AGRIBUSINESS AND TRADE PROMOTION (USAID ATP)

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BARRIERS TO STAPLE FOOD TRADE AMONG ECOWAS COUNTRIES

AGRIBUSINESS AND TRADE PROMOTION (ATP) PROJECT

November 2010

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CONTENTS

ACRONYMS

AI	Avian influenza
ANFO	*Association nationale de la filière oignon* (National Onion Association)
ANPROBVS	*Association nationale des professionnels du bétail et de la viande*
APHIS	Animal Plant Health Inspection Service (USDA)
ATP	Agribusiness and Trade Promotion Project
CAADP	Comprehensive Africa Agriculture Development Program
CEDEAO	*Communauté économique des Etats de l'Afrique de l'Ouest*
CEPS	Customs and Excise Prevention Service (Ghana)
CET	Common External Tariff
CIC-B	*Comité interprofessionnel des céréales du Burkina Faso*
CIR-B	*Comité interprofessionnel du riz* (Burkina Faso)
CILSS	*Comité permanent inter-Etats de lutte contre la sécheresse dans le Sahel* (Permanent Interstate Committee for Drought Control in the Sahel)
CNSA	*Conseil national de sécurité alimentaire* (Sénégal) (National Council for Food Safety)
COFENABVI	*Confédération des fédérations nationales de la filière bétail/viande de l'Afrique de l'Ouest*
COFISAC	*Compagnie de filature de de sacherie*
CVO	Chief Veterinary Officer
E-ATP	Expanded Agribusiness and Trade Promotion
ECOWAP	ECOWAS Agricultural Policy
ECOWAS	Economic Community of West African States
EPA	Economic Partnership Agreement
FAO	Food and Agriculture Organization
FASDEP	Food and Agricultural Sector Development Policy (Ghana)
FCFA	West African CFA Franc
FEBEVIM	*Fédération nationale de la filière bétail viande du Mali* (Mali's National Livestock and Meat Federation)
FEWSNET	Famine Early Warning System

FODEL	*Fonds de développement de l'élevage* (Livestock Development Fund)
GAPTO	Ghana Agricultural Producers and Traders Organization
GFSR	Global Food Security Response
GOANA	*Grande offensive agricole pour la nourriture et l'abondance (Sénégal)*
GNAPF	Ghana National Association of Poultry Farmers
GRI	General Rules of Interpretation
HACCP	Hazard Analysis and Critical Control Point
HS	Harmonized System
IICEM	*Initiatives intégrées pour la croissance économique au Mali*
IMF	International Monetary Fund
IPPC	International Plant Protection Convention
ISRT	Inter-State Road Transit convention
MFN	Most-favored nation
MFP	Mobilizing and federating program
NAIP	National Agricultural Investment Program
NEEDS	National Economic Empowerment and Development Strategy (Nigeria)
NEPAD	New Partnership for Africa's Development
OIE	World Organisation for Animal Health
ORO	*Observatoire régional de la filière oignon en Afrique de l'Ouest et du Centre* (Regional Onion Observatory)
PAPSA	*Projet d'amélioration de la productivité agricole et de la securité alimentaire* (Burkina Faso)
PARTAM	*Projet de réhabilitation des terres agricoles dans la zone Mission Tove* (Togo)
PCE	*Projet de croissance économique* (Economic Growth Project)
PUASA	*Programme d'urgence d'appui à la sécurité alimentaire (Benin)*
SAGIC	Support for Accelerated Growth and Increased Competitiveness
SEEDS	State Economic Empowerment and Development Strategy (Nigeria)
SOGAS	*Société de gestion des abattoirs du Sénégal* (Abattoir Management Society of Senegal)
SPS	*Sanitary and phytosanitary*
TBD	To be determined

TBT	World Trade Organization Agreement on Technical Barriers to Trade
TRIE	*Convention sur le transit routier inter-Etat* (Inter-State Road Transit Convention)
TS	*Travail supplémentaire* (overtime fee)
UCRB	*Union des chauffeurs routiers du Burkina (Truck drivers' union of Burkina)*
UEMOA	*Union économique et monétaire ouest africaine* (West African Economic and Monetary Union)
UOFA	*Union des organisations de la filière avicole (UEMOA)*
USDA	United States Department of Agriculture
VAT	Value-added tax
WATH	West African Trade Hub
WTO	World Trade Organization

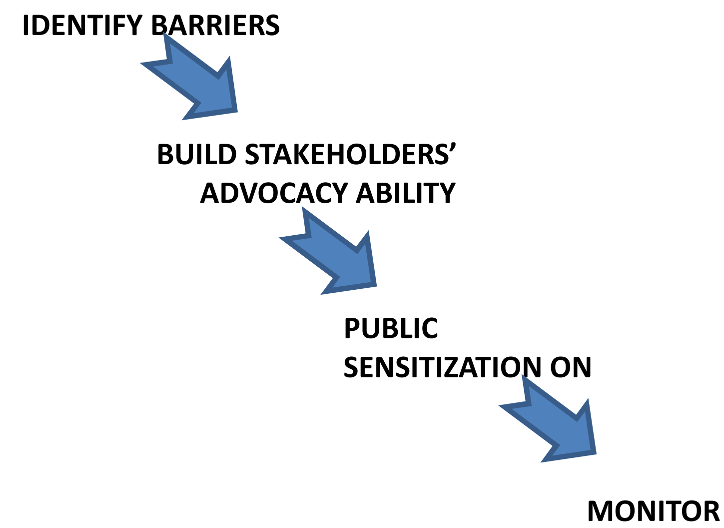
EXECUTIVE SUMMARY

On paper, West Africa attained free trade area status starting in 2000, but regional food security continues to be hampered by a range of policy barriers impeding intra-regional trade in basic foodstuffs. Dismantling those barriers would improve food security by ensuring vulnerable populations better access to food year-round. In addition to corruption on the roadways, there exist a multitude of non-tariff barriers, unjustified fees, and technical barriers that hamper the competitiveness of the region's products and make food more costly for the low-income consumers of the region.

For the purpose of the analysis, the Agribusiness and Trade Promotion (ATP)/Expanded Agribusiness and Trade Promotion (E-ATP) Project Policy Barriers Team undertook missions in May and December 2009, and April and June 2010, to gather information and interact with stakeholders in Burkina Faso, Ghana, Mali, Niger, and Senegal. The study was intended to help the value chain stakeholders identify key policy barriers to intra-regional trade in six product areas critical to food security in West Africa. Once identified and analyzed, the policy barriers and proposed remedial measures were submitted for appropriate attention by the regional integration bodies—the Economic Community of West African States (ECOWAS) Commission, the West African Economic and Monetary Union Commission (known by its French acronym, UEMOA, or the *Union économique et monétaire ouest africaine*), and the Permanent Interstate Committee for Drought Control in the Sahel Secretariat (known by its French acronym, CILSS, or the *Comité permanent inter-Etats de lutte contre la sécheresse dans le Sahel*). The barriers were also addressed as part of the advocacy activities under ATP and E-ATP, with stakeholders and their value chain associations lobbying national governments and the regional bodies.

Many of the policy barriers pertained to more than one value chain, as was the case with the three cereals value chains (rice, millet/sorghum, maize) or the two relative to livestock products (livestock/meats, poultry). Some of the policy barriers in the onion/shallot value chain were also common to the other value chains. During the first year of activities, the Trade Barrier Team identified and validated the existence and importance of the trade barriers identified, and devised a strategy for dismantling them. This report brings forward the most up-to-date information available on each issue.

FIGURE 1: ATP/E-ATP APPROACH TO DISMANTLING TRADE BARRIERS WITHIN WEST AFRICA



In general, the strategy for dismantling the identified policy barriers is two-pronged: collaborate with the regional integration organizations to improve their policy implementation performance; and help build the advocacy capacity of the value chain associations. For each policy barrier identified, a **strategy** for how to dismantle it is proposed and discussed. A premium is put on assisting the value chain associations to develop their capacity to articulate their interests and make the necessary representations towards the appropriate national and regional bodies (Figure 1). ATP/E-ATP can fill in the gaps in terms of background research or documentation (such as a "lobbying letter") as needed, but the emphasis is on transferring skills to the stakeholders themselves to help them learn how to conduct advocacy activities "by doing."

TABLE 1: SUMMARY OF POLICY BARRIERS TO INTRA-REGIONAL TRADE IN BASIC FOODSTUFFS

Value Chains	Identified Policy Barriers to Trade in West Africa
Rice	• Seasonal export bans • Value-added tax (VAT) of 18 percent charged in discriminatory fashion • Prohibitions on the export of rice produced with subsidized inputs • Need for certificate of origin to avoid paying the full range of customs duties • Request by Côte d'Ivoire for certificate of origin for the bags in which cereals arrive • Non-respect of equivalence of phytosanitary certificate • Refusal by Burkina Faso's certification body to certify seeds intended for export
Millet/ Sorghum	• Seasonal export bans • VAT of 18 percent charged only on imports not on local production • Senegal's special surcharge on millet imports • Need for certificate of origin to avoid paying the full range of customs duties • Request by Côte d'Ivoire for certificate of origin for the bags in which cereals arrive • Non-respect of equivalence of phytosanitary certificate
Poultry	• Import ban in several countries on live animals, meat, and eggs due to avian influenza • Nigerian ban on the import of poultry meat outright • Need for certificate of origin to avoid paying the full range of customs duties

Value Chains	Identified Policy Barriers to Trade in West Africa
	• Non-respect of equivalence of veterinary certificate
Maize	• Seasonal export bans • Countries' refusal to allow exports of maize produced with subsidized inputs • Need for certificate of origin to avoid paying the full range of customs duties • Request by Côte d'Ivoire for certificate of origin for the bags in which cereals arrive • VAT of 18 percent charged, even though maize is VAT-exempt • Non-respect of equivalence of phytosanitary certificate
Onions/ Shallots	• Seasonal import ban imposed by Senegal • 10 percent surcharge on imports imposed by Senegal • "Parking tax" imposed by local authorities in Bitou, Burkina Faso • Statistical tax on exports exceptionally high in Niger • Need for certificate of origin to avoid paying the full range of customs duties • Non-respect of equivalence of phytosanitary certificate
Livestock/ Meats	• Regional governor's export authorization requirement in Mali • VAT and other fees charged on Malian exports by Senegal • Basket of fees for transit operations • Burkina Faso's Livestock Development Fund *(Fonds de développement de l'élevage, or FODEL)* export tax • Non-respect of equivalence of veterinary certificate across borders • Difficulties in exporting to Côte d'Ivoire • "Parking tax" imposed by local authorities in Bitou, Burkina Faso

In addition, a number of the trade barriers identified are not product-specific:

- Corruption on the roadways
- Extra charges by customs officials for "overtime"
- Difficulties in transferring funds across borders
- Burkina Faso's "computerization tax" (1 percent)
- Ghana's "processing fee" (0.25 percent)

E-ATP VALUE CHAINS

RICE

Rice is at once one of the most controversial and most promising staple foods in West Africa. All the countries are far from producing enough rice to satisfy the growing domestic demand and there is excellent potential for increasing the competitiveness of local production and increasing intra-regional trade. At least seven policy barriers affecting intra-regional trade in rice have been identified.

The top policy barrier hampering intra-regional trade in rice and other cereals is the imposition of seasonal export bans. These bans are imposed not just during periods of crisis, such as in 2007–2009, but nearly every year during at least some part of the year. Removing the seasonal export bans would permit rice to cross borders continuously, encouraging expanded production and opening up new possibilities for intra-regional trade.

Although rice, like other agricultural products, is supposed to be exempt from the value-added-tax (VAT), traders report that they have to pay VAT of 18 percent when importing rice from one country to another within West Africa. It is possible that when rice crosses more than one border, VAT is charged by each successive country. The UEMOA countries have already harmonized their VAT systems, while the ECOWAS countries have yet to fully do so. Nonetheless, under one of the ECOWAS principles already accepted for all West African countries, rice is supposed to be exempt from VAT. Further, VAT is usually not collected on domestic sales of domestically grown rice as these sales occur largely in informal markets. Thus, VAT should not be collected on imports of rice at all, and the practice of collecting VAT only at the borders and not on domestic sales represents a *de facto* border tax hampering regional trade in rice.

Most of the region's national governments have launched rice production programs in the past two or three years, mainly emphasizing access to improved seeds and fertilizers at subsidized prices. These governments are reluctant to allow rice produced with their subsidies to be exported to neighboring countries whose government and taxpayers did not pay to support its production. Given the countries' regional commitments on the elimination of all non-tariff barriers,[1] the resultant export ban appears to be an unofficial policy. Nevertheless, this unwritten policy is often communicated and vigorously promoted through administrative channels. This issue touches directly on the importance of regional economic integration; it is vital that national governments view the market for their producers' goods as being all of West Africa.

Both the ECOWAS and UEMOA trade liberalization schemes specify that a certificate of origin is not necessary for staple food products to cross borders duty-free between member countries,[2] but the national customs services in West Africa still usually ask for the certificate of origin from traders. In the absence of a certificate of origin, traders must pay the full customs duty and other charges (ECOWAS levy, UEMOA solidarity levy, statistical tax) as if their rice were coming from outside the ECOWAS region.

The national phytosanitary certificate accompanying a shipment of rice is supposed to be honored and accepted by the national phytosanitary authorities of the importing country without a new certificate being issued.[3] Nearly every country in West Africa, however, fails to respect the equivalence of the national certificate of the exporting country. Upon arrival of the shipment at the border, the phytosanitary authority of the importing country requires a new phytosanitary certificate to be issued, usually for a small fee or gift.

Rice value chain stakeholders have complained that when cereals traders arrive at the border with Côte d'Ivoire, the Ivorian customs officials examine the certificate of origin for the cereals but also ask for a certificate of origin for the bags in which the cereals are traded. This technical barrier to trade (TBT) is addressed under the General Rules of Interpretation (GRI) of the Harmonized System (HS), which states that "Packing materials and packing containers exported with the goods therein shall be classified with the goods if they are of a kind normally used for packing such goods." (GRI, Rule 5b).

In Burkina Faso in 2009, a rice seed producer is reported to have had the national seed certification agency refuse to certify his seed production on the grounds that the producer intended to export part of the seed crop outside of Burkina Faso. The government, in providing a subsidy for the initial seed stock, made no stipulation that the rice seed could not be exported. Furthermore, Burkina Faso's seed certification agency is not the government body responsible for formulating or enforcing trade policies; its role is to ascertain whether or not the seeds being produced are safe.

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[1] Decision C/DEC.8/11/79 of the ECOWAS Council of Ministers on the liberalization of basic foodstuffs.
[2] ECOWAS A/P1/1/03.
[3] Based on interviews with experts, including Ricarda Mondry (West African veterinary consultant), Michael David (USDA), and West African veterinary officials.

In order to enhance national production capacity, trade in certified seeds (just as in improved breeder livestock) must be promoted across the region. ECOWAS and CILSS will be encouraged to re-visit the conception and operation of the abandoned initiative of developing regional centers for improved seeds and breeder cattle, as part of the regional food security program.

A pending policy question critical for rice is the approaching implementation of the ECOWAS Common External Tariff (CET) by all 15 ECOWAS countries. There are seven different most-favored nation (MFN) tariff rates on rice among the ECOWAS member countries. If the ECOWAS countries decide to place rice in the "5th basket" of the CET at 35 percent *ad valorem*, that would represent an eighth rate.

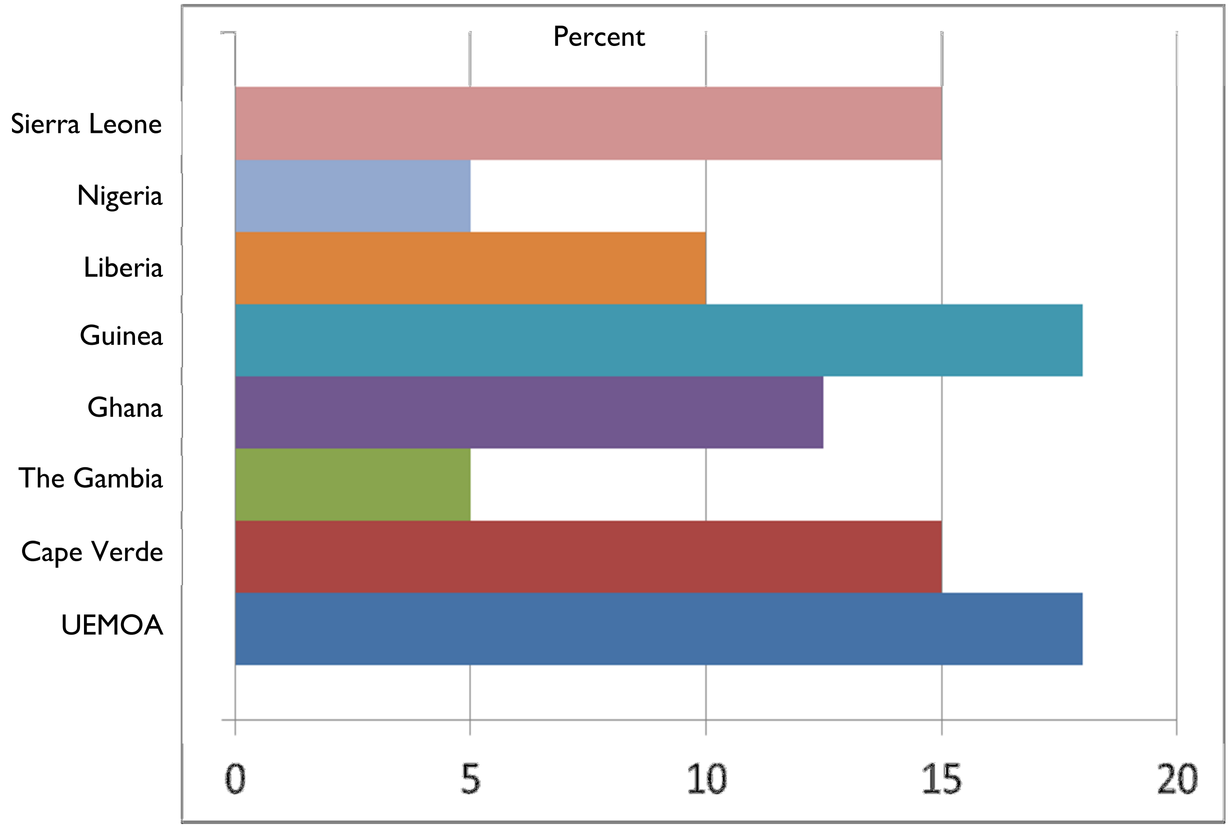
MILLET/SORGHUM

As with rice and maize, seasonal export bans represent the most important policy barrier restricting intra-regional trade in millet and sorghum. During certain parts of the year—even in years when no global food crisis exists—West Africa's sorghum traders are prohibited from exercising their profession. The seasonal export bans on cereals are imposed in the name of improving food security, as politicians respond to consumers' fears that the 'short season' will result in famine by banning the movement of cereals out of the country. In most cases, the seasonal export ban is not the subject of a published governmental law or official decree, and therefore not subject to public scrutiny.

