarius for food safety, IPPC for plant health and WOAHP for animal health – is key to boost safe trade within the Africa region and beyond, and reduce compliance costs. For instance, an UNCTAD study estimated welfare gains of more than US\$1.6bn through increased use of international standards in the ECOWAS region, compared to gains of approximately US\$0.3bn for use of regional standards.

Sharing and learning about how GRPs are contributing to the development and implementation of SPS measures in Africa

During the two-day event, speakers and participants shared several examples of how the different GRPs identified in the [STDF GRP Guide](#) are being used to inform and strengthen the development and implementation of SPS measures. Their stories demonstrate how the use of GRPs has led to more effective SPS regulatory frameworks, increased trust of the private sector in regulatory processes, and improved overall compliance. Selected examples are presented below.

Stocktaking tools: Check SPS measures are up-to-date and fit well in the national regulatory framework.

- A legal review of biopesticide regulatory systems in six Southern African countries took stock of existing regulations, considered factors relevant for harmonised biopesticides guidelines, identified challenges, and made recommendations to develop a regionally harmonised biopesticides regulatory system and strengthen national-level regulatory processes.

Forward-looking regulatory agendas: Plan ahead, allocate resources where they are most needed and link SPS measures to broader policy initiatives.

- Examples were shared on the use of the STDF's evidence-based framework ([P-IMA](#)) to facilitate consultations across government authorities and the private sector on SPS investments needed for market access, including regulatory changes. This dialogue is contributing to ongoing regulatory reform processes in some countries.

Regulatory impact assessments (RIA): Assess and analyse regulatory and nonregulatory alternatives, then select the best option.

- In South Africa, RIA has been institutionalized from the highest level of government to subordinate regulations, which is where most SPS measures are elaborated. The National Regulator for Compulsory Specifications (NRCS) is responsible for doing RIAs on technical regulations and SPS measures. This helps the government to consider and reduce the administrative costs and impacts of SPS measures and cut red tape.

Coordination mechanisms: Foster multi-sectoral and multi-agency responses to SPS risks in the country and beyond, and align with regional and international standards.

- At a regional level, ECOWAS Member States adopted a mechanism for the convergence of food regulatory measures amongst including a Food Regulatory Harmonization Committee and action plan for its implementation.
- At a national level, the SPS committee in Kenya engaged diverse public and private sector members to develop a national SPS strategy (2021-2024), which includes a monitoring and evaluation framework. This committee allows stakeholders to work together more effectively to address trade issues affecting exports.

Transparency and engagement tools: Foster trust in SPS regulatory processes, enhance understanding of and compliance with SPS measures, including in specific contexts.

- In 2022, the EAC started submitting joint SPS and TBT notifications through the [ePing](#) SPS & TBT Platform. Under this regional mechanism, the Uganda Bureau of Standards sends SPS and TBT notifications to the WTO on behalf of other EAC Partner States, and pushes new SPS and TBT notifications to national standards bodies in the region for their wider distribution. This new mechanism has transformed notifications to the WTO and improved transparency in the region.

Monitoring and evaluation mechanism: Track implementation of SPS measures, assess their performance and adjust as needed.

- COMESA, EAC and SADC have set up an online [NTB reporting, monitoring and eliminating mechanism](#) for the REC Tripartite. The mechanism aims to improve transparency and easy follow-up of reported and identified NTBs and NTMs, and incorporates concrete timelines for the removal of NTBs.

SESSION HIGHLIGHTS

Session 1. Accelerating implementation of the AfCFTA to achieve policy goals: What's at stake

Speakers reiterated the importance of NTMs to ensure food safety, animal and plant health, while highlighting the need to eliminate and/or reduce NTBs for the implementation and success of the AfCFTA. They outlined the AfCFTA's institutional structures for the elimination of NTBs, as well as reporting and monitoring tools and arrangements to resolve identified NTBs. Compelling evidence was shared on the hidden costs of NTBs for governments, the private sector (especially micro, small and medium-sized enterprises) and consumers. There was a call for urgent attention to reduce NTBs in a way that facilitates safe trade in line with the aims of the AfCFTA, with recognition of GRPs as an essential part of an effective solution.

Session 2. A closer look at GRPs: What they are and why they are important for safe trade facilitation

This session focused on STDF's GRP Guide, which provides practical guidance to help regulators in developing countries use GRPs to improve the design, development and review of SPS measures. Examples were shared of key GRPs and their use in Africa.

Session 3. Regional approaches: How are RECs using GRPs to facilitate trade on the continent, and what are the experiences and lessons?

COMESA, EAC and ECOWAS shared their experiences in using GRPs, drawing attention to the role of regional committees, task forces and technical working groups in advancing coordination and harmonization at a regional level, and facilitating engagement with industry and private sector associations. Examples were shared of regional portals – like the [EAC Trade Information Portal](#) (TIP) – which gives access to step-by-step guides on licenses, pre-clearance permits and clearance formalities for the most traded goods within, to and from the EAC. COMESA pointed to plans for new work on GRPs and regulatory SPS reform to compliment efforts in the TBT area. ECOWAS shared lessons on regulatory convergence including efforts to strengthen collaboration across food safety, animal and plant health authorities. New opportunities were identified to further strengthen dialogue and learning across RECs.