The imposition of VAT on intra-regional imports of millet and sorghum provides an unfair advantage for locally grown millet and sorghum, as VAT is not collected on sales in local markets. Furthermore, assessing VAT at 18 percent on food staples, such as millet and sorghum, which are central to the diets of West Africa's rural poor is hardly a "pro-poor" policy measure. In other parts of the world, a VAT rate of 18 percent is reserved for luxury items.

There are seven different VAT rates among the 15 countries of ECOWAS, including Guinea's rate of nearly 19 percent (Figure 2). Under UEMOA's 2008 Revised VAT Directive, millet is exempt from VAT, yet national customs officials still charge VAT when millet is traded between UEMOA countries. As a result, there is substantial confusion in practice regarding whether or not VAT should be assessed on intra-regional trade in basic foodstuffs despite the clear policy guidance that no VAT should be assessed on basic foodstuffs crossing borders within West Africa.

FIGURE 2: VAT RATES ASSESSED ON INTRA-REGIONAL TRADE IN BASIC FOODSTUFFS



Source: UEMOA Revised VAT Directive 2008; authors' research.

A policy barrier specific to the sorghum/millet value chain is the import surcharge imposed by Senegal which is imposed on imports from within the region as well as external to it (WTO 2009). As Mali and Burkina Faso are both producers of sorghum/millet, with exportable surpluses at certain times of the year, the surcharge applied by Senegal has the equivalent effect of a tariff. Under ECOWAS and UEMOA rules, sorghum/millet should be traded duty-free between member countries.

Certificates of origin are not required for cereals being traded between countries of West Africa, but Customs officials still ask for one or else traders are required to pay the full range of tariffs and fees. For millet and sorghum, this policy barrier seems particularly unfair, as very little millet or sorghum coming from outside the region is imported into West Africa and there are noticeable qualitative differences in the look and presentation of locally grown sorghum.

As mentioned above for rice, national phytosanitary authorities in importing countries do not respect phytosanitary certificates of exporting countries as equivalent to their own, a practice which leads to delays and higher costs for the exporter.

Sorghum exports to Côte d'Ivoire are hampered by the Ivorian customs authorities asking traders to prove that the bags in which the sorghum is traded qualify for duty-free treatment, despite the fact that the packaging is considered under international trading rules to be part of the product inside (INT 2004). Simply providing this information to the Ivorian Customs Service could lead to the termination of this practice.

POULTRY

The poultry value chain may represent the biggest challenge for ATP/E-ATP in terms of increasing intra-regional trade, since most trade is blocked by national import bans due to avian influenza (AI). The prolongation of import bans extends well beyond the resolution of the last outbreak which occurred in Côte d'Ivoire in October 2009 but for several other countries occurred as early as 2006. In this context, these import bans could reasonably be considered disguised trade restrictions.

The **strategy** for dismantling the barrier is for E-ATP to accompany the poultry value chain stakeholders in monitoring the progress made by each ECOWAS country in proceeding along the steps necessary for dismantling the trade barrier represented by AI. That process involves conducting field surveys in every region of the country and evaluating the risk of new outbreaks. Each country's Chief Veterinary Officer (CVO) would eventually make a determination that the country is "AI-free." The World Organisation for Animal Health (OIE) would then usually comment on the reliability and validity of the process by which the CVO made the determination. Upon the declaration by the CVO, partner countries can be expected to immediately lift the import restriction for poultry products from that country.

The E-ATP poultry value chain specialist is engaged in a very important activity that will eventually permit established producers of day-old chicks with bio-safety procedures that will allow them to trade within the region, despite the AI-related import ban. With help from the Food and Agriculture Organization (FAO) office in Bamako, the technical requirements for raising, packing, and shipping the day-old chicks are to be agreed upon by several countries, so that the three- to five-day-old chick producers that are established in each country can sell across borders. This "known supplier" approach is an excellent strategy for addressing disease-related import prohibitions.

For many years, Nigeria has banned imports of poultry meat, including from within the region (Vanguard 2009). Nigeria's government openly admits that the import ban is in place in order to protect Nigeria's domestic poultry industry from low-priced imports. A blanket ban on imports is an unfair policy barrier as Nigeria is in violation of its ECOWAS and World Trade Organization (WTO) commitments. Blanket bans are also counter-productive to improving the competitiveness of the poultry sector as they create incentives for smuggling and corruption, and cause Nigeria's government to lose customs revenue. Since Nigeria is such a large market both in terms of the numbers and purchasing power of its consumers (it accounts for half of the consumers in the entire ECOWAS region), lifting the import ban could be expected to increase incentives for investment in the poultry sector in other ECOWAS countries.

Refusal to respect the equivalence of the veterinary certificates from other ECOWAS countries occurs in the poultry sector, although this may be less common for day-old chicks arriving via air freight. The E-ATP program brought together veterinary officials from different countries in June 2010 in order to discuss the recognition of equivalence for veterinary certificates in the poultry value chain. The officials will examine the wording of national certificates from each country in order to have greater assurance that equivalent levels of protection exist.

ATP VALUE CHAINS

MAIZE

Seasonal bans on maize exports have been identified by the regional maize interprofessional organization (the *Comité interprofessionnel des céréales du Burkina Faso,* or CIC-B), as the top trade issue for advocacy. A more viable solution to West Africa's food security concerns is ensuring free trade in cereals. A regional system allowing free trade would facilitate the flow of food from food surplus to deficit areas over the course of the year within and among countries. Effective elimination of the export restrictions will depend on regular monitoring by stakeholders, access to sound market information systems, and development of an early warning system.

Maize being grown using subsidized inputs is often prohibited for export, since national governments do not wish to subsidize their neighbors' supply (ATP/E-ATP n.d.a). West African countries are stuck in the logic of their "national market" and even after more than 30 years of integration within ECOWAS, have not accepted that under the ECOWAS framework, their neighbors in ECOWAS partner countries have as much right to buy staple foods grown in a country as do the consumers in that country itself.

One of the barriers facing maize traders is that no certificate of origin is necessary for maize to pass duty-free across borders in West Africa, yet national customs officials ask for a certificate of origin at the border. If the traders cannot produce one, then the maize is treated as if it had come from outside the ECOWAS region, and the shipment is subject to payment of the full customs duty, ECOWAS levy, UEMOA levy and statistical tax. The **strategy** for dismantling this barrier is to sensitize the customs officials to the regional trading rules and to train them in how to identify locally grown maize (which may be white, yellow, or red, and should be recognizable in comparison to maize imported from the U.S. or France, for example).

Côte d'Ivoire's customs officials are asking maize traders to prove not only the origin of their product but also to prove the origin of the bags containing the cereals. This is a technical barrier to trade, as the Harmonized System's General Rules of Interpretation #5 stipulates that the bag should be classified with the product inside for customs purposes.

Traders complain that one of the largest fees they must pay when crossing borders is the 18 percent VAT assessment. While VAT is normally collected at the point of final sale, in West Africa, VAT is collected on maize at borders since the point of final sale for maize is usually in informal marketplaces.

When maize is traded across borders within West Africa, the phytosanitary authority in the importing country insists on issuing a new national phytosanitary certificate presenting an additional impediment for the region's cereals traders. Nonetheless, this may be one of the easier policy barriers to undo, as the legislative framework is already in place for ensuring that countries respect the equivalence of partner countries' phytosanitary certificates. Rather than insisting on a new phytosanitary certificate, the proper procedure should be to conduct random sampling of maize imports for aflatoxin, which if present in the maize does in fact imperil human health.

There is anecdotal evidence of intra-regional trading in improved maize seed grown under controlled conditions. Senegal's export data show a total of 30 tons of maize seed being exported to Mali and Burkina Faso in 2008. Incidentally, both of those countries were supporting national production of maize in 2008 via a subsidy on the cost of maize seeds.

ONIONS/SHALLOTS

The top policy barrier identified for onions during the May 2009 Trade Barriers Assessment was the statistical tax of three percent on onion exports imposed by Niger. Taxes on exports are not permitted under either ECOWAS or UEMOA rules. Furthermore, the regional standard for statistical taxes is 1 percent, assessed on imports, and no statistics are generated for the use of onion traders. Due to U.S. restrictions on assistance to Niger, ATP/E-ATP is waiting for the political situation in Niger to improve before continuing work on this issue.

Two additional practices that impede intra-regional trade in onions and shallots were seen to be undertaken by Senegal. Senegal's horticulture interprofessional actors, including producers, importers, and marketers, agree together every year not to import any onions during the local harvest. This "voluntary renunciation" is a *de facto* import ban, although it is not the result of a government decree. Although the import ban seemingly only applies to onion imports from outside the ECOWAS zone, the resultant publicity most likely scares off potential importers of onions from Mali, Burkina Faso, and Niger. An additional import surcharge (estimated at 10 percent) is also applied to onion and shallot imports entering Senegal from all sources and is a violation of Senegal's commitments under UEMOA and ECOWAS.

Two policy barriers that may be easier to resolve are the need for the certificate of origin and the non-respect of equivalence of the phytosanitary certificate across borders. One customs expert stated that West African onions can be identified simply by their smell, obviating the need for border officials to ask for a certificate of origin.

The Trade Barriers Team learned about a new trade barrier facing Malian shallot exports to Côte d'Ivoire. Similar to the situation for cattle exports, an escort fee of 700,000 FCFA is being charged per truckload of Malian shallots heading to Abidjan. Once the political situation becomes more settled in Côte d'Ivoire, it may be possible to address this barrier. The "parking tax" and "municipal tax" being charged by local authorities in Bitou, Burkina Faso are likewise local strategies to raise money, but it is unclear how to resolve it.

LIVESTOCK/MEATS

In West Africa, the livestock/meats value chain benefits from having pa very well organized regional association, COFENABVI (*Confédération des fédérations nationales de la filière bétail/viande de l'Afrique de l'Ouest*, a confederation of the national interprofessional organizations in the UEMOA zone). The Trade Barrier Team's missions in May and December 2009 focused a great deal on livestock and meats issues and brought to light at least eight policy barriers to trade.

In Mali, the regional governor's authorization is required to export cattle. This measure, in place since 2007, is intended to permit the authorities to monitor the availability of animals for local slaughter, but leads only to delays in export shipments and higher costs when officials ask for bribes. Mali's Minister of Agriculture is now aware of efforts to remove this requirement and has asked Mali's livestock association (the *Fédération nationale de la filière bétail viande du Mali*, or FEBEVIM) and ATP/E-ATP to provide additional background information that will help address it.

When exporting cattle to Senegal, Malian traders must pay a range of fees both to Malian officials on the roadways and upon arrival in Senegal. Often these fees are called "VAT" or "municipal fees" but they are opaque and costly (a reported 87,000 FCFA) and reflect incorrect improper implementation of the regional trading rules. Field research at the Mali/Burkina Faso border in December revealed that out of the basket of "transit fees" being charged for transshipments of cattle between Mali and Burkina Faso, only two of the eight different fees being assessed were justified.

Some of the barriers may be fairly easily resolved. The non-respect of the equivalence of the veterinary certificate when crossing borders is out of conformity with existing zootechnical agreements between West African countries and could be addressed simply by training border officials in the applicable procedures. As for livestock traders' difficulties in transferring funds across borders, particularly between Nigeria and the franc zone, the presence of Ecobank in every country presents a ready solution, although the traders will have to professionalize themselves enough to establish bank accounts, or call on someone who has one.

Burkina Faso's Livestock Development Fund (FODEL) export tax may be particularly difficult to tackle, as the issue involves internal budget considerations and is politically sensitive. Another barrier affects exports of cattle from Mali to Côte d'Ivoire, where the fees for escort service (including bribes) add substantially to the transport costs (although the cost has come down due to competition among escort service providers). The "parking tax" charged by local authorities in Bitou, Burkina Faso, even when the trucks don't stop to park at all, also raises the cost of exporting cattle.

The April 2010 mission visited the Dakar slaughterhouse, which is undertaking an impressive modernization campaign along HACCP principles and is hoping for ISO–9001 certification soon. Senegal's meat traders expect to be exporting fresh meat soon to Guinea-Bissau and The Gambia and are eager to penetrate Cape Verde's meat import market.

CROSS-CUTTING OR HORIZONTAL POLICY BARRIERS

SEASONAL EXPORT BANS ON CEREALS

The top policy barrier hampering intra-regional trade in rice, millet/sorghum, and maize is the imposition of seasonal export bans. This occurs not just during periods of crisis, such as in 2007–2009, but nearly every year during at least some part of the year. Removing the seasonal export bans would permit cereals to cross borders during the otherwise-proscribed period, opening up new possibilities for intra-regional trade.

The seasonal export bans on cereals are ostensibly imposed to improve food security, as politicians respond to consumers' fears that the 'short season' will result in famine by banning the movement of cereals out of the country. In most cases, the seasonal export ban is not the subject of a published governmental law or official decree, and therefore not the subject of public scrutiny. The procedure for establishing the ban is different in each country, with the decision taken sometimes by a committee representing ministries involved in internal security, sometimes by the finance ministry, which tends to have final say in matters relating to trade, and sometimes by an unknown authority.

Restrictions on exports of staple food products are a highly sensitive and political issue. A range of analytical studies available in the wake of the global food crisis of 2007–2009 are nearly unanimous in condemning the practice of seasonal export bans. A study undertaken by Malian officials noted that the export bans put in place did not stop exports, but simply increased the incentives for trade and raised transaction costs for traders (Salifou and Nango 2008).

West Africa's regional cereals interprofessional association, CIC-B, has confirmed on several occasions that eliminating the seasonal ban is its top trade issue. The UEMOA Commission, the CILSS Secretariat, and private cereals traders also supported the immediate removal of seasonal export bans and the establishment of a system for preventing their imposition in the future.

The **strategy** for addressing the seasonal export bans on cereals will need to be two-pronged. The first aspect should involve a public communications campaign to instill the idea that regional cooperation—including free trade—is the answer to improving food security. The second aspect of the **strategy** relates to establishing at the regional level that national-level restrictions are contrary to the regional trading rules and detrimental rather than beneficial to food security. The project should therefore also support the efforts of the regional organizations (CILSS, ECOWAS, and UEMOA) to develop a regional food security program that involves the constitution and management of strategic food reserves within the framework of the regional policy of free flow of staple foods across national borders.

The envisioned steps are outlined in the body of this report.

1. *The Certificate of Origin*

The provisions of both the ECOWAS and UEMOA trade liberalization schemes state specifically that a certificate of origin is not necessary for staple food products to cross borders duty-free between member countries (ECOWAS A/P1/1/03), but the national customs services in West Africa usually still ask for the certificate of origin from traders. The certificate of origin is not overly costly, generally a small fee of 500 FCFA is charged for a certificate of origin covering the entire truckload, and does not require a great deal of time to obtain. But without the certificate of origin, traders are required to pay the full customs duty and other fees as if the product were coming from outside the ECOWAS region.

The **strategy** for dismantling this policy barrier revolves around training the national customs officials in the regional rules and in techniques on how to identify staple food products coming from within the region. These techniques can include visual and organoleptic examination of the product or its packaging, and querying the trader about where and when he or she procured the product. Risk profiles can be established as well, so that shipments coming from the direction of a typical production area move freely. If market women can identify 50 different varieties of rice, as they are reported to be able to do, then certainly customs officials can learn to do so as well.

2. *Non-Recognition of Equivalence of Phytosanitary and Veterinary Certificates Across Borders*

When a shipment of rice arrives at the border accompanied by a phytosanitary certificate issued by the national authority of the exporting country, that certificate is supposed to be honored and accepted by the national phytosanitary authorities of the importing country without a new certificate being issued. Nearly every country in West Africa is failing to respect the equivalence of the national certificate of the exporting country. Upon arrival of the shipment at the border, the phytosanitary authority of the importing country requires a new phytosanitary certificate to be issued, usually for a small fee or gift.

The **strategy** for dismantling this barrier revolves around sensitization of the rules already in place, with efforts already underway in the poultry value chain. A potential ally for ATP/E-ATP in this effort is the Animal Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA), which has several offices in West Africa and is actively engaged in providing technical assistance. ATP/E-ATP can encourage ECOWAS to promote regional collaboration through use of a standard or harmonized certificate, through standardized procedures for certification, exchange of personnel and information on certification, and measures to build trust and confidence across borders.

3. *Assessment of Value-added Tax on Basic Food Products*

When the basic foodstuffs in the ATP/E-ATP value chains are imported from one ECOWAS country into another, traders are usually required to pay an 18 percent value-added tax (VAT) to the importing country by customs officials. There are two main problems with the current system:

- Discriminatory application of VAT on imports, but not on domestic sales
- Application of VAT on VAT-exempt products

The present method of collecting VAT results in products imported from within the region being discriminated against in favor of the same products produced and sold locally. This is because for basic agricultural products, VAT is only collected on imports entering a given country and is rarely collected on domestic sales of the same product. This is because the bulk of food sales in West Africa occur in informal markets by vendors who have not registered with the VAT authorities. Therefore, collecting VAT on basic staple foods as they cross the borders represent a *de facto* barrier to trade.

The **strategy** for addressing this policy barrier will involve background work to determine the present national rules on VAT treatment of staple foods, the degree of advancement in regional harmonization of VAT rules, and to recommend a regional policy that would facilitate intra-regional trade in staple foods in the name of improving food security. ATP/E-ATP can also help the regional value chain associations to engage in advocacy activities in order to remove basic agricultural products from the list of products subject to VAT. For the purposes of food security, it may be appropriate to establish a VAT rate of 0 percent or 5 percent on staple foods.

NON-PRODUCT-SPECIFIC BARRIERS

At least four barriers to trade have been identified under which the level of the bribe or fee do not depend on the type of product being traded. Corruption and bribe-taking on the roadways is the single biggest barrier to trade for the staple foods in the ATP/E-ATP value chains. Efforts are underway by the ATP/E-ATP Logistics Team and by the West Africa Trade Hub (WATH) to document the number of roadblocks encountered along key trading corridors along with the amount paid in bribes and the time lost. Food security is greatly compromised by corruption on the roadways raising the cost and difficulty of moving products.

The other barriers identified—customs officials charging an "overtime" fee, Burkina Faso's 1 percent computerization fee, and Ghana's 0.25 percent processing fee—relate to all trade, not just trade in the six ATP/E-ATP value chains. As the ECOWAS Customs Union starts to become a reality, these anomalies will start to stand out more and more, increasing the pressure on national governments to come into conformity with the regional trading rules.

ENVIRONMENTAL IMPACT OF REDUCING POLICY BARRIERS TO TRADE

The environmental impact of removing the policy barriers to trade identified in Table 1 can generally be expected to be positive or negligible. Removing technical barriers to trade, such as the requirement for the regional governor's authorization for livestock exports, the requirement for a certificate of origin, and the non-recognition of the equivalence of sanitary and phytosanitary (SPS) certificates, can be expected to have minimal environmental impact. Less time spent at border posts engaged in formalities could mean that trucks spend less time idling and emitting exhaust.

Removing fiscal barriers to trade, such as the assessment of a luxury-level rate of VAT on intra-regional trade in staple foods, Senegal's surcharge on onion and shallot imports, or Niger's statistical tax on onion exports, should reduce the cost of staple foods to end-users. In West Africa, that means those benefiting will be some of the poorest people in the world. Improving the living standards of the West African poor can be expected to lead to improved environmental awareness and better stewardship of the region's natural resources.

PRESENTATION OF ATP/E-ATP GAP ANALYSIS FINDINGS AND RECOMMENDATIONS TO ECOWAS

The ATP/E-ATP Trade Barriers Team has presented the findings of its Gap Analysis to the ECOWAS Commission and will move forward in a combined effort. The Gap Analysis involved in-depth review of the regional trading rules (under both ECOWAS and UEMOA) and on-the-ground examination of whether or not the regional trading rules were being followed on intra-regional trade in the six ATP/E-ATP value chains.

One of the primary objectives of ATP/E-ATP is to improve the advocacy capability of the stakeholders in the rice, millet/sorghum, maize, poultry, livestock/meats, and onion/shallot value chains. To date, these value chains have had little voice or representation at the regional level. By reinforcing the capacity of the regional value chain associations, ATP/E-ATP is helping the stakeholders in these value chains critical for food security to articulate their interests and facilitate intra-regional trade.

The ECOWAS Agricultural Policy (ECOWAP) seeks to leverage national programs and donor programs under three mobilizing and federating programs at the regional level. As opposed to the traditional emphasis on promoting exportable cash crops for markets outside the region, ECOWAP places a priority on the development of value chains considered important to food security, in particular millet/sorghum, rice, maize, animal products, fruits and vegetables, and tubers and roots (emphasizing cassava, initially). It is readily apparent that the ATP/E-ATP value chains fit neatly into the ECOWAP priorities.

Furthermore, ATP/E-ATP can provide a highly useful service supporting the regional body's agricultural policy. ECOWAP's slogan is "Making Agriculture the Lever for Improving Regional Integration." The ATP/E-ATP goal of removing trade barriers hampering flows of food between West African countries is not only synonymous with the ECOWAP slogan, but could help ECOWAS establish a viable system for ensuring free trade in all products within the region.

In order to ensure follow-through and monitoring of the progress made in dismantling each policy barrier, ATP/E-ATP is devising a Policy Watch System applicable for trade disputes between countries and for trade-hampering practices within a single country. Making use of existing structures at the national and regional levels, the Policy Watch System lays out a clear path for an economic operator encountering an unfair trade barrier to file a complaint and see it quickly carried through to a successful conclusion. A schematic illustration of the Policy Watch System can be found in Annex 3.

In the case of a dispute between countries, the economic operator would register the complaint with his or her value chain association, which would then approach the national trade ministry. The national trade ministry, making use of the national committee for ECOWAS matters, will forward the complaint to the ECOWAS Commission, which will then inform the national committee for ECOWAS matters in the "offending" country of the infraction. A monitoring mechanism will involve follow-up on the progress in dismantling the trade barrier. Every six months, ECOWAS will publish a list of the unfair trade barriers brought to its attention, along with the state of progress in resolving the matter. A "feedback loop" will ensure that the economic operators initially reporting the anomaly will hear back about what has been done to remedy their complaint.

In the case of a policy barrier involving just one country (for example, Niger's statistical tax on onion exports), the Policy Watch System will enable an economic operator with a complaint about an objectionable measure to appeal for help to his or her national value chain interprofessional association. The national association will make a case to the agriculture and/or trade ministry in an effort to change the situation. In the case of Niger's statistical tax, it is likely the national finance ministry that would make the final decision. If that does not work, the national association can appeal to the regional body, whether the ECOWAS Commission or the UEMOA Commission, for help in lobbying the national agriculture ministry or trade ministry to change the objectionable policy.

CONCLUSIONS AND NEXT STEPS

The Gap Analysis approach has permitted the ATP/E-ATP Trade Barriers Team to pinpoint roughly a half-dozen policy barriers hampering intra-regional trade in each of the six value chains. By lowering the cost of transporting products across borders and reducing the time delays, eliminating these barriers would improve the competitiveness of regional food staples in neighboring markets, encourage greater access to food, and bolster food security.

In June 2010, during a joint program with WATH, the ATP/E-ATP Trade Barriers Team presented to the ECOWAS Commission the findings and recommendations from its Gap Analysis and its plans for a Policy Watch System to get the barriers dismantled. The participating ECOWAS officials represented a range of technical and supporting departments and affirmed their strong support for the goals and efforts of ATP/E-ATP.

During the second year of activities, the Trade Barriers Team will be focused on preparing the value chain associations to present their requested policy changes addressing the policy barriers identified by ATP/E-ATP to national- and regional-level authorities; activating the Policy Watch System within the ECOWAS structure; and developing a joint communications strategy with the ECOWAS Communications Department for public awareness of regional trading rules.

1. INTRODUCTION

Over the last decade, the agricultural policy framework in Africa has benefited from a rationalization of the functions of the many different actors involved in the sector. The New Partnership for Africa's Development (NEPAD) provides a continent-wide plan for realizing investments in priority sectors such as agriculture and energy. NEPAD provides a vehicle for linking up development needs identified by each African country itself with the donor organizations' aid programs. The agriculture component of NEPAD is known as the Comprehensive Africa Agriculture Development Program (CAADP).

Starting in 2005, the 15 ECOWAS member countries agreed on a common agricultural policy, ECOWAP, which builds upon national agricultural programs, donor-funded activities, the common agricultural policy of the eight-member UEMOA, and the food security and agricultural development activities of CILSS. ECOWAP is considered to be the operationalization of CAADP.

ECOWAP has been translated into National Agricultural Investment Programs (NAIPs) and three mobilizing and federating programs (MFPs) undertaken at the regional level. The three MFPs seek to promote strategic products for food sovereignty; promote an overall environment conducive for agricultural development; reduce food vulnerability and promote sustainable access to food.

The ATP Project was started in 2008 to improve the competitiveness of West Africa's maize, livestock/meats, and onion/shallot value chains, aiming to enhance food security by removing trade barriers and boosting intra-regional trade. As part of the U.S. President's Global Food Security Response (GFSR), the E-ATP Project was launched in September 2009 with similar goals, focusing on the rice, millet/sorghum, and poultry value chains.

The priority value chains featuring in ECOWAP as "food commodities that contribute to food sovereignty" are millet/sorghum, maize and rice, roots and tubers, fruit and vegetables, and animal products (ECOWAS 2009).The ATP/E-ATP value chains therefore fit neatly into the ECOWAP categories, although ECOWAP encompasses several areas beyond the scope of ATP/E-ATP, specifically roots and tubers, dairy products, and the entire fruit and vegetable sector.

The legislative framework for the regional rules permitting free trade in basic foodstuffs within West Africa is laid out in Table 2. The regional trading rules in these products for both UEMOA and ECOWAS are quite similar and therefore are generally treated as if they are the same. UEMOA has achieved a further degree of regional integration in several areas than ECOWAS as a whole.

TABLE 2: REGIONAL TRADING RULES IN WEST AFRICA REGARDING BASIC FOODSTUFFS

ECOWAS	
	Revised ECOWAS Treaty (1993): Articles 3 and 35
	Decision C/DEC.8/11/79 of the Council of Ministers on the liberalization of basic agricultural products
	Decision C/DEC 4/5/82 of the Council of Ministers on definition and nomenclature of non-tariff barriers
	A/P4/5/82 on the Convention Relating to Inter-State Road transit of goods
	2003 Protocol on the Definition of Originating Products (A/P1/1/03)
UEMOA	
	Revised UEMOA Treaty (2003): Articles 4, 77, and 78

This report includes information from the mission reports by the Trade Barriers Team for May and December 2009 and April and June 2010. The report summarizes the findings from roughly the first year of activities by the Trade Barriers Team.

2. E-ATP VALUE CHAINS

The E-ATP project began work in September 2009 adding the rice, millet/sorghum, and poultry value chains to those covered under the already existing ATP project. E-ATP brings in a closer focus on how intra-regional trade in these staple crops can improve food security in West Africa, as well as an additional component related to avian influenza. Value chain assessments, regional stakeholder workshops, value chain development plans, and value chain advocacy plans all form part of E-ATP's activities. This section discusses the policy barriers identified to date for E-ATP value chains that impede intra-regional trade, as well as the strategy for dismantling each.

2.1 RICE

Rice is one of the most controversial and yet the most promising staple foods in West Africa, with excellent potential for increasing the competitiveness of local production and increasing intra-regional trade. Most of the region's national governments have launched rice production programs in the past two or three years, mainly emphasizing access to improved seeds and fertilizers at subsidized prices (ATP/E-ATP n.d.a). Table 3 summarizes recent policies in all 15 ECOWAS countries.

TABLE 3: RECENT NATIONAL GOVERNMENT POLICIES ON RICE AND OTHER CEREALS

Benin	Emergency Food Security Support Project (*Programme d'appui à la sécurité alimentaire*, or PUASA)
Burkina Faso	Rice Program, Agricultural Productivity and Food Security Project (*Programme du riz, Projet d'amélioration de la productivité et de la securité alimentaire*, or PAPSA)
Cape Verde	Price controls, food assistance
Côte d'Ivoire	*Programme du riz*
The Gambia	Expanded Rice Production Initiative
Ghana	Food and Agricultural Sector Development Policy (FASDEP-2)
Guinea	*Initiative riz*
Liberia	Feeding programs
Guinea-Bissau	Mangrove rice seeds
Mali	*Initiative riz*
Nigeria	National Economic Empowerment and Development Strategy (NEEDS)/ State Economic Empowerment and Development Strategy (SEEDS), Guaranteed Minimum Price Program
Niger	Cowpea purchasing
Senegal	The Great Push Forward for Agriculture, Food, and Abundance (*Grande offensive agricole pour la nourriture et l'abondance*, or GOANA)
Sierra Leone	Feeding programs
Togo	*Projet de réhabilitation des terres agricoles dans la zone Mission Tove* (PARTAM)

Source: Authors' research.

Rice is perhaps the most important product related to food security in West Africa. Consumers in the region's population centers on the coast rely on rice for a high percentage of the calories in their daily diet. Every country in West Africa has undertaken rice production initiatives over the past 100 years in an effort to boost local output, with the increase in West African rice production a true success story of the

Green Revolution. At the same time, however, population increases have resulted in relatively flat levels of per-capita consumption of rice in West Africa, with ever-increasing volumes of both locally grown rice and imported rice needed to meet demand.

The potential for increasing the output of rice in Mali's production zone called the Office du Niger has long been one of the tantalizing stories related to food security in West Africa. Issues related to land tenure, access to inputs and credit, modernization of irrigation facilities, and water pricing have held back rice production in the Office du Niger. Nevertheless, there are concerted efforts underway by the international donor community to enable the Office du Niger to finally become West Africa's rice and cereals "breadbasket." While this may not be achieved during the lifespan of the E-ATP project, the Trade Barriers Team has identified existing policy barriers to trading rice across borders, similar to those for maize and millet/sorghum.

In West Africa, there are only small volumes of locally grown rice traded across borders, but the potential exists for sharp increases in intra-regional trade in locally grown rice. A recent USAID-funded study on rice noted that the Famine Early Warning System (FEWSNET) has created production and market flow maps for rice that show surplus and deficit areas in Burkina Faso, Chad, Mauritania, Niger, and Nigeria (USAID 2009). A report from Côte d'Ivoire is that that country may soon be producing up to 200,000 tons of additional rice on 40,000 hectares of land (News.abidjan.net 2008). There are also numerous anecdotal reports of local rice being traded across borders.

In 2009, during the period of high world cereals prices, Mali launched the *Initiative du riz* (Rice Initiative)—intended to reduce the price paid by traders to farmers as well as the price paid by retailers to traders. Malian newspaper accounts provided anecdotal evidence that the initiative had the unintended effect of spurring exports from Mali to other countries where traders could receive a higher price for the Malian rice than could be obtained in Mali under the *Initiative du riz*. Malian exporters shipped rice to Niger, in part by prepaying for the product and supplying thousands of their own sacks to the rice farmers (Nouvel Horizon 2009).

Burkina Faso's Interprofessional Rice Committee (*Comité inter-professionnel du riz,* CIR-B) noted that nearly half of the rice grown in the country in 2008 was exported to Ghana and Mali and that traders from Guinea were visiting Burkina Faso in order to purchase rice for export (All.africa.com 2008). The USAID report (2009) notes that Senegal exports some rice from its production zone along the Senegal River across to the other bank to Mauritania, and one trade flow map in the report showed Ivorian rice crossing the border at Zégoua into Mali.

A major impending policy change for rice will institute the ECOWAS Common External Tariff (CET) with a single rice customs tariff rate to be applied to imports of rice into the region from a non-ECOWAS member state. At present, there are seven different rice tariff rates in operation in West Africa (Table 4). If the ECOWAS countries decide to place rice in the "5th basket" of the CET at 35 percent *ad valorem*, that would represent an eighth rate.

TABLE 4: CURRENTLY APPLIED MFN CUSTOMS TARIFFS ON RICE AMONG ECOWAS COUNTRIES

Cape Verde	5%
The Gambia	0%
Ghana	20%
Guinea	10%

Liberia	US$2.20 per 50 kg bag
Nigeria	50%
Sierra Leone	15%
UEMOA[1]	10%

Source: Plunkett 2006

[1] The UEMOA members are Benin, Burkina Faso, Côte d'Ivoire, Guinea-Bissau, Mali, Niger, Senegal, and Togo.

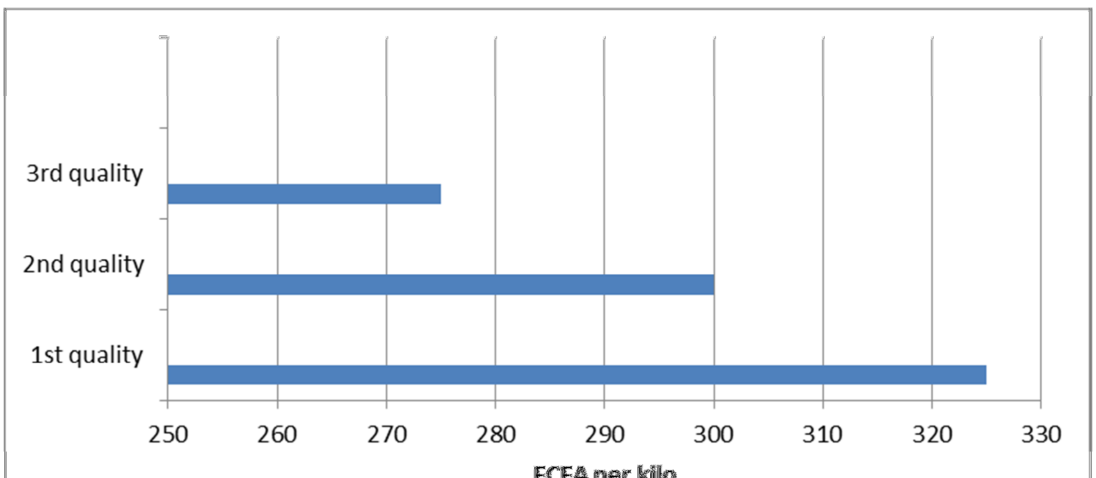
For many West African countries, an increase in the rice tariff could result from implementation of the ECOWAS CET providing greater incentive for intra-regional trade.

Trade of locally grown rice within West Africa is the result of four factors: seasonality, quality preferences, geographic proximity, and community preference. To date, the "community preference" for UEMOA countries has been relatively minimal for the past decade or more, with the UEMOA CET on rice set at 10 percent.

West Africa's rice market is really many different localized markets, varying month by month and even week by week. Most countries should aim to both import and export rice depending on production levels and seasonality, a factor which should inform national-level policy makers' perspectives on trade. During and immediately after the harvest season, rice can be profitably traded across borders.

There are marked quality preferences among West African consumers, varying by country and income levels even within income groupings. There is a strong preference for locally grown rice among consumers in Mali, Guinea, and Sierra Leone (USAID 2009). Mali, in particular, considers its locally grown variety called *Gambiaka* to be far superior to other rice grown within the region and superior to rice imported from outside the region. In the Bamako market, *Gambiaka* is sold based on the quality of the rice (Figure 3).

FIGURE 3: PRICE OF GAMBIAKA RICE ON BAMAKO MARKET, DECEMBER 2009



Source: Malian daily *Essor*

Most of the rice traded across borders in West Africa is rice coming from outside the region, predominantly from Thailand, Vietnam, and the U.S. Some of the rice entering the ports of Dakar, Abidjan, Tema, Lomé, and Cotonou is transported via truck to cereals-deficit regions of the importing country, with some trucks crossing national borders for delivery to the landlocked countries of Mali, Burkina Faso, and Niger.

Trade barriers affecting intra-regional trade in rice imported from outside West Africa may have just as great an impact on food security in cereals-deficit regions of the hinterland as trade barriers affecting intra-regional trade in locally grown rice. The E-ATP project has decided to focus on trade barriers affecting intra-regional trade in rice grown in West Africa.

2.1.1 RICE POLICY BARRIER #1: SEASONAL EXPORT BANS

The top policy barrier hampering intra-regional trade in rice and other cereals is the imposition of seasonal export bans. This occurs not just during periods of crisis, such as in 2007–2009, but nearly every year during at least some part of the year. Removing the seasonal export bans would permit rice to cross borders during the otherwise-proscribed period, opening up new possibilities for intra-regional trade.

The seasonal export bans on cereals are ostensibly imposed to improve food security, as national politicians respond to consumers' fears that the 'short season' will result in famine by banning the movement of cereals out of the country. Politicians make great hay from the subject, as they can be seen as protecting the food security of the poorest consumers. A complicating factor is that, in most cases, the seasonal export ban is not the subject of a published governmental law or official decree, and therefore not the subject of public scrutiny. The Trade Barriers Team learned that the procedure for establishing the ban is different in each country, with the decision taken sometimes by a committee representing ministries involved in internal security, sometimes by the finance ministry which tends to have final say in matters relating to trade, and sometimes by an unknown authority. If the originating source is unknown, how can the policy be targeted for reversal?

In 2008–2009, in reaction to record-high world cereals prices, more West African governments than usual banned exports of rice for longer stretches of time—in some cases indefinitely. The Trade Barriers Team learned that export restrictions were in place in Benin, Burkina Faso, Mali, and Togo, while the GFSR reported that restrictions on rice exports were put in place in Liberia, Niger, Nigeria, and Sierra Leone (USAID 2009). Other West African countries may have followed suit.

The authors of the GFSR report characterized export restrictions as "highly likely to create problems for longer-run food security and/or create serious problems for neighboring countries." Such bans distort market forces by encouraging hoarding and thus higher prices, especially for poorer consumers in food-deficit zones; by forcing rural producers to subsidize urban consumers; and ultimately, by discouraging farmers to invest more in food production as they are prevented from getting the best value for their crops.

2.1.2 RICE POLICY BARRIER #2: VAT OF 18 PERCENT CHARGED WHEN CROSSING BORDERS

Rice traders report having to pay VAT of 18 percent on shipments of West African-grown rice crossing borders in West Africa. As rice is a basic foodstuff, no value-added tax should be applied (ECOWAS 1996). Rice imported from outside the region under bond to one of the landlocked countries pays VAT in the destination country. For local rice traded between West African countries, it is possible that when rice crosses more than one border, VAT is charged by each successive country in turn. (Table 5 summarizes VAT rates for intra-regional imports of rice, maize, and millet/sorghum.)

The UEMOA countries have already harmonized their VAT systems, but VAT is usually not collected on sales of locally grown rice as these occur largely in informal markets. Thus, collecting VAT at the borders represents a *de facto* border tax hampering regional trade in rice.

TABLE 5: APPLICABLE VAT RATES ON INTRA-REGIONAL IMPORTS OF RICE, MAIZE, AND MILLET/SORGHUM

	Full rate of VAT (or sales tax)	VAT-exempt products (0% charged)*	Products eligible for reduced VAT rate (5%–10%)
Benin	18%	UEMOA-1	UEMOA-2
Burkina Faso	18%	UEMOA-1	UEMOA-2
Cape Verde	15%	To be determined (TBD)	TBD
Côte d'Ivoire	18%	UEMOA-1	UEMOA-2
The Gambia	5%	TBD	TBD
Ghana	12.5%	TBD	TBD
Guinea	18%	TBD	TBD
Guinea-Bissau	18%	UEMOA-1	UEMOA-2
Liberia	10%	TBD	TBD
Mali	18%	UEMOA-1	UEMOA-2
Niger	19%	UEMOA-1	UEMOA-2
Nigeria	5%	TBD	TBD
Senegal	18%	UEMOA-1	UEMOA-2
Sierra Leone	15%	TBD	TBD
Togo	18%	UEMOA-1	UEMOA-2

TBD = To be determined with further research

Source: UEMOA 2009

UEMOA basket 1—The following ATP/E-ATP products are exonerated from VAT under UEMOA: maize, millet/sorghum, rice (except for riz de luxe), onions/shallots, and fresh meat from ruminant animals and poultry.

UEMOA basket 2—UEMOA countries may choose to assess a reduced VAT (5 percent–10 percent) on eggs in shell, animal feeds, day-old chicks, flour of cereals, and agricultural equipment (matériel agricole).

Despite the passage of the revised VAT Directive in March 2009, UEMOA member states still often collect VAT on sales of exempted products. In Senegal in August 2009, for example, traders complained to the press that cross-border trading in millet, maize, and locally grown rice was being assessed VAT, while imports of rice from outside West Africa were not (Le Quotidien 2009).

The ECOWAS countries are also planning to harmonize their VAT systems in the coming years. Highlighting the impact on food security of assessing VAT on cross-border trading of rice and the other ATP/E-ATP value chains could help fuel discussion of whether or not it is fair to only collect VAT on imports and not on sales of local products. Furthermore, a VAT rate of 18 percent is exceedingly high for basic foodstuffs with little value added processing, such as rice.

The **strategy** for dismantling this barrier is described further in the section below on cross-cutting or horizontal policy issues.

2.1.3 RICE POLICY BARRIER #3: PROHIBITION OF EXPORTS OF RICE PRODUCED WITH SUBSIDIZED INPUTS

This barrier to trade came to the attention of the Trade Barriers Team during the April 2010 mission to Ghana, Burkina Faso, and Senegal. It is a thorny problem, since governments are reluctant to allow rice produced with the use of their own national subsidies to be exported to a neighboring country whose government and taxpayers did not pay to help with production. But this question touches directly on the importance of regional economic integration; it is vital that national governments view the market for their producers' goods as being all of West Africa.

As with the seasonal export bans, the prohibition on the export of rice produced with subsidies is often an unofficial policy. In the case of Senegal, apparently there is no written prohibition stating that rice produced via the use of subsidized inputs cannot be exported. The implication is that Senegal's authorities did not include such a provision in the knowledge that it was a violation of both UEMOA and ECOWAS rules on regional trade.

As opposed to promoting regional rice exports, there is an acknowledged preference on the part of Senegal's authorities for rice produced in the Senegal River Valley in the north of the country to flow instead to other parts of Senegal, for example the large consumer market of Dakar.

The **strategy** for dismantling this policy barrier is two-pronged: engage in a public awareness campaign to begin to foster a notion of West Africa's food market as a region-wide zone; work with the regional value chain associations to lobby at the regional-level (ECOWAS, UEMOA, CILSS) to induce those bodies to persuade the national ministries of agriculture to permit regional trading in any agricultural product grown within the region.

Further, a convincing case could be made that the *type* of subsidy delivery could be modified so as to encourage regional trading. Rather than offering price subsidies on the purchase of improved seeds and fertilizers, governments could encourage establishing reliable systems of agricultural credit, so that producers would obtain financing for the purchase of inputs at planting time, paying the loans off at harvest time.

The Trade Barriers Team will continue to reflect on the best way to tackle this question. Encouraging the use of improved seeds, fertilizers, and appropriate plant protection materials is very much a part of the project's role in improving the competitiveness of rice production. The West Africa Seed Association could be approached to elicit its members support for free trade.

2.1.4 RICE POLICY BARRIER #4: NEED FOR CERTIFICATE OF ORIGIN TO AVOID PAYING CUSTOMS DUTIES

Both the ECOWAS and UEMOA trade liberalization schemes state specifically that a certificate of origin is not necessary for staple food products to cross borders duty-free between member countries. Eliminating the need for the certificate of origin was a step towards simplifying the procedures for exporting and importing, but the national customs services in West Africa usually still ask for the certificate of origin from traders.

Presumably, the origin of the products can be learned from other documents, such as the waybill (or trucker's bill of lading), the exporter's contract for delivery (when there is one), and perhaps the phytosanitary certificate. For export shipments transiting across one country destined to another, the ISRT

Logbook (*Carnet TRIE* or *Carnet CEDEA*O in French), which certifies that a product is eligible for duty-free transit across member states, can also be proof of the origin of a product. These alternatives do not appear to satisfy customs officials at the border as proof of the originating status of the merchandise.

The certificate of origin is issued by the national Ministry of Commerce, which in some places delegates responsibility to the Chamber of Commerce or the town hall (*mairie*). The certificate of origin is not overly costly, generally a small fee of 500 FCFA is charged for a certificate of origin covering the entire truckload, and does not require a great deal of time to obtain. But it continues to be a requirement that should have been eliminated yet persists.

Small-scale and informal traders, who make up the vast majority of cereals traders in West Africa, are often uninformed about the need for the certificate of origin or are hesitant to interact with the responsible officials for other reasons (for example, to avoid undue harassment and unnecessary delays, non-payment of taxes). The high cost of not obtaining the certificate of origin poses this as an important policy barrier for the project to address.

The **strategy** for dismantling this policy barrier revolves around training national customs officials in the regional rules. In addition, there will need to be training provided to customs service officials in techniques on how to identify staple food products coming from within the region. These techniques can include visual and organoleptic examination of the product or the packaging, and querying the trader about where and when he or she procured the product. Risk profiles can be established as well, so that shipments coming from the direction of a typical production area move freely. For rice, if, as reported, market women can identify 50 different varieties of rice, then certainly customs officials can learn to do so as well.

2.1.5 RICE POLICY BARRIER #5: FAILURE TO RESPECT EQUIVALENCE OF PHYTOSANITARY CERTIFICATE

When a shipment of rice arrives at the border accompanied by a phytosanitary certificate issued by the national authority of the exporting country, that certificate is supposed to be honored and accepted by the national phytosanitary authorities of the importing country without a new certificate being issued. Nearly every country in West Africa is failing to respect the *equivalence* of the national certificate of the exporting country. Upon arrival of the shipment at the border, the phytosanitary authority of the importing country requires a new phytosanitary certificate to be issued, usually for a small fee or gift.

The ECOWAS countries already have negotiated and implemented the required technical agreements for recognizing the equivalence of each other's phytosanitary procedures. What is lacking is adequate training for border officials, or adequate instructions on what the border officials should and should not be doing.

For example, in some reported cases, the border official of the importing country insists on payment of a small fee in return for placing his or her stamp on the national certificate of the exporting country. This is also an unfair trade barrier, causing time delays and raising costs.

The **strategy** for dismantling the barrier is to bring this anomalous situation to the attention of the national phytosanitary authorities and to encourage them to instruct the border officials in the proper procedures. This can be done via the regional-level meetings of the ministers of agriculture. The project can also initiate contact with APHIS to recruit their help in ensuring respect for the equivalence of the national phytosanitary certificates.

2.1.6 RICE POLICY BARRIER #6: CERTIFICATE OF ORIGIN REQUIRED FOR CEREALS PACKAGING MATERIALS (CÔTE D'IVOIRE)

Rice value chain stakeholders have complained to the project about a somewhat unusual trade barrier being imposed by Côte d'Ivoire on cereals imports. When the cereals traders arrive at the border with Côte d'Ivoire, the Ivorian customs officials examine the certificate of origin for the cereals but also ask for a certificate of origin for the bags in which the cereals are packed.

This is a classic example of a technical barrier to trade or TBT. Under the General Rules of Interpretation of the Harmonized System, the origin of the packaging is regarded as being inconsequential to the customs treatment or admissibility of the product inside.4 The value of the packaging is typically only a small fraction of the value of the product.

In the Preamble of the WTO Agreement on Technical Barriers to Trade, the fifth 'recital' reads as follows ' (WTO 1995):

> Desiring however to ensure that technical regulations and standards, including packaging, marking and labeling requirements, and procedures for assessment of conformity with technical regulations and standards do not create unnecessary obstacles to international trade;

Article 5 of Annex E of the TBT Agreement (WTO 1995) states that "The standardizing body shall ensure that standards are not prepared, adopted or applied with a view to, or with the effect of, creating unnecessary obstacles to international trade."

Since polystyrene cereals bags are not harmful to the environment or to the product inside, it seems that this Ivorian requirement is an "unnecessary obstacle" to trade. It could be that some of the cereals bags are improperly marked, as the re-using of bags is common and a bag with markings listing the contents as sugar might be used to trade rice. But the specific complaint relates to Côte d'Ivoire asking the trader to prove that the bags themselves are of community origin in order for the cereals to come in duty-free.

The **strategy** for ending this practice is to find the precise reference in the UEMOA agreements or in the Côte d'Ivoire customs regulations to the treatment of otherwise innocuous packaging. The cereals value chain associations can then bring it to the attention of the Ivorian customs authorities.

If the cereals sacks are improperly marked, then the project can assist the rice value chain association in informing its members to properly mark each bag at the time of shipment.

2.1.7 RICE POLICY BARRIER #7: REFUSAL TO CERTIFY SEEDS BEING PRODUCED FOR EXPORT (BURKINA FASO)

In Burkina Faso, there are two producers of improved seeds designed to be used by rice farmers as seed for planting. One of the rice seed producers encountered an unfair trade barrier in 2009 when Burkina Faso's seed certification agency refused to certify his seed production on the grounds that the producer intended to export part of the seed crop outside of Burkina Faso.

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[4] "Packing materials and packing containers exported with the goods therein shall be classified with the goods if they are of a kind normally used for packing such goods." (GRI, Rule 5b). (IBT 2002).

The rationale given for this action was that Burkina Faso's rice farmers need the rice seed being produced by that seed grower since there is insufficient rice seed in the country overall. The rice seed producer had received some level of government subsidy for the multiplication of the seed, but the government, in providing the subsidy, made no stipulation that the rice seed could not be exported.

This policy barrier is more straightforward than #3 above relating to the export of crops receiving subsidies and should be easier to undo. It is more straightforward because Burkina Faso's seed certification agency is not the government body responsible for formulating or enforcing trade policies. The role of the seed certification agency is simply to examine the conditions under which the seeds are produced and whether or not they meet Burkina Faso's standards for rice seed. Whether or not there is enough rice seed in the country is irrelevant to whether or not the seeds being produced are safe.

The **strategy** for dismantling this barrier is to encourage the rice interprofessional association in Burkina Faso to act on behalf of the rice seed producer. As the policy barrier involves an unjustified action by one single country, a simple circular letter from the Ministry of Agriculture to the seed certification agency should be sufficient to ensure proper certification procedures. The rice value chain association in Burkina Faso can raise the issues with the Ministry of Agriculture, subsequently appealing to the UEMOA Commission as the most appropriate regional body to intervene on behalf of the rice seed producer.

2.2 MILLET/SORGHUM

Millet and sorghum are the two most basic cereals grown and eaten throughout West Africa. Once considered to be "non-tradables," or products that are not traded internationally, the role of millet and sorghum in ensuring food security is now recognized. The regional agricultural program ECOWAP, for example, has millet and sorghum first in its list of products that are "important for food security."

One reason why millet and sorghum are so widespread is that these two grains can be grown with less water than other crops. While not entirely drought-resistant, these crops yield food even under difficult conditions.

Millet and sorghum are traded across borders between countries of West Africa, but usually the traders are informal and may be transporting only a sack or two on the roof of a public transport bus. Larger-scale "professional" traders have told the project that millet and sorghum are never really traded solely by themselves, with sacks of millet and sorghum intermingled in a truckload with sacks of rice, maize, and sometimes fonio.

2.2.1 MILLET/SORGHUM POLICY BARRIER #1: SEASONAL EXPORT BANS

As with rice and maize, seasonal export bans represent the most-important policy barrier restricting intra-regional trade in millet and sorghum. During certain parts of the year—even in years when no global food crisis exists—West Africa's sorghum international traders are prohibited from exercising their profession.

In West Africa, there are generally no price controls on cereals or their byproducts (even bread); therefore prices can rise in response to lower supplies. With the mobile telephone, price information is communicated rapidly, and within a free market for cereals, supplies will flow to the areas with the most attractive prices. Traders know that direct price comparisons between landlocked markets and markets on the coast must take into account the high cost of transport to bring cereals inland, which are exacerbated by the high cost of bribes at illegal road stops. If prices are high enough, even cereals imported into coastal countries from outside ECOWAS will find their way to markets inland.

The seasonal restrictions are counter-productive because free trade in cereals is the solution to West Africa's food security concerns. Low supplies of a product in a given market will lead to price increases for that product, attracting imports of that product from areas with lower prices.

From a legal perspective, the seasonal restrictions are unjustified, which is perhaps why they remain unofficial policies. Article 47 of the ECOWAS Revised Treaty of 1993 provides member states with the possibility of blocking trade or imposing safeguards in case of an emergency related to public health or public safety. By imposing seasonal export bans in situations where the national governments have not gone through the process of declaring an emergency, illegal trade barriers are being imposed.

2.2.2 MILLET/SORGHUM POLICY BARRIER #2: VAT OF 18 PERCENT CHARGED WHEN CROSSING BORDERS

The imposition of VAT on imported millet and sorghum provides an unfair advantage for locally grown millet and sorghum, as VAT is not collected on sales in local markets. Furthermore, assessing VAT at 18 percent on food staples as basic to the diets of West Africa's rural poor as millet and sorghum is hardly a "pro-poor" policy measure. In other parts of the world, a VAT rate of 18 percent is reserved for luxury items.

The **strategy** for dismantling this barrier is described more fully in the section below on cross-cutting policy issues.

2.2.3 MILLET/SORGHUM POLICY BARRIER #3: SENEGAL SPECIAL SURCHARGE ON MILLET IMPORTS

The WTO's Trade Policy Review for Senegal, which came out in November 2009, reveals that Senegal is imposing a surcharge on imports of millet, including those from within the region (WTO 2009).5 As Mali and Burkina Faso are both producers of millet, with exportable surpluses at certain times of the year, the surcharge applied by Senegal has the equivalent effect of a tariff. Under ECOWAS and UEMOA rules, millet should be traded duty-free between member countries.

The **strategy** for dismantling the surcharge involves helping the regional value chain association CIC-B to raise the issue with the UEMOA Commission. The project can help CIC-B to develop a background document clearly laying out the issue. Within the UEMOA Commission, both the Director for the Customs Union and the Director for Competition Policy should be the targets for the advocacy campaign.

2.2.4 MILLET/SORGHUM POLICY BARRIER #4: NEED FOR CERTIFICATE OF ORIGIN TO AVOID PAYING THE FULL RANGE OF CUSTOMS DUTIES

No certificate of origin is supposed to be necessary for cereals to be traded between countries of West Africa. For millet and sorghum, the need for such a certificate seems particularly unfair, as very little millet or sorghum coming from outside the region is imported into West Africa. The United States is the largest exporter of sorghum in the world (mostly for animal feed) and there are noticeable qualitative differences in the look and presentation of local West African sorghum.

5 The report makes a distinction between the Taxe conjoncturelle à l'importation (temporary import tax), a UEMOA safeguard-type of measure applicable only to imports from outside the region, and the surcharge. Discussions with officials in Senegal's Trade Ministry confirmed that the surcharge is applicable to imports coming from other countries belonging to UEMOA and ECOWAS.

While the legislative framework is already in place for the elimination of the requirement for a certificate of origin, what is needed is specific training for the national customs services in how to recognize locally grown cereals. The **strategy** for dismantling this practice is therefore to determine what visual characteristics or other elements would provide the necessary reassurance to the customs officials regarding the origin of the product. Alternatively, the national ministers of finance, meeting at the ECOWAS Council of Ministers, could simply instruct the customs services to no longer ask about the origin of cereals being traded between countries of the region.

2.2.5 MILLET/SORGHUM POLICY BARRIER #5: FAILURE TO RESPECT EQUIVALENCE OF PHYTOSANITARY CERTIFICATE

National phytosanitary authorities in the importing country are not respecting the equivalence of the national phytosanitary certificate of the exporting country. The importing country officials are requiring that a new phytosanitary certificate be issued, in return for payment of a small fee. This practice leads to delays and higher costs for the exporter.

The **strategy** for dismantling this barrier is for the project to help the regional value chain associations to raise the issue in the regional forums. Traders should report to their national interprofessional associations whether or not this practice continues, so that the Policy Watch System can be brought to bear in its dismantling.

2.2.6 MILLET/SORGHUM POLICY BARRIER #6: CERTIFICATE OF ORIGIN REQUIRED FOR CEREALS PACKAGING MATERIALS (CÔTE D'IVOIRE)

As mentioned in the section on rice, this is a technical barrier to trade as the packaging is considered to be part of the product inside. The **strategy** for dismantling the barrier is for the millet/sorghum professional association (CIC-B) to provide information to Côte d'Ivoire's Customs Service regarding the proper customs treatment of packaging. If this fails, then appeals can be made to the UEMOA Commission and the ECOWAS Commission.

2.3 POULTRY

The poultry value chain may represent the biggest challenge for the project in terms of increasing intra-regional trade, since most trade is blocked by national import bans due to AI. At the same time, the sector may also hold the greatest promise since there are several upstream and downstream products related to the value chain that can be traded. While waiting for the lifting of the import bans due to AI, E-ATP is helping poultry producers improve their competitiveness and reinforcing their advocacy ability.

Based on trade data obtained by the ATP/E-ATP Trade Barriers Team during country missions, Senegal has succeeded in exporting several categories of live fowl to other countries in West Africa in the past few years. As shown in Table 6, Mali is a significant importer.

TABLE 6: SENEGAL'S EXPORTS OF LIVE FOWL, 2008–2009 (KILOGRAMS, LIVE WEIGHT)

	2008	2009
Mali	267,468	51,532
Mauritania	2,865	
Burkina Faso	755	19,986
Benin	258	
Guinea	180	
Ghana		27,000
Côte d'Ivoire		160

Source: Senegal's Office for Official Statistics. Includes HS lines 0105110010, 0105110090, 0105990000, 0106390000, and 0106900000.

Beyond AI, the enabling environment for increasing intra-regional trade in products from the poultry value chain needs to be improved in order for West African poultry to be competitive. Some of the main aspects needing to be addressed include:

- Problems of year-round supply of animal feed
- Tariffs on external poultry meat
- Lack of policy that is supportive of development of the poultry industry

The poultry value chain is perhaps the only one among the six covered by ATP/E-ATP in which growth in production and trade will stimulate production and trade in one of the other products, that is, maize to be used as feed. The share of maize consumption being fed to poultry is only about 5 percent in West Africa, but among "modern" poultry operators, incorporating maize into poultry rations is widely seen as indispensable.

Actors in the poultry and maize value chains are therefore natural allies. In Ghana, for example, one of the associations of poultry producers has reached out to Ghana's maize producers in order to support them in advocating for favorable government policies.

2.3.1 POULTRY POLICY BARRIER #1: IMPORT BANS DUE TO AVIAN INFLUENZA

Trade in poultry products in West Africa at present is greatly hampered by national import restrictions erected following the outbreak of AI. All of the countries in the eastern half of the ECOWAS territory were affected by AI, leading to import restrictions in non-affected countries as well.

TABLE 7: DATE OF RESOLUTION OF LAST AVIAN INFLUENZA CASE

Benin	May 2008
Burkina Faso	May 2006
Cameroon	April 2006
Côte d'Ivoire	October 2009
Ghana	August 2007
Togo	January 2009
Niger	June 2006
Nigeria	October 2008

Source: ATP/E-ATP 2010

While it is appropriate public policy to combat the spread of avian influenza, the maintenance of import bans well beyond the data of resolution of the last outbreak could in fact be a disguised trade restriction. As shown in Table 7, for many countries the last outbreak was up to four years ago.

In its November 2009 Trade Policy Review of Senegal, the WTO (2009) criticized Senegal for banning imports of live poultry and poultry products from "all origins, including those declared free of the disease by the OIE." When countries invoke "the precautionary principle," as Senegal has done, it is very difficult to force them to dismantle a trade barrier related to plant or animal health.

The **strategy** for dismantling the barrier is for the project to accompany the poultry value chain stakeholders in monitoring the progress made by each ECOWAS country in proceeding along the steps necessary for dismantling the trade barrier represented by AI. That process involves conducting field surveys in every region of the country and evaluating the risk of new outbreaks.[6] Each country's CVO would eventually make a determination that the country is "AI-free." The OIE would then usually provide a comment upon the reliability and validity of the process by which the CVO has made the determination. Upon the declaration by the CVO, partner countries should be expected to immediately lift the import restriction for poultry products from that country.

In the coming months, the Trade Barriers Team will develop a monitoring table to help the poultry value chain regional association, the *Union des organisations de la filière avicole* (UOFA)[7] to track the situation. The project can help UOFA to lobby national governments to accelerate the process for conducting the field surveys and risk analysis leading up to the CVO's determination. A potential ally in this process is APHIS, which has several offices in West Africa and is actively providing technical assistance in a number of related domains.

The E-ATP poultry value chain specialist is engaged in a very important activity that will eventually permit established producers of day-old chicks with adequate biosafety procedures to trade within the region, despite the AI-related import ban. With help from the FAO office in Bamako, the technical requirements for raising, packing, and shipping the day-old chicks are to be agreed upon by several countries, so that the three to five established day-old chick producers in each country can sell across borders. This "known supplier" approach is an excellent strategy for addressing the disease-related import prohibitions.

2.3.2 POULTRY POLICY BARRIER #2: NIGERIA'S BLANKET IMPORT BAN

For many years, Nigeria has banned imports of poultry meat, including from within the region. Nigeria's government openly admits that the import ban is in place in order to protect Nigeria's domestic poultry industry from lower-priced imports.

The world market for poultry meat is highly competitive and low-cost producers in Brazil and Thailand can deliver frozen cuts and whole birds at prices well below the cost of production in West Africa, due to reliable access to feed ingredients (soybean meal in Brazil, for example) and lower-cost and more-reliable electricity. The U.S. is another major poultry meat exporter, with frozen leg quarters and other dark meat parts available at very low prices due to the U.S. consumers' preference for white meat.

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[6] From discussions with several individuals, including Dr. Ricarda Mondry, a West African veterinary expert (April 2010); Mary Lisa Madell, a long-time trade policy official with the Animal and Plant Health Inspection Service (APHIS), an agency within the U.S. Department of Agriculture (July 19, 2010).

[7] UOFA, the *Union des organisations de la filière avicole des pays de l'UEMOA* is sometimes also known as the *Union ouest africaine des foyers avicoles.*

Nigeria's blanket ban on imports is an unfair policy barrier and violates Nigeria's commitments under ECOWAS and under the WTO. Blanket bans are also not the best way to improve the competitiveness of the poultry sector as they create incentives for smuggling and corruption, and Nigeria's government loses customs revenue.

The **strategy** for dismantling Nigeria's import ban involves helping the regional poultry sector association UOFA lobby Nigeria's government to remove the ban. UOFA can also bring a complaint to the ECOWAS Commission, asking Nigeria to come into conformity with the ECOWAS rules. Thinking strategically, UOFA may wish to ask simply that Nigeria permit poultry meat imports from other ECOWAS partner countries. Since Nigeria is such a large market, with half of the consumers in the entire ECOWAS region and generally higher incomes, lifting the import ban could increase the incentives for investment in the poultry sector in other ECOWAS countries.

Nigeria is not the only ECOWAS country that applies duty fees to imported poultry meat. For many years, Côte d'Ivoire has applied what has been termed a "countervailing duty" on poultry meat imports designed to retaliate against European subsidies (ATP/E-ATP n.d.b). A fixed sum per kilogram has been added to the regular customs tariff, a practice that continues to this day, but the extra charge is not believed to apply to imports into Côte D'Ivoire from within the West Africa region. Before the outbreak of avian influenza, Senegal was also imposing an outright ban on poultry meat imports.

2.3.3 POULTRY POLICY BARRIER #3: FAILURE TO RESPECT EQUIVALENCE OF VETERINARY CERTIFICATE

As there is little trade in poultry products between countries of West Africa at present, it cannot be said with complete certainty that veterinary officials at the border of the importing country always require issuance of a new veterinary certificate. Yet some poultry producers have noted that this is the usual practice.

In one case, a poultry producer said that Senegal's veterinary certificate for a shipment of day-old chicks was in fact honored upon arrival in Burkina Faso. This may have been because the shipment of day-old chicks was arriving via air freight at the airport, where the veterinary officials may have had better training, or may be under closer scrutiny.

The E-ATP program is bringing together veterinary officials from different countries in June 2010 in order to discuss the recognition of equivalence for veterinary certificates in the poultry value chain. The officials will examine the wording of national certificates from each country in order to have greater assurance that equivalent levels of protection exist.

3. ATP VALUE CHAINS

The ATP project began in May 2008, focusing on the maize, onion/shallot, and livestock/meat value chains. ATP aims to improve the competitiveness of the region's producers, processors, and traders involved in these value chains, with a benchmark goal of increasing intra-regional trade.

3.1 MAIZE

Maize was the subject of the first ATP value chain assessment in the fall of 2008. The success of the project's approach to strengthening the advocacy capability of value chain stakeholders can be seen in the naming of CIC-B in July 2009 as the regional interprofessional association responsible for representing the national interprofessional associations.

3.1.1 MAIZE POLICY BARRIER #1: SEASONAL EXPORT BANS

CIC-B has stated that the seasonal export bans are the top trade policy issue for its stakeholders. The export bans are imposed unilaterally by West African governments despite their assertions in regional forums such as ECOWAS, UEMOA, and CILSS that they are integrating their agricultural and trade policies with those of their neighbors.

A more viable solution to West Africa's food security concerns is ensuring free trade in cereals. Such a regional system would allow the free flow of food from surplus to deficit areas over the course of the year within and across countries. Effective elimination of the export restrictions will depend upon regular monitoring by stakeholders, access to sound market information systems, and development of an early warning system. A regional mechanism will have to be in place which enables high-level national or regional officials to intervene and reverse any export restriction orders of national or local authorities. The early warning system would need a workable standard to identify when an emergency situation does or does not exist. Such a definition could be based on indicators already being maintained by CILSS, such as water levels and crop expectations. Inland countries could be encouraged to work closely with food aid donors to schedule food aid shipments to arrive in potential deficit areas just before the "short season." On a broader level, the ATP goal of increasing maize trade is consistent with establishment of an ECOWAS Free Market in Cereals. Including the concept as part of an ECOWAS Food Security Strategy could provide the "external lever" necessary for convincing national-level officials to refrain from imposing the seasonal export restrictions.

The seasonal restrictions are rarely the subject of an official decree; in fact, it is not entirely clear who imposes the restrictions. Traders find out about the restrictions when customs officials deny them permission to leave the country with cereals. When maize for export from Burkina Faso is blocked at the border, traders in the Sankaryare market, a key departure market in Ouagadougou, find out immediately via mobile telephone. The general public usually finds out when word appears in the local newspapers that seasonal restrictions are being imposed by the national government.

In practice, these seasonal export restrictions are, in some cases, negotiable. One maize exporter in Ouagadougou noted that she was allowed to export after paying 300,000 FCFA per truckload. On another occasion, Benin's customs blocked two trucks exporting maize grits until payment of one million FCFA per truck was made.

3.1.2 MAIZE POLICY BARRIER #2: PROHIBITION OF EXPORT OF MAIZE PRODUCED WITH SUBSIDIZED INPUTS

Resources devoted to agriculture are scheduled to increase, due to both national governments' commitment to spend 10 percent of their national budgets on the sector and international aid commitments to improve food security, meaning that cooperation at all levels will be essential to have the greatest positive impact.

In Senegal, the region of Tambacounda in the eastern part of the country is an important maize production zone. Economic operators there told ATP/E-ATP that maize from Tambacounda flows to many other parts of Senegal. But when asked if maize from Tambacounda flows east into Mali, since the city of Kayes and even Bamako are closer to Tambacounda than Dakar, the operators said that no maize is shipped to Mali. Table 8 shows the relative importance of the Malian maize seed market to Senegal and underscores the importance of addressing this issue.

The **strategy** for addressing this policy barrier may require some creativity, as it is as much psychological as it is legislative. West African countries are stuck in the logic of their "national market" and even after more than 30 years of integration within ECOWAS, have not grasped that their neighbors in ECOWAS partner countries have just as much right to buy staple foods grown in a neighboring country as the consumers in the country itself. The price mechanism should be allowed to determine where and when products flow from surplus to deficit areas regardless of crossing national boundaries.

TABLE 8: SENEGAL'S EXPORTS OF MAIZE SEED WITHIN WEST AFRICA 2008

	Value in FCFA	Tons
Mali	2,220,000	20.2
Burkina Faso	1,800,000	10.0

Source: Senegal's Office of Official Statistics.

3.1.3 MAIZE POLICY BARRIER #3: NEED FOR CERTIFICATE OF ORIGIN TO AVOID PAYING THE FULL RANGE OF CUSTOMS DUTIES

One of the conundrums facing maize traders is that under ECOWAS rules, no certificate of origin is necessary for maize to pass duty-free across borders in West Africa. Yet the national customs officials ask for a certificate of origin at the border. If the traders cannot produce one, then the maize is treated as if it had come from outside the region, and the shipment is subject to payment of the full customs duty, ECOWAS levy, UEMOA levy, and statistical tax. Table 9 shows an example of the charges imposed to a Malian trader by Mali's customs service in order for the trader to bring a truckload of maize grown in northern Côte d'Ivoire into Mali.

TABLE 9: CUSTOMS CHARGES FOR A SHIPMENT WITH NO CERTIFICATE OF ORIGIN

Charge	Amount in FCFA	Equivalent in US$
Customs duties (*Droits de douane*)	38,626	$89.79
Statistical tax *(Redevance statistique)*	1,832	$4.16
ECOWAS levy *(Prélèvement communautaire*)	866	$1.97
UEMOA tax *(Prélèvement commun de solidarité)*	1,832	$0.02

Value-added tax (*Taxe à la valeur ajoutée*)	42,063	$95.60
Year-end audit tax (*Audit)*	14,454	$32.85

Source: APLS. Exchange rate from December 2009: 440 FCFA per $1.00

The **strategy** for dismantling this barrier is to educate customs officials to the regional trading rules and teach them how to identify regionally grown maize. Most maize found in West Africa can be differentiated from maize grown in the U.S. or Europe, the world's largest maize exporters, as the kernels are usually not as large or robust. Further, customs officials could assume that any white maize crossing borders is grown locally. Some yellow maize is imported into West Africa from global markets, usually for poultry and egg production, but it should be possible for savvy customs officials to spot the difference based on visual inspection of the maize itself, the bags containing the maize and the accompanying paperwork.

3.1.4 MAIZE POLICY BARRIER #4: CERTIFICATE OF ORIGIN REQUIRED FOR CEREALS PACKAGING MATERIALS (CÔTE D'IVOIRE)

Cereals traders report that upon arrival at the border with Cote d'Ivoire, customs officials ask them to prove the origin of their product and to prove the origin of the bags containing the cereals. This constitutes a technical barrier to trade, as the Harmonized System's General Rules of Interpretation #5 stipulates that the bag should be classified with the product inside for customs purposes.

3.1.5 MAIZE POLICY BARRIER #5: VAT OF 18 PERCENT CHARGED WHEN CROSSING BORDERS

Traders complain that one of the largest fees they must pay when crossing borders is the 18 percent VAT assessment. VAT is normally collected at the point of final sale, but in West Africa, VAT is collected at the borders since the point of final sale for maize is usually in informal marketplaces.

A VAT rate of 18 percent is excessive for a basic foodstuff like maize, since very little value has typically been added to the product between its harvest and final sale. A product like maize grits has had some extra value added compared with unprocessed maize, but is still only an intermediary product.

The **strategy** for dismantling this barrier is discussed below in the section on cross-cutting policy barriers.

3.1.6 MAIZE POLICY BARRIER #6: FAILURE TO RESPECT EQUIVALENCE OF PHYTOSANITARY CERTIFICATE

When maize is traded across borders within West Africa, the phytosanitary authority in the importing country insists on issuing a new national phytosanitary certificate. This practice is just one more hassle for the region's cereals traders, but it may be one of the easier policy barriers to undo, as the legislative framework is already in place for ensuring that countries respect the equivalence of partner countries' phytosanitary certificates.

For maize, there are specific phytosanitary risks involved, for example the presence of aflatoxin in the maize kernels, which is dangerous to human health. The proper procedure for the national phytosanitary officials of the importing country would be to sample a small percentage of the maize being traded across borders and text it for aflatoxin. The present practice of issuing a new national phytosanitary certificate, in the absence of representative sampling, does nothing to ensure plant health and represents an unfair technical barrier to trade.

3.2 ONIONS/SHALLOTS

ATP made some of its earliest progress in analyzing the onion/shallot value chain. In addition to a value chain assessment, an onion logistics study was carried out on the route from the onion-production region in Niger to the Accra Agbogbloshie market, with a number of concrete recommendations. The Trade Barriers Team made a visit to Niamey in May 2009 and held a stakeholder workshop to identify policy barriers.

Since that early start, ATP's work on the onion/shallot value chain has been hampered somewhat by the political situation in Niger. As the headquarters of the Regional Onion Observatory (Observatoire régional de la filière oignon en Afrique de l'Ouest et du Centre, ORO) is located in Niger, restrictions on providing technical assistance have limited ATP's ability to help Niger's onion exporters. While still recognizing ORO as the regional association, ATP has worked to strengthen national ORO units and also the Ghana Agricultural Producers and Traders Organization (GAPTO), the main group representing the onion value chain in Ghana.

In addition to the policy barriers identified below, a new barrier has been identified. The USAID-financed IICEM Project in Mali reported that in order to ship a truckload of Malian shallots to Abidjan in Côte d'Ivoire, it was necessary to pay an escort fee (all bribes included) of 700,000 FCFA to the authorities along the way. This is highly believable as a similar situation has existed for exporting cattle to Côte d'Ivoire.

3.2.1 ONION/SHALLOT POLICY BARRIER #1: SENEGAL'S SEASONAL IMPORT BAN

The actors in Senegal's onion value chain have come together to impose a seasonal ban on onion imports during the April to October period when Senegal's local onion production is being harvested and sold. By all accounts, this is not a formal import ban imposed by Senegal's government; rather it is the result of an interprofessional agreement that no importer will attempt to bring onions into Senegal during this period. Likewise, onion sellers have agreed not to buy and sell any imported onions. Senegal's onion producers are the group benefiting from this "voluntary renunciation" ("renonciation volontaire").

Ostensibly, the seasonal import ban only applies to onions coming from outside West Africa. Yet there has been such noticeable publicity every year regarding the seasonal import ban that potential onion exporters from elsewhere in West Africa have likely been dissuaded from even trying to bring onions into Senegal. It is also not clear if the individual countries' customs services are aware of the limits to the ban, for example whether Senegal's customs Service is aware that the ban on imports is not applicable to onions or shallots arriving from Mali.

In discussions with Senegal's horticulture sector operators and government officials, they are aware that a means has been found to block imports without being in violation of the WTO, which would be the case if Senegal's government had imposed the import ban. However, the seasonal import ban is in violation of Senegal's commitments under UEMOA, as the UEMOA countries have agreed on a Common External Tariff and a common external trade policy. The UEMOA countries have also transferred the authority to make external trade policy to the UEMOA Commission.

Senegal's seasonal import ban also raises serious questions about the country's commitment to enforcing its own laws regarding competition policy and unfair business practices (such as the abuse of monopoly power, collusion and impairing new entry to the marketplace). The **strategy** for dismantling the policy involves helping the regional onion association, ORO, to raise the issue with the Directors for the Internal Market and Competition Policy of the UEMOA Commission.

3.2.2 ONION/SHALLOT POLICY BARRIER #2: SENEGAL'S IMPORT SURCHARGE

Beyond the seasonal import ban, Senegal also applies a surcharge on onion imports, both on imports from outside the region and on imports from within the region. This practice was revealed in the WTO Trade Policy Review for Senegal (WTO 2009). Apparently, the level of the surcharge varies over time. When asked if the level of the surcharge was 10 percent, one government official said he would have to check, but that it was in that range.

As with the seasonal import ban on onions, the **strategy** for eliminating the surcharge involves empowering the regional onion association ORO (or the national interprofessional associations in Mali or Burkina Faso) to file the complaint with the UEMOA.

3.2.3 ONION/SHALLOT POLICY BARRIER #3: "PARKING TAX" IMPOSED BY LOCAL AUTHORITIES (BITOU, BURKINA FASO)

Bitou is a town close to Burkina Faso's main border crossing with Togo and one of the two main crossings with Ghana. As such, it is also a key bottleneck for several of the project's value chain corridors. Bitou is along the onion route leading from Niamey to Lomé, Togo and Accra, Ghana. Bitou is also along the livestock route to Lomé and to Accra from Fada N'Gourma in central-eastern Burkina Faso, which has the largest livestock market in West Africa.

The Bitou municipal authorities have come up with a creative way to raise revenue, assessing a "parking tax" of 1,000 FCFA on every truck passing through town. This tax is assessed even if the truck never stops, or parks, in Bitou. In this regard, the tax violates the WTO recommendations for fees related to service provision since the tax is collected even if the service (parking) is not used or provided. In addition, parking fees are collected in areas where parking space is limited, and where modern parking facilities, such as a paved parking area, are not provided. Although there is ample, unused space to park a truck or any vehicle along the shoulder of the main roadway, there is no central parking area where truckers might find basic services such as toilets, showers, potable water, eating facilities, information services, or the like.

Bitou's authorities also assess a "municipal tax" of 500 FCFA on trucks passing through Bitou. Without doubt, these two taxes represent an important source of local revenue, as many trucks pass through Bitou every day. But the justification for a pass-through tax is negated by the fact that there is a toll booth located just north of Bitou, which collects a fee from every vehicle using the main roadway.

As the head of the Burkina Faso drivers union (Union des Chauffeurs Routiers du Burkina, or UCRB) said of the Bitou parking tax, "it's simply a racket."8 His union has lobbied unsuccessfully to remove the parking tax, and would welcome assistance in dismantling it.

ATP could draw the attention of higher authorities of Burkina Faso to the situation in Bitou and request assistance for the municipal officials to find a way to raise revenue without imposing a non-tariff barrier on trade; such as local taxes on market stalls or restaurant meals, as is the practice elsewhere in the world.

[8] "C'est du racket."

As with some of the other priority actions in this section, one of the first steps would be to work with relevant Burkinabé groups such as CIC-B, UCRB, and livestock exporters association; to document the objectionable practices, explain their incompatibility with the ECOWAS free trade area, suggest concrete steps for their removal, and help generate alternative ideas for generating municipal revenue in a transparent fashion.

There is another trade-impairing practice in Bitou that ATP could address as well. When the ATP Trade Barriers team traveled north at three o'clock in the afternoon of May 8, 2009 from Bawku in Ghana to Bitou in Burkina Faso, there were more than a hundred trucks stopped at the customs post in Bitou. In fact, the team's vehicle had to weave with considerable difficulty in between the trucks in order to proceed on its journey.

The trucks were waiting until four o'clock, at which time they would be allowed to proceed north towards Ouagadougou, Fada N'Gourma and Niamey, for instance. It was explained that this was a road safety measure imposed by the local authorities as, by that hour, activity at the local Bitou marketplace has ended and most of the foot and bike traffic is off the roads. It also doubtless gives the Bitou municipal authorities plenty of time to collect the "parking tax."

Holding trucks up so that pedestrians and bicycles can finish using the roadway may be a short-term solution to high levels of traffic fatalities, but a truck arriving in Bitou at nine in the morning will end up spending seven hours waiting, sapping productivity and leading to greater spoilage of perishable goods. Although truckers who know about the restriction on movement northwards can time their arrival so as to spend a minimum amount of time stuck waiting, the effects on logistical efficiency are nonetheless significant.

3.2.4 ONION/SHALLOT POLICY BARRIER #4: STATISTICAL TAX ON EXPORTS (NIGER)

Niger imposes a statistical tax on onion exports that represents an unfair policy barrier to trade. The statistical tax on exports is assessed as three percent of the "mercurial value" of the onion shipment.9

There are a number of reasons why this is an inappropriate and counter-productive policy. First, export taxes are not permitted according to both ECOWAS and UEMOA rules. Second, an export tax reduces the competitiveness of Niger's onion exports, which is highly undesirable from a policy perspective particularly given that Niger has so few products to export anyway. Moreover, throughout West Africa, statistical taxes are assessed on imports, rather than exports.10 Niger's statistical tax is excessively high; in the other countries the statistical tax is only one percent. Finally, no statistics are actually generated for the onion sector, leaving the measure with very little justification whatsoever. The priority policy issue affecting intra-regional trade for the onion/shallot value chain identified in May 2009 was Niger's statistical tax on exports of onions (see Table 10).

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[9] The "mercurial value" is a notional or illustrative value for the product often used in the French-speaking countries in situations where the actual value of the product is difficult to determine. Niger's government last updated the mercurial value for onions in 1998.

[10] Except for Cape Verde, which has no statistical tax.

TABLE 10: ASSESSMENT OF NIGER'S STATISTICAL TAX ON EXPORTS

Product	Mercurial Value	Statistical Tax
Onion	5,000 FCFA per bag	150 FCFA
Cattle	100,000 FCFA per head	3,000 FCFA
Sheep	20,000 FCFA per head	1,800 FCFA
Goat	10,000 FCFA per head	300 FCFA

Source: Interviews with livestock and onion sector stakeholders in Niger. May 2009.

The **strategy** for dismantling this barrier involves convincing Niger's government to eliminate the tax, a natural role for ORO or Niger's national onion association (Association nationale de la filière oignon, or ANFO). Following the May 2009 mission, the political difficulties in Niger led to a suspension of ATP activities there. It may be possible for GAPTO, Ghana's main onion grouping, to assist in lobbying for the removal of the statistical export tax. The head of GAPTO confirmed that Niger's export tax is a barrier that GAPTO's members are concerned about and want removed, as it raises the price of Niger's onions being sold in Ghana.

3.2.5 ONION/SHALLOT POLICY BARRIER #5: CERTIFICATE OF ORIGIN

The certificate of origin is routinely issued on onion export shipments from Niger as part of the bundle of documents that the freight forwarder obtains for the exporter. Niger's onion association, ANFO, is the issuing body. It is possible that small-scale traders bringing onions across borders must pay the full range of applicable customs tariffs and fees, as if the onions were coming from outside the region, similar to small-scale cereals traders. This policy should be changed, since under both ECOWAS and UEMOA rules, no certificate of origin is required for agricultural products moving between member countries.

An experienced customs official should be able to recognize onions coming from within West Africa. One former customs official in Ghana said that for onions, simply the smell of the product should be enough to make a determination, as onions from Niger smell much fresher and fruitier than imported onions from Europe.

3.2.6 ONION/SHALLOT POLICY BARRIER #6: FAILURE TO RESPECT EQUIVALENCE OF PHYTOSANITARY CERTIFICATE

The Onion Logistics Team has confirmed that the exporting country's phytosanitary certificate is not honored when a shipment of onions crosses borders. The phytosanitary official in the importing country requires that a new certificate be issued, usually for a small fee or "gift." The **strategy** for dismantling this policy barrier is described below in the section on cross-cutting or horizontal policy barriers.

3.3 LIVESTOCK/MEATS

The livestock/meats sector in West Africa features perhaps the best-organized stakeholder representative body of any of the ATP/E-ATP value chains. The national interprofessional organizations, consisting of livestock breeders, herders, traders, slaughterers, and butchers, come together in the regional-level livestock organization, COFENABVI. While lacking a sustainable internal funding mechanism, COFENABVI has nevertheless had some admirable success in advocating for policy barriers to be dismantled. A forum in which COFENABVI could share some of its experiences—good and bad—could be instructive for the other ATP/E-ATP value chain associations as they engage in lobbying efforts.

During the Trade Barriers Team missions in May and December 2009, policy barriers in the livestock/meats value chain were a major focus of attention. This section summarizes and updates the policy barriers to trade identified during those missions.

During the April trip, the Trade Barriers Team visited the Dakar slaughterhouse, which is the largest in West Africa dating back to 1956, with four cold rooms and current throughput of 800 head of cattle and 2,000 sheep per day.11 The Dakar slaughterhouse is run by the Abattoir Management Society of Senegal (Société de gestion des abattoirs du Sénégal, known by its French acronym SOGAS), a management company that is in the process of modernizing the facilities in line with Hazard Analysis and Critical Control Point system (HAACP) principles12 and is aiming to get ISO–9001 certification. Nevertheless, much work remains to be done. Simple visual inspection by this report's authors during a tour of the slaughterhouse suggests that a number of food safety aspects remain to be addressed there, including: sheep carcasses touching each other while hanging on hooks (the bovine carcasses all hang on separate hooks), use of blood-stained cardboard on top of wood cutting surfaces or cutting being done directly on wooden tables (increasing risk of bacterial contamination), and offals being cut and sold directly on the ground.

Senegal's livestock and meat association, (Association nationale des professionnels du bétail et de la viande, or ANPROBVS), is hoping to be able to export meat from the Dakar slaughterhouse to neighboring countries, such as Guinea-Bissau and Cape Verde. It may be possible for ATP to help facilitate such exports by obtaining information from the importing countries' sanitary officials regarding the requirements for importing fresh meat and providing that information to the Senegalese stakeholders.

3.3.1 LIVESTOCK POLICY BARRIER #1: REGIONAL GOVERNOR'S EXPORT AUTHORIZATION REQUIREMENT (MALI)

In 2007, Mali's national government instituted a requirement that all exporters wishing to ship livestock out of the country must obtain an authorization document from the regional governors. This requirement was put in during a period of unusually high meat prices in Bamako; it was introduced as a temporary measure, but without a specified time limit for its dismantling. The authorization, which was intended to be issued free of charge and promptly by the regional governor or assigned representative, has instead evolved into a process riddled with small fees, bribes and delays. Tables 11 and 12 present some of the details of the fees charged, the delays incurred, and the documentary requirements.

[11] As well as a small number of pigs, horses, and camels.

[12] The target date is the end of 2010 for conformity with HACCP.

TABLE 11: FEES FOR REGIONAL GOVERNOR'S EXPORT AUTHORIZATION FOR LIVESTOCK AT DIFFERENT SITES

Location	Signatory	Original fee (FCFA/truck)	Current fee (FCFA/truck)	Time involved
Kayes	ONT[1]	15,000	None (due to FEBEVIM's advocacy)[1]	
Segou[2]	Governor		2,000	Within one day
Sikasso	Ministry of Livestock, Direction of Animal Production	2,000	5,000	
Bamako (Gnamana)	Governor	10,000–15,000		N/A almost impossible to obtain
Kati				Up to 20 days

[1] The livestock cooperative in Kayes would fetch the document for the exporter. One trader suggested that it was the livestock cooperative which decided if animals should be exported.

[2] Since September 2009. One association official in Bamako reported in December 2009 that obtaining the authorization in Segou required payment of 25,000 FCFA. Traders from Segou reported in May 2009 that sometimes the fee paid there was 6,000 FCFA, sometimes 7,000 FCFA, and sometimes 8,000 FCFA.

The measure was established in order to permit a closer monitoring of the local markets for livestock and meat, in the face of complaints by Mali's butchers that the best animals were all going to Senegal. Establishment of the measure appears to have had little impact on price of availability of meat in Mali and there is little evidence that the regional governors undertake any kind of analytical process when deciding whether or not to grant the export authorization.

TABLE 12: REQUIREMENTS TO OBTAIN LIVESTOCK EXPORT AUTHORIZATION AT SIKASSO

Veterinary certificate
Provisional export certificate
Identity card of driver

Source: Interviews with Malian livestock stakeholders in December 2009.

The **strategy** for dismantling this policy barrier involves advocacy by Mali's national livestock/meat association, FEBEVIM, aided by the regional association COFENABVI. Even though this is a policy barrier involving only one country, under the proposed Policy Watch System (see section below), the national association could seek help in its advocacy from the regional bodies (ECOWAS, UEMOA, CILSS) to remove this unnecessary barrier.

In March 2010, representatives of FEBEVIM and COFENABVI and the ATP/E-ATP livestock/meats value chain specialist met with Mali's Minister for Livestock. The export authorization requirement was one of the policy barriers under discussion. Table 13 outlines the main arguments for the proposed policy change. Further substantiation of these arguments by the Trade Barriers Team will provide the supporting evidence that FEBEVIM can use in its lobbying efforts vis-à-vis Mali's national authorities.

TABLE 13: ARGUMENTS FOR DISMANTLING THE LIVESTOCK EXPORT AUTHORIZATION REQUIREMENT

Requirement delays exports
Requirements imposes unnecessary costs
System does function as intended
No statistics generated by regional governor's "monitoring" of markets
"Temporary measure" was never lifted or reviewed
System is illegal under both UEMOA and ECOWAS
Constitutes a non-tariff barrier

Source: Interviews with Malian livestock sector stakeholders.

3.3.2 LIVESTOCK POLICY BARRIER #2: TRANSIT FEES CHARGED ON EXPORTS

Livestock exporters reported in May 2009 that they have to pay 89,000 FCFA in "transit fees" to customs officials in Burkina Faso for truckloads of Malian livestock being exported to Ghana via Burkina Faso. The December 2009 Trade Barriers mission visited the two border posts to ascertain which fees make up the "transit fee" being charged, which is at the very least 43,000 FCFA but can be much higher since some fees vary and depend on the value of the merchandise . From discussions with customs officials and freight forwarders on both sides of the Mali/Burkina Faso border, it was determined that the "transit fee" is in fact a basket of fees as specified in Table 14.

TABLE 14: BREAKDOWN OF THE 'TRANSIT FEE' CHARGED BY BURKINA FASO ON MALIAN EXPORTS TO GHANA

Name of Fee	Estimate of Cost (in FCFA)[1]	Fee Legitimate?[3]
Reissuing of Carnet TRIE	12,000	No
Customs broker's fee	Varies[2]	Yes
Reissuing of veterinary certificate	3,000	No
Guarantee Fund	Varies[2]	No
Escort service	15,000	No
Weigh station fee	1,000	Yes
Overtime (*temps supplémentaire*)	10,000	No
Computerization fee	2,000	No
Total	**87,000 (including variable costs)**	**6 out of 8 not legitimate**

[1] These cost estimates are not official estimates and are for illustrative purposes.
[2] These fees vary depending on the value of the merchandise.
[3] Preliminary evaluation or judgment by the authors.

The December 2009 Mission Report goes into detail on each of these fees, but in short, livestock exporters face a situation where the fees they are being charged are not transparent and are often duplicative. For example, the Carnet TRIE, the Guarantee Fund and the fee for the Escort service are all measures to ensure that goods in transit are not diverted to the in-between country (in this case, Burkina Faso). For livestock, which are allowed to move duty-free between ECOWAS countries, there should be no need for any of these three measures.

The **strategy** for addressing this policy barrier would involve meeting with the Burkina Faso customs officials at the national level in order to clarify the justification for each fee or tax. ATP could help

COFENABVI bring this information to the attention of the UEMOA Commission so that UEMOA could determine if the Burkina Faso authorities were implementing UEMOA regulations properly. Once the legitimacy of the different elements in the basket of fees was determined, the Burkina Faso customs authorities could be approached by the regional livestock association COFENABVI asking that only the justifiable fees be charged. COFENABVI's members could then monitor whether agreed-upon changes to fees were made. If not, then COFENABVI could ask Mali's Trade Ministry to report the irregularity to the UEMOA Commission.

3.3.3 LIVESTOCK POLICY BARRIER #3: VAT AND OTHER FEES CHARGED ON MALIAN EXPORTS (SENEGAL)

The market for exporting livestock to Dakar, Senegal stands out as perhaps the most important export destination for livestock from Malian markets north of Sikasso.13 There are numerous non-transparent fees and charges along the route from Mali to Dakar, some of them on the Malian side and others on the Senegalese side. The December 2009 Trade Barriers mission confirmed that the difficulties hampering exports from Mali to Senegal are of the highest importance to Mali's livestock exporters and will probably be easier to resolve than the difficulties encountered in trade with Côte d'Ivoire (see Livestock Policy Barrier #7 below).

In May 2009, Mali's livestock exporters described how upon arriving at the border with Senegal they must pay 5,400 FCFA per head in VAT. They also reported having to pay 89,000 FCFA in "local taxes" or "Transit Fees" within Senegal en route to the Dakar livestock market. In total, when exporting from Bamako to Dakar, the exporters reported paying a total of 255,000 FCFA in fees and charges per truck.

In the Ségou market, one exporter said that to travel from Segou to the border with Senegal, he had to go through 12 road blocks, for a total cost of 25,000–30,000 FCFA per truck. He said the Senegalese customs officials charge 4,500 FCFA per head of cattle, with a receipt (a quittance) and then each animal is considered to have cleared customs. Others affirmed that at times this fee is called "VAT." The payments made along the route from the border to the market in Dakar used to be as high as 100,000 FCFA per truck, but successful lobbying by Mali's livestock association has reduced this cost to 50,000 FCFA. In both countries there are mobile brigades or barricades charging 2,000 FCFA or 5,000 FCFA per truck each time. An additional fee of 5,000 FCFA per shipment is charged to rent a patente, or trader's license, from a Senegalese trader in order to be in conformity with Senegal's commercial regulations. Entering the livestock market in Dakar costs 15,000 FCFA per truck.

In Bamako, Mali's livestock association, FEBEVIM, described how lobbying efforts in the past year have made a difference in reducing the barriers facing livestock exports to Senegal. At one point in 2008, FEBEVIM approved an action by livestock traders to unload several trucks of animals at the border with Senegal and to leave them there as a protest. The protest lasted two days, but as a result, the cost of exporting to Senegal decreased. Before, the clearing customs cost 17,500 FCFA per head, but this was reduced to 7,400 and then 4,500 with FEBEVIM's intervention.

The prospect for free trade in livestock between Mali and Senegal is enticing, and perhaps not that far off. In 2009, Senegal's prime minister sent a letter to the country's customs, police, and gendarmes instructing them not to charge road fees or taxes on imports of animals during the Muslim holiday known in West Africa as Tabaski (Feast of the Sacrifice). The letter from the Prime Minister was sent out about two

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[13] From Sikasso, Côte d'Ivoire is the most important export destination.

months prior to the holiday, and exporters report that they faced much fewer barriers during that period. The question arises: if there can be free trade during Tabaski, why not during the rest of the year? Which of the taxes and fees being assessed are justified?

The **strategy** for addressing this policy barrier revolves around supporting the work already undertaken by FEBEVIM and COFENABVI. The ATP/E-ATP Logistics Team could provide documentation of the location and frequency of roadblocks encountered which the trade associations could then present to the Senegalese authorities in Dakar with a request to issue instructions similar to those prevailing during the last Tabaski holiday. Mali's livestock exporters would then be responsible for reporting any abuses along the roadways to FEBEVIM and COFENABVI, which would bring up the matter with the Senegalese authorities. In addition, such an approach would permit FEBEVIM and COFENABVI to approach the Malian authorities regarding the bribes and fees documented on the roadways within Mali itself.

In early 2010, the governments of Senegal, Mali, and Burkina Faso announced plans for a new "corridor" to be established along the Dakar–Bamako–Ouagadougou route from, which will link up with an existing corridor that runs from Ndjamena, Chad to Niamey, Niger to Ouagadougou.

A cross-border conference between Mali and Senegal was held in October 2010, bringing together government officials and trade stakeholders from both countries in order to discuss difficulties involved in cross-border trade and to seek solutions. ATP/E-ATP assisted the USAID bilateral projects in helping the governments and private sectors in both Mali and Senegal prepare for this meeting.

3.3.4 LIVESTOCK POLICY BARRIER #4: FODEL EXPORT TAX (BURKINA FASO)

During the May 2009 Trade Barriers Assessment, Burkina Faso's livestock association complained that the fees charged on livestock exports going into the Fund for Livestock Development, FODEL, represent a policy barrier hampering trade. The December 2009 Trade Barriers Mission confirmed this, but reported too that the politics involved may make it difficult to undo.

The FODEL is funded via an export tax on live animals leaving Burkina Faso (3,000 FCFA per head of cattle, 250 FCFA per head for sheep or goats), collected at the point of departure by the customs officials. While export taxes are not permitted under the rules of UEMOA, ECOWAS, and the WTO, there is a bit of a gray area when the tax is intended to develop a key sector in a least-developed country.

At 3,000 FCFA per head of cattle, the FODEL tax is a fairly substantial tax per head. In the past, the entirety of the FODEL export tax went into the coffers of the FODEL, which in theory supports investment in breeding research, pasture maintenance, livestock market infrastructure, market information, and the like. It is believed that now only 40 percent of the money collected goes into the FODEL, while 60 percent goes to the general national budget. Diverting the greater part of the FODEL tax to the general budget has the effect of converting the FODEL tax into a *de facto* export tax.

Export taxes are prohibited according to ECOWAS and WTO rules, as export taxes penalize a country's productive sector, rendering it less competitive internationally. Export fees related to sectoral development are not necessarily prohibited, and can even be a good thing if the funds are well-managed and actually devoted to the stated purpose. This is the case if the resulting investment improves productivity to a greater extent than the harm to competitiveness from the export tax. The team learned that the reason that the money is being diverted from the FODEL into the general budget is that the money already in the FODEL is not being spent. This implies that the FODEL is not functioning properly in financing livestock development projects.

One of the most disturbing things discovered during the December 2009 Trade Barriers Mission, as explained by customs brokers at Faramana, the Burkinabé border town with Mali, was that the FODEL is also being charged on cattle *imported* into Burkina Faso.

The **strategy** for addressing this policy barrier would involve:

- Engaging with Burkinabé authorities to review the purpose and utilization to date of the FODEL
- Providing recommendations for reform and restructuring of the FODEL (and perhaps its complete elimination, given that export taxes are not permitted)
- Aiming to use FODEL proceeds for the benefit of the livestock sector, rather than for the general budget
- Prioritizing the reduction or elimination of the FODEL as an export tax, by changing it to a tax on all livestock sold in organized livestock markets

This policy barrier would be a thorny one to tackle in a concerted manner, as it is not a simple trade policy barrier. It involves consideration of how a national government is administering its policy targeting development objectives for a key sector, and improper budget practices by that government. The project may most usefully raise the question of the abuses of the FODEL export tax with multilateral and bilateral donors; donors could include reform of the FODEL in their policy discussions with the Burkina Faso authorities.14

3.3.5 LIVESTOCK POLICY BARRIER #5: DIFFICULTIES IN TRANSFERRING FUNDS FROM EXPORT SALES

During the May 2009 Trade Barriers Assessment Mission, Burkina Faso's cattle exporters described facing difficulties in repatriating earnings from export sales to Nigeria. The problem appears to arise mainly when:

- Funds are being transferred from one currency zone to another
- Exporters are not "formal" enough to participate in the banking system
- The proceeds are either too small to make the bank fees worthwhile, or the desired transfer is too big for the bank's readily available cash on hand

The countries targeted so far by ATP have included those in the West African Franc (FCFA) zone, as well as Ghana and Nigeria, which have their own national currencies (the cedi and the naira, respectively). Banks in the FCFA zone have little interest in accepting large amounts of cedis or naira in cash and, in addition to the fees related to a transfer of funds across borders, banks assess high fees on exchange operations involving the conversion of cedis or naira into FCFA. Of course, the challenges facing traders buying and selling between countries with different currencies exist all over the world. When banks are making the currency exchange, traders feel they have little control over the rate of exchange received.

This problem appears to be less important when operating within the FCFA zone. One Malian cereals exporter in Sikasso described how he had brought a truckload of maize to Abidjan in Côte d'Ivoire and, having sold the maize, promptly deposited the funds into a bank there. He seemed pleased that he did not have to carry a large amount of cash back through rebel territory (he took a bus to return) and asserted that he could draw upon the funds in the bank account easily enough upon his return to Mali.

[14] For example, the International Monetary Fund (IMF), the World Bank, the European Commission, France, and perhaps USAID.

The **strategy** for addressing this barrier should be to encourage individual traders to set up bank accounts with a bank that has branches in every West African country, such as Ecobank. In cases where individual traders are not professionalized enough to establish their own bank accounts, then the national interprofessional organizations could establish Ecobank accounts for use in cross-border trading. Alternatively, the national associations could maintain a list of their members who do have accounts with Ecobank, and direct traders to call on their counterparts within the association for help in making bank transfers.

3.3.6 LIVESTOCK POLICY BARRIER #6: FAILURE TO RESPECT THE EQUIVALENCE OF VETERINARY CERTIFICATES

When livestock are exported within West Africa, a veterinary certificate is issued at the export market. That certificate should be honored and accepted by veterinary officials at the border of each importing country without the need for a new national certificate to be issued. The common practice, however, is for the importing country officials to require that a new national certificate be issued, in exchange for a small fee.

The **strategy** for ending this unfair practice is to provide the border officials with training on the *recognition of equivalence* of protection offered by the veterinary measures in a partner country. Each country in West Africa has in place the necessary zootechnical agreements to ensure equivalence.

Eliminating the requirement for a new national certificate is only one of the steps that need to be taken in order for West Africa's veterinary inspection system to come up to international standards for traceability. The veterinary certificate should pertain to each animal separately, accompanying it all along its travels between countries. At present, the veterinary certificate applies to the whole truckload of animals. Further, it is reported that the veterinarian often does not actually inspect the animals themselves, sometimes issuing the certificate without leaving his or her office.

As part of routine sampling, the border official of the importing country should be conducting inspections of a small percentage of the animals crossing the border. Currently, it appears that the new national certificate is being issued in order to raise funds for the border official, rather than due to doubts about the equivalence of the exporting country's veterinary procedures.

3.3.7 LIVESTOCK POLICY BARRIER #7: DIFFICULTIES IN EXPORTING TO CÔTE D'IVOIRE

During both the May and December 2009 Trade Barriers Team missions, Mali's livestock exporters described the difficult situation they faced in exporting to Côte d'Ivoire. Côte d'Ivoire is considered a "natural market" for the Sikasso region, in the south of Mali. In shipping cattle from Sikasso, Mali to Abidjan, Côte d'Ivoire, traders must pay fees and bribes en route amounting to about 600,000 FCFA per truckload, or about 15,000 FCFA per head.

One livestock exporter reported paying the following fees:

TABLE 15: EXAMPLE OF CHARGES AND FEES FOR LIFESTOCK EXPORTS FROM SIKASSO TO ABIDJAN

Description	Estimate of Cost (FCFA)
In Mali, payment to veterinary official at Zégoua border post	5,000
In Côte d'Ivoire, payment to veterinary official at Niéllé	15,000
Convoy fee to cross rebel-held north in Côte d'Ivoire	385,000
"Parking fee" in the city of Bouaké	4,500
Payment to rebel police (or customs) officials leaving Bouaké	3,000
Final checkpoint before leaving rebel zone	1,000
Convoy fee charged upon entering government-controlled area at Tiébissou	110,000
Fee to enter Abidjan livestock market	1,500/head

The livestock exporter in Sikasso described how much easier it is to traverse the rebel-held territory when accompanied by a convoy escort (convoyeur), who pays the fees along the way at the rebel checkpoints.

In December 2009, other livestock sector participants reported that the head of COFENABVI had arranged for a combined convoy fee crossing both the rebel-held and government-controlled zones that amounts to 275,000 FCFA per truckload. The funds were pre-financed by the escort, with the livestock exporters reimbursing him after the sale of the animals. Apparently, an annual payment was being made to the rebels (and possibly to the government too). Until recently, the combined fee was 600,000 FCFA, but a second escort now has an agreement with the rebels too, ensuring passage of both zones for 300,000 FCFA, which induced the first escort to lower his price to 275,000 FCFA. Undoubtedly, the benefits of competition are at work. Before the convoy system was set up, it cost as much as 1,500,000 FCFA to take a truckload of cattle across both zones, which induced Malian livestock exporters to use the longer but safe Burkina Faso–Ghana transit route to export to Côte d'Ivoire.

Initially, the convoy was only necessary in the rebel-held northern zone. But the government apparently saw the opportunity to make some money from arranging a convoy in its own zone too. At Tiébissou, the trucks carrying livestock are gathered together into a convoy accompanied by government soldiers. A sticker is put on each of the livestock vehicles.

The **strategy** for addressing this policy barrier would involve resolving the political difficulties in Côte d'Ivoire. The evidence uncovered by the project may be useful for COFENABVI in making a complaint towards Ivorian government after the upcoming elections. It is worth pursuing this matter because of the adverse effect on regional trade and the relative importance of the Ivorian market to Malian livestock exporters.

3.3.8 LIVESTOCK POLICY BARRIER #8: "PARKING TAX" IMPOSED BY LOCAL AUTHORITIES (BITOU, BURKINA FASO)

As described above in the section on onions, there is an abnormal practice occurring in the southern border town of Bitou, in Burkina Faso, close to the borders with Ghana and Togo. This is along an important livestock trading route leading from Fada N'Gourma, the largest livestock market in West Africa, to demand centers in Accra and Lomé.

The "parking tax" of 1,000 FCFA is collected by municipal authorities even if the truck carrying the livestock does not park anywhere in town. Traders selling livestock at Bitou's livestock market, visited by the Trade Barriers Team in May 2009, also pay a small fee to the livestock market organization for the livestock to enter the market, so the “parking tax” cannot be said to help support the livestock market.

4. CROSS-CUTTING OR HORIZONTAL POLICY BARRIERS

The above sections discuss policy barriers specific to the products in the ATP/E-ATP value chains. This section looks more closely into issues that apply across several value chains or that occur in each value chain.

In advocating for the dismantling of these horizontal policy barriers, the ATP/E-ATP Project could seek to have the regional associations in each value chain come together to make take *common positions*. While each value chain regional association has the strength of its national interprofessional associations behind it, linking them together on common issues would be very much in line with the goal of developing a regional voice for stakeholders in advocating for freer trade.

4.1 SEASONAL EXPORT BANS ON CEREALS

Restrictions on exports of staple food products are a highly sensitive and political issue. The ATP/E-ATP Project has already been able to sound out the opinions of officials of the regional organizations (CILSS, UEMOA, and ECOWAS), who wholeheartedly agree that seasonal export bans are undesirable and detrimental to food security. ECOWAS indeed made this point very strongly at an extraordinary regional meeting of ministers of agriculture, trade, and social and humanitarian affairs in Lomé on May 19, 2010. The joint ministerial meeting was convened to review and address the emerging food crisis in the Sahel countries as a result of the 2009/10 cereal crop failure and trade restrictions being imposed.

Since the December 2009 Trade Barriers Mission report, which noted the lack of background research on export bans available internationally, the Trade Barriers Team has managed to collect a handful of studies discussing the impact and justifications for export bans arising from the global food crisis of 2007–2008. A study undertaken by Malian officials noted that the export bans put in place did not stop exports, but simply decreased the incentives for trade and raised transaction costs for traders (Salifou and Nango 2008).

The African Development Bank (2009) decried "inappropriate policy responses, in the form of export bans and price controls on cereals." The World Bank (2008) listed export bans as the most deleterious government measure that can be taken, characterizing them as "highly likely to create problems for longer run food security and (to) create serious problems for neighboring countries." The World Bank also noted that cereals export bans or taxes entail "negative externalities and disincentives for future production."

A U.K. government study (DEFRA 2009) noted that "export restrictions are rarely the best policy response as they limit price signals to producers, muting the supply response and thereby holding prices higher for longer. Because they increase the international price of food, export restrictions often lead to other countries restricting their exports or building their stocks in response – meaning neither country is better off."

According to an FAO (2008) study:

> Perhaps the most extreme policy response is an export ban… Export bans on rice by several major rice exporters resulted in world rice prices increasing more than they would have in the absence of the bans. In addition, the announcement of an export ban by a significant exporter is a signal of a food shortage and can result in panic buying and hoarding both in the home country and abroad, making a bad situation even worse. Why would a traditional exporter ban exports? Generally, it is to make the commodity available to the urban poor at a lower price and to save tax dollars where consumption of the commodity is subsidized. Unfortunately, it sends a negative signal to producers in the home country and can result in smuggling from a country where exports are restricted to one where they are not. Export restrictions are partial bans and have the same market effects as a ban but the negative effects are somewhat muted.

The FAO study delved into whether export bans are permitted under WTO rules, arriving at the conclusion that while export bans are not explicitly prohibited, they are strongly discouraged. The original GATT 1994 Article XI provisions on *General Elimination of Quantitative Restrictions* offers governments some flexibility when it comes to "Export prohibitions or restrictions temporarily applied to prevent or relieve critical shortages of foodstuffs or other products essential to the exporting contracting party." But as part of the Uruguay Round's establishment of the WTO, efforts were made to strengthen the language discouraging export restrictions.

Article 12 of the WTO's Agreement on Agriculture on *Disciplines on Export Restrictions and Prohibitions* stipulates that countries imposing export bans must notify partner countries that will be affected by the measure (FAO 2008).[15] The recourse available under the WTO is limited, particularly when the country imposing the export restriction is a developing country. Nonetheless, it is clear that the West African countries imposing seasonal export bans are not in conformity with the spirit of this WTO provision.

There is a need for further study and serious attention to the specific situation regarding restrictions on cereals exports in West Africa. As one Canadian researcher (Meilke 2008) points out, "Little attention has been focused on the impact of small-scale exporters serving their neighbors in regional markets."

West Africa's regional cereals interprofessional association, CIC-B, which is in the early stages of emerging as the regional voice for cereals, has confirmed on several occasions that eliminating the seasonal ban was its top trade issue. The UEMOA Commission, the CILSS Secretariat, and private cereals traders also supported the immediate removal of seasonal export bans and the establishment of a system for preventing their imposition in the future.

The ECOWAS countries have a number of agreements and Treaty articles requiring the dismantling of non-tariff barriers between the member states. The UEMOA rules, as well, prohibit member states from imposing non-tariff barriers on trade between member countries. While the language in the legal documents for both regional bodies makes it clear that exports should not be restricted, there is no single precise reference one may point to stating that seasonal export bans are prohibited.

The **strategy** for addressing the seasonal export bans on cereals will need to be two-pronged. The first aspect should involve a public communications campaign to instill the idea that regional cooperation—including free trade—is the answer to improving food security. There are various means to communicate with the general public, for example radio jingles in both official and local languages, and posters for

[15] The WTO's Agreement on Agriculture, Article 12 states: "i) the Member instituting the export prohibition or restriction shall give due consideration to the effects of such prohibition or restriction on importing Members' food security; (ii) before any Member institutes an export prohibition or restriction, it shall give notice in writing, as far in advance as practicable, to the Committee on Agriculture." From FAO (2008), op cit.

government offices, customs posts, cereals markets, and elsewhere. The ATP/E-ATP Project can assist such an effort with small grant assistance to bodies such as CILSS and the communications departments of the ECOWAS Commission and the UEMOA Commission.

The second aspect of the **strategy** relates to establishing at the regional level that national-level restrictions are contrary to the regional trading rules and detrimental rather than beneficial to food security. The steps to carry out such a strategy include:

- Convincing the Authority of ECOWAS Heads of State and Government to make a statement in the report of its annual meeting reaffirming that "seasonal export bans" or "seasonal export restrictions" or "seasonal export prohibitions" (or all three phrases) are specifically illegal
- Inducing a similar action by the UEMOA heads of state
- Empowering CILSS as the "watchdog" to whom private sector operators or others may report establishment of a restriction on exports of cereals
- Establishing a hotline mechanism by which CILSS can recruit the assistance of the ECOWAS President and the UEMOA President to contact the top-level officials in the country imposing the export restriction in order to undo the ban and to suggest mitigating measures
- Elucidating the options available to policymakers at both the national and regional levels in the case of an appropriately identified "emergency situation"—including targeted food aid, deployment or sale of buffer stocks within the region, subsidized consumption, and other options
- Evaluating, on an annual basis, the incidence of seasonal export bans by CILSS, which presents its report to high-level meetings of the ECOWAS and UEMOA bodies

Bolstered by the arguments and points of view cited above against the impositions of export bans in response to food insecurity, the Trade Barriers Team reiterates its determination to advance this issue at the level of the regional bodies. As noted by CILSS (2003), "the development, the fluidification and the regional integration of markets is an essential aspect for improving the functioning of agricultural economies. The limited size of markets is a principal factor for their instability and contributes to uncertainty of market outlets and discouraging producers."

4.2 THE CERTIFICATE OF ORIGIN

The need to obtain a certificate of origin for intra-regional trade represents both a non-tariff barrier and a tariff barrier. Both the UEMOA and ECOWAS texts are quite specific that no certificate of origin is needed for livestock and agricultural products to travel duty-free across borders within the regional groupings.

However, at the borders, customs officials ask exporters for the certificate of origin related to their products *in order to prove that those products come from a country within the region*. When no certificate of origin is produced, the customs officials assess the full range of duties and other fees as if the products were coming from outside the region, amounting to 50 percent or 60 percent of the value of the products. This payment made in the absence of a certificate of origin greatly reduces the profitability of each shipment and the competitiveness of regional products in neighboring markets.

The need to procure the certificate of origin is essentially a non-tariff barrier, since the document is issued for a very small administrative fee, perhaps 500 FCFA. However, the certificate of origin also can be qualified as a tariff barrier, since the 'penalty' for not having it is the imposition of all the tariffs on a non-originating product.

This is a problem that particularly affects the cereals value chains due to the small-scale nature of the majority of West Africa's producers and the predominant presence of informal traders in the movement of cereals within the region. For onions, the exporter association in Niger is organized enough so that the certificate of origin is issued along with the other documents needed for the export shipment. For livestock, obtaining the certificate of origin is also a routine part of doing business. But for maize, millet/sorghum, and rice, many exporters are not accustomed to seeking and obtaining a certificate of origin and their export shipments are therefore subject to high taxation that is not justifiable according to the terms of the regional trade agreements. Organizing the cereal producers and traders to meet this and other demands of the formal sector should therefore be one of the issues that ATP assists CIC-B in addressing.

The **strategy** for addressing the demand for a certificate of origin should take into account the fact that the requirement has already been eliminated at the regional level. It is possible that officials at the ECOWAS Commission, the UEMOA Commission and the CILSS Secretariat have ideas for how to ensure the proper application of the regional rules so that customs officials do not ask for the certificate of origin. Under the Customs Union that both ECOWAS and UEMOA are aiming for, the purpose is to facilitate flows across borders and rather than to create conditions that enable officials to exact bribes on products crossing borders.

The **strategy** proposed revolves around training the national customs officials in the regional rules. In addition, there will need to be training provided to customs Service officials in techniques for how to identify staple food products coming from within the region. These techniques can include visual and organoleptic examination of the product or the packaging, and querying the trader about where and when the product was procured. Risk profiles can be established as well, so that shipments coming from the direction of a typical production area move freely.

4.3 FAILURE TO RESPECT EQUIVALENCE OF PHYTOSANITARY AND VETERINARY CERTIFICATES

Unlike the certificate of origin which officially is not required for intra-regional trade, the phytosanitary certificate and veterinary certificate are in fact required on trade in products within the ATP/E-ATP value chains. As a measure to ensure human and animal health, the requirement for these certificates is justifiable, but there are three main difficulties with the system:

- The issuance of the certificate is supposed to be free of charge, but the phytosanitary officials and the veterinary officials require the payment of about 2,000 or 3,000 FCFA for each document issued.
- The certificates issued by one country are not recognized by another country when the product crosses the border.
- The procedures for issuing the certificates do not adequately serve their intended purpose of ensuring human and animal health.

Countries maintain a sovereign right to implement SPS rules in their own manner, so long as those rules are transparent, based on science, implemented in the least trade-restricting manner possible, and with prior notification given to their trading partners. In West Africa, the national veterinary and phytosanitary authorities at the borders are ignoring their countries' recognition of each other's certificates as "equivalent." This may be due to a lack of training or information.

In terms of the veterinary certificate (poultry and livestock/meats value chains), the OIE lays out procedures for countries to designate the responsible issuing authority, usually within the ministry of agriculture and livestock (International Epizootics Convention [OIE 1997]). For plant products (in this case, rice, millet/sorghum, maize, and onions), the procedures for issuing the phytosanitary certificate derive from the International Plant Protection Convention (IPPC). The second "recital" in the preamble to the 1997 revised text of the IPPC (1997) underlines the importance of proper implementation:

> …recognizing that phytosanitary measures should be technically justified, transparent and should not be applied in such a way as to constitute either a means of arbitrary or unjustified discrimination or a disguised restriction, particularly on international trade;

The IPPC also provides a Model Phytosanitary Certificate, and urges that the wording and format of the model certificate should be considered valid and accepted in every country.

The WTO's SPS Agreement requires that countries implement SPS requirements "in the least trade-restricting manner." The current practice in West Africa fails this standard. In addition to the small fee charged by the border official, issuing a new national SPS certificate results in an unnecessary delay.

In case of disputes related to the validity of phytosanitary certificates, under the IPPC, the West African countries could request the Director General of FAO to appoint a committee of experts (Article XIII), but since West African countries have their own forums in which to discuss procedures, such as ECOWAS and UEMOA, appealing to the FAO may not be the most-effective way to address this situation. It may be possible for the ECOWAS Ministers of Agriculture to issue joint instructions to their SPS services to remedy this practice.

The third difficulty with the overall system for the phytosanitary certificate and veterinary certificate is that the officials do not appear to be doing their jobs properly as regards the overall objective of ensuring the health of humans, animals and plants. In issuing the veterinary certificate, the veterinarians' main criterion is whether or not the animals have been vaccinated, for example against brucellosis or other diseases. This often involves the exporter simply telling the veterinarian that all the animals have indeed been vaccinated, since the international system whereby each animal has its own documentation is often lacking. A proper inspection would involve examining each animal being loaded onto the truck to ensure not only that the animal has been vaccinated, but also that each animal appears free of other diseases and is healthy enough for the voyage to the destination market. When animals are undernourished or dehydrated, as was the case with some of the animals observed during the May 2009 Trade Barriers mission, they should not be loaded for export as those animals risk not surviving the journey.

Even more troubling, there are indications that at times the veterinary certificate is issued without the veterinarian traveling to the livestock market at all, even though the veterinarian still requires payment of a fee. This practice, if true, certainly fails the test for adequately ensuring human and animal health.

As for the phytosanitary certificate, the proper procedures would be for the phytosanitary official to take a sample of the cereals or onions to be exported and to test the samples for molds, smut, and other phytosanitary risks. Instead, the phytosanitary certificate is often issued at the ministry of agriculture's local offices without any inspection or sampling of the product, essentially rendering the document meaningless. When the idea of a sample being taken was brought up in discussions with the traders in Sikasso, they said that samples are only taken when the official wants some of the product for personal consumption at home.

The phytosanitary and veterinary officials are not supposed to charge for issuing the document, but they claim that cutbacks in the ministry budgets leave them with no choice but to impose a service charge–a small fee to cover the cost of fuel and operating expenses such as paper and pens. The way to draw attention to this practice is to involve the agriculture ministries throughout the region in an effort to ensure equivalence of the certificates across borders.

The **strategy** for dismantling this barrier revolves around building awareness of the rules already in place. Efforts are underway within the poultry value chain to bring national veterinary officials together to ensure greater confidence in the wording and effectiveness of the national SPS certificates. A potential ally for ATP/E-ATP in this effort is the Animal Plant Health Inspection Service of the U.S. Department of Agriculture, which has several offices in West Africa and is actively engaged in providing technical assistance. The strategy for reform should focus on the second difficulty mentioned, that is, the failure to respect the equivalence across borders of phytosanitary and veterinary certificates.

4.4 ASSESSMENT OF VALUE-ADDED TAX ON BASIC FOOD PRODUCTS

Since the 1990s, most but not all of the West African countries have switched from a sales tax to VAT. The eight UEMOA countries have been applying a single VAT rate of 18 percent since 2000. Two-thirds of VAT revenue in UEMOA countries is collected at the border (Coulibaly and Plunkett 2006). VAT is supposed to be collected at the point of final sale.

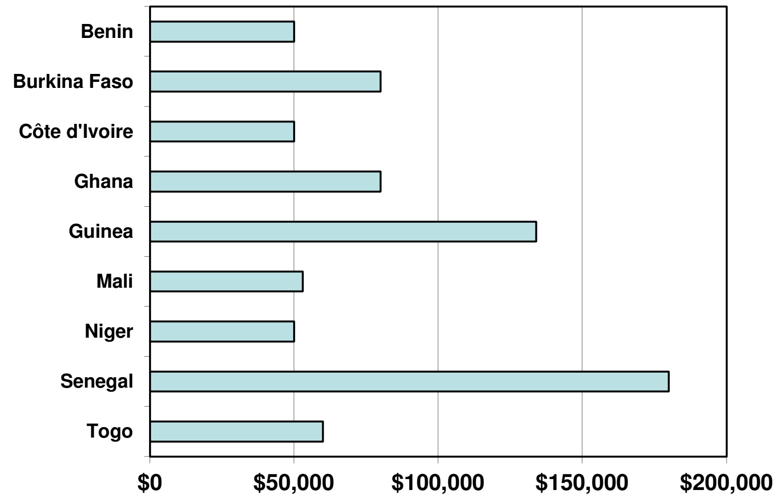
When products in the ATP/E-ATP value chains are imported from one ECOWAS country to another, traders are usually required to pay 18 percent VAT to the importing country at the border. It remains unclear if countries are justified in collecting VAT on basic foodstuffs. Regardless, the present method of collecting VAT results in imported products in the ATP/E-ATP value chains being discriminated against in favor of the same products produced and sold locally.

One of the difficulties with the VAT is that for basic agricultural products, VAT is only collected on imports entering a given country and is rarely collected on domestic sales of the same product. This is because the bulk of food sales in West Africa occur in informal markets by vendors who have not registered with the VAT authorities. Therefore, collecting VAT on basic staple foods as they cross the borders represent a disguised fiscal barrier to trade.

Basic foodstuffs produced and marketed within one country are generally not assessed VAT in West Africa (see Table X). This is because collecting from the micro-informal sector operating in most of West Africa involves a high cost for extracting money from the potential contributors (IMF 2000).Often, VAT, when collected, is based on a monthly lump sum rather than on a micro-business' actual sales or turnover. Figure 4 shows the threshold level for obligatory declaration and collection of VAT in nine ECOWAS countries. Most of the ATP/E-ATP stakeholders operating businesses in the six value chains are likely below these thresholds.

During the April 2010 mission, one operator expressed the view that completion of the UEMOA customs union, including duty-free trade between member countries, had resulted in the erection of new trade taxes, such as the VAT. In order to level the playing field and improve the environment for regional trade, either VAT should be collected on sales of local products, or the VAT should not be collected on imports.

FIGURE 4: HOW BIG IS A SMALL FIRM? THRESHOLD LEVELS OF FIRM SALES FOR OBLIGATORY COLLECTION OF VAT IN NINE ECOWAS COUNTRIES



Source: IMF (2000, 9-11)

The **strategy** for addressing this policy barrier should be to advocate for basic foodstuffs critical to food security be explicitly declared VAT-exempt throughout ECOWAS, as is already on the books, but in indirect language. The Trade Barriers Team is in a position to outline the present national rules on VAT treatment of staple foods, assess the degree of advancement in regional harmonization of VAT rules, and recommend a regional policy that would facilitate intra-regional trade in staple foods in the name of improving food security.

ATP/E-ATP can also help the regional value chain associations to engage in advocacy activities vis-à-vis the ECOWAS Commission, the UEMOA Commission, CILSS, and national governments in order to remove basic agricultural products from the list of products subject to VAT. UEMOA officials reported that prior to 2000, the International Monetary Fund (IMF) lobbied the UEMOA countries to reduce the number of VAT categories from three to one in order to simplify the collection of the tax (Coulibaly and Plunkett 2006). For the purposes of food security, it may be time to establish a VAT rate of zero or five percent on staple foods.

4.5 NON-PRODUCT-SPECIFIC POLICY BARRIERS

The most cross-cutting type of policy barrier is one in which the level of bribe is not related to what the truck is carrying. While the "parking tax" assessed by the town of Bitou could be considered non-product-specific as well, only two of the ATP products (onions and livestock) are directly affected by that practice.

Corruption and bribe-taking at the borders and on the roadways is the single biggest barrier to trade for the staple foods in the ATP/E-ATP value chains. Efforts are underway by the ATP/E-ATP Logistics Team and the WATH project to document the number of roadblocks encountered along key trading corridors along with the amount paid in bribes and the time lost.

As mentioned above for maize, CIC-B pointed out that food security was also greatly compromised by corruption on the roadways raising the cost and difficulty of moving cereals between surplus and deficit zones within Burkina Faso. One cereals trader in Segou, Mali, explained that just like some other former exporters, he no longer engaged in exporting cereals due to the harassment and high cost (in terms of time, money and stress) of corruption on the roadways; he has been focusing instead on wholesaling and selling within the Segou region.

The **strategy** for eliminating corruption involves providing evidence about the widespread nature of the problem and rallying the political will to carry out the administrative reforms to end the practice. The Trade Barriers Team recognizes that, while corruption on the roadways is a critical problem, it is more of a law enforcement issues than a trade policy issue and is outside the Team's specific area of competence.

The charging of an overtime fee or "*travail supplémentaire*" (TS) by customs officials is an increasingly common practice in many West African countries. It is not entirely clear what "normal working hours" are considered to be for customs officials, but TS fee is often charged regardless of the day of the week and time of day.

The **strategy** for ending this practice is via the ongoing regional process of customs harmonization. The national customs Services are usually agencies under the supervision of the Finance Ministry, often the most-powerful government ministry whose orders are taken seriously and followed.

Burkina Faso's 1 percent "computerization tax" ("*redevance informatique*" or "*frais informatique*") was said by traders and customs brokers to have first been imposed in December 2009. The fee, which was said to be 2,000 FCFA per truck at the Faramana border crossing and 5,000 FCFA at the Koloko border crossing, is intended to offset the cost of entering the data related to the goods entering the country into the computerized system. This is essentially a statistical tax called by another name; statistical taxes are not supposed to be charged on goods coming from another UEMOA or ECOWAS country.

In discussions with the Trade Barriers Team in April 2010, even Burkina Faso's Trade Ministry was not aware of this new policy barrier. As the fee has an "equivalent effect" to a customs tariff, it should be part of the regional discussion and negotiation on trade policy and not decided upon at the level of a single country.

The **strategy** for ending this practice lies with the UEMOA Commission and the ECOWAS Commission. As with the "overtime fee," the answer may lie in the process for customs harmonization.

The Trade Barriers Team was informed that it is standard practice by **Ghana's Customs and Excise Prevention Service (CEPS)** to impose a **0.25 percent "processing" fee** on imports from all sources. As with the "computerization tax," this is tax collected in return for the customs services performing a function for which they are not supposed to charge.

The **strategy** for ending this practice could be as simple as providing information about this type of barrier to CEPS. More likely, addressing the issue through the regular meetings of Customs Commissioners and Finance Ministers, packaged with the Burkina Faso "computerization fee" and the "overtime fee" issues, could get all three solved in one fell swoop.

5. ENVIRONMENTAL IMPACT OF REMOVING POLICY BARRIERS TO TRADE

Agricultural and livestock activities have a direct relationship with the earth and water resources, meaning that any changes in the level of output and the flow of products will necessarily lead to positive and negative impacts on the environment. For crops, fertilizers and plant protection materials are inserted into local eco-systems. For livestock, grazing patterns, water use, and waste disposal all can have important impacts on environmental quality.

Policy barriers to trade involve decisions made by government officials reflected in paper and electronic documents, which have minimal impact on the environment. However, the impact of those decisions can be felt tangibly on the ground, both in changes in crop and livestock output levels, and in the flow of products within countries and across borders. The resulting impacts of removing policy barriers can intensify or diminish environmental impacts inherent in the six ATP/E-ATP value chains.

The environmental impact of removing the policy barriers can generally be expected to be positive or negligible. Removing the seasonal export ban should result in increased regional trade in cereals, with slightly higher fuel use resulting in slightly higher carbon emissions, but permitting efficient producers within the region to expand their possible outlets for exports. Furthermore, enhancing the competitiveness of West African cereals producers should lead them to gain greater market share compared with imports from outside West Africa, which must travel greater distances and thus carry a heavier carbon footprint.

Reforming West African countries' policies prohibiting the export of crops produced using subsidized inputs should also result in increased intra-regional trade, which is the overriding objective of the ATP/E-ATP Project. Agricultural production in West Africa suffers from very low use of inputs by producers, so greater use of improved seeds and crop-specific fertilizers could lead to less environmental damage from the unscientific use of inputs. Increased regional trade will result in greater carbon footprint, some of which at least is offset by lower amounts of imports from outside the region.

Removing technical barriers to trade, such as the requirement for the regional governor's authorization for livestock exports, the requirement for a certificate of origin, and the non-recognition of the equivalence of SPS certificates, can be expected to have minimal environmental impact. Less time spent at border posts engaged in formalities could mean that trucks spend less time idling and emitting fumes.

Removing fiscal barriers to trade, such as the assessment of a luxury-level VAT rate (18 percent) on intra-regional trade in staple foods, Senegal's surcharge on onion and shallot imports, or Niger's export statistical tax, should reduce the cost of staple foods to end-users. In West Africa, that means those benefiting will be some of the poorest people in the world. As awareness about environmental quality has been found to be positively correlated to income, improving the living standards of the West African poor can be expected to lead to improved environmental awareness and better stewardship of the region's natural resources.

6. GAP ANALYSIS FINDINGS AND RECOMMENDATIONS TO ECOWAS

With nearly a year of background work and stakeholder dialogue in hand, the ATP/E-ATP Trade Barriers Team is ready to present the findings of its Gap Analysis to the ECOWAS Commission. The Gap Analysis involved in-depth review of the regional trading rules (under both ECOWAS and UEMOA) and on-the-ground examination of whether or not the regional trading rules were being followed on intra-regional trade in the six ATP/E-ATP value chains.[16]

One of the primary objectives of ATP/E-ATP is to improve the advocacy capability of the stakeholders in rice, millet/sorghum, maize, poultry, livestock/meats, and onion/shallot value chains. To date, these value chains have had little voice or representation at the regional level. By building the capacity of the regional value chain associations, ATP/E-ATP is helping the value chains' stakeholders to articulate their interests and facilitate intra-regional trade.

ECOWAP focuses on leveraging national programs and donor programs under three mobilizing and federating programs at the regional level. As opposed to the traditional emphasis on promoting exportable cash crops for markets outside the region, ECOWAP places a priority on the development of value chains considered important to food security, in particular millet/sorghum, rice, maize, animal products, fruits and vegetables, and roots and tubers (emphasizing cassava, initially). It is readily apparent that the value chains on which the ATP/E-ATP Project is working fit neatly into the ECOWAP priorities.

ATP/E-ATP can provide a highly useful service supporting the regional body's agricultural policy. ECOWAP's slogan is "Make Agriculture the Lever of Regional Integration." The ATP/E-ATP goal of removing trade barriers hampering flows of staple food items between West African countries is not only concordant with the ECOWAP slogan, but could help ECOWAS establish a viable system for ensuring free trade in all products within the region.

With a long-term adviser already placed at the ECOWAS Commission in Abuja, Nigeria, much has already been done in explaining the ATP/E-ATP project to ECOWAS officials. A workshop presented jointly by the WATH and ATP/E-ATP on June 16 and 17, 2010, in Accra, was attended by senior ECOWAS officials and provided a forum for the presentation of the findings and recommendations on policy barriers to intra-regional trade in the six value chain products. The next mission for the Trade Barriers team will include a visit to ECOWAS headquarters in order to discuss the project's specific upcoming activities with officials in the agriculture, customs, trade, private sector, and communications departments. This will allow the regional officials to weigh in on how they see ATP/E-ATP best contributing to food security within the region. The strategy for dismantling each trade barrier will be discussed with the ECOWAS officials and appropriate adjustments made.

[16] The ATP/E-ATP Gap Analysis is complementary to the Gap Analysis on industrial goods conducted by WATH. The Trade Barriers Team wishes to acknowledge the detailed background work on the regional trading rules carried out by the WATH staff, which enabled ATP/E-ATP to better carry out its own Gap Analysis.

In order to ensure follow-through and monitor the progress made in dismantling each policy barrier, ATP/E-ATP is devising a Policy Watch System applicable for trade disputes between countries and for trade-hampering practices within a single country. Making use of existing structures at the national and regional levels, the Policy Watch System lays out a clear path for an economic operator encountering an unfair trade barrier to file a complaint and see it carried through to a successful conclusion. A schematic illustration of the Policy Watch System can be found in Annex 3.

In the case of a dispute between countries, the economic operator would register the complaint with his or her value chain association, which would then approach the national trade ministry. The national trade ministry, making use of the national committee for ECOWAS matters, will forward the complaint to the ECOWAS Commission, which will then inform the national committee for ECOWAS matters in the "offending" country of the infraction. A monitoring mechanism will involve follow-up on the progress in dismantling the trade barrier. Every six months, ECOWAS will conduct a ministerial review and publish a list of the unfair trade barriers brought to its attention, along with the state of progress in resolving the matter. A "feedback loop" will ensure