«*Adoption of harmonized instruments is the first step. The real work begins after adoption*»

David Wafula, East African Community (EAC)

Session 4. Public-private collaboration to improve the design and implementation of SPS measures

Speakers shared examples of how government authorities are consulting industry associations and other stakeholders to improve the development and implementation of SPS measures. This includes ongoing efforts to innovate with self-regulatory approaches to achieve regulatory objectives. For instance, the EAC has adopted a framework and road map for a self-regulatory system for the registration and certification of pre-packaged foods, where a product that is registered in one Partner State would be exempt from border inspection procedures (other than document verification) in other Partner States. Other good examples of cooperation between the public sector and industry associations were shared, for instance on the development and implementation of SPS measures for safe trade in camels in the Horn of Africa, and horticulture exports from Tanzania.

«*To regulate successfully, governments need to facilitate.*»

Benignus Ngowi, Tanzania Plant Health and Pesticides Authority (TPHPA)

Session 5. Use of GRPs to improve transparency and ensure fit-for-purpose SPS measures

Speakers shared experiences about how they are using different GRPs such as stock-taking, legal review and regulatory impact assessment. Creative communication approaches – including use of social media and WhatsApp groups – are being used to engage stakeholders more fully in regulatory processes, which helps to understand the impact of regulations, including on more marginalized groups. Dialogue between regulators and the regulated ensures understanding about regulatory processes in a way that reduces the compliance costs for the private sector. Examples were shared of efforts to consider socio-economic, environmental and/or gender perspectives in regulatory development. The use of regulatory impact assessment has increased regulators' awareness of the need to consider the impact of measures on stakeholders affected.

«*The private sector understands the importance of regulations... regulations should consider the cost for producers and traders to comply.*»

Stephen Muchiri, East Africa Farmers Federation

Session 6. Moving forward: What's needed to make SPS measures fit for purpose and accelerate implementation of the AfCFTA?

Speakers shared additional experiences on how GRPs – including stocktaking, regulatory impact assessments, transparency and coordination – have been used to strengthen SPS measures and facilitate safe trade. They highlighted the importance of data-driven analysis to strengthen regulatory processes, effectively engaging stakeholders like industry and trade associations in a meaningful way (not simply giving them information on what needs to be done), and building consumer confidence. Speakers agreed on the vital role of industry associations to guide and support regulators. They called for more work to institutionalize the use of GRPs and develop clear procedures on their use to ensure sustainability, especially in countries where there is frequent turnover in government authorities.

«*An informed stakeholder is an engaged stakeholder.*»

Adron Nalinya, New Markets Lab

Session 7. Perspectives from international organizations and partners on scaling up the use of GRP for safe trade facilitation

Speakers underscored the vital role of international standards to ensure health protection and facilitate trade, and the value of GRPs to improve regulatory quality, and reduce costs for the private sector and governments. FAO called for regulators to make use of existing capacity evaluation tools (the FAO/WHO Food Control System Tool, IPPC's PCE tool and WOH's PVS Pathway) to take stock of their SPS legislation and gaps in implementation, and drive regulatory reform. ISO explained how national standards bodies can use ISO tools for regulatory mapping and assessment, including to understand how regulations address broader policy issues and promote convergence. The AfCFTA Secretariat stressed it sought to leverage existing tools, rather than create new systems, and shared the example of an ongoing study to learn about ePing's use in Africa. TradeMark Africa shared lessons on why it makes sense to focus SPS regulatory review and reform on trade corridors and value chains.

“Regulations have costs for regulators and the regulated. The two need to work together for the good of their countries”

Washington Otieno, FAO

Session 8. GRP toolkit

During the afternoon on 22 Sep., participants worked in small groups focused on different types of GRPs. Building on the previous discussions and exchange, they took a closer look at the challenges they face in using GRPs at the country and regional level, and recommendations to address them. Each group identified potential tools and specific actions to use GRPs to improve the development and implementation of SPS measures. These group discussions will feed into future initiatives to promote the use of GRPs for regulatory reform in Africa, including as part of a strategic five-year Food Safety for Food Security partnership under the U.S. Government's Feed the Future initiative.

What one word comes to mind when you think of GRPs?

What one word comes to mind when you think about Good Regulatory Practices (GRPs)?
50 responses



What's next?

- Materials from the event (concept note, agenda, presentations, session recordings and participant list) are available on the [STDF website](#).
- Short GRP case stories, based on selected examples shared at the GRP event, will be produced and published on the STDF website.
- Development of a GRP toolkit with checklists and templates to support the rollout of GRPs in Africa to (led by USDA with other partners) and plans for an ongoing learning network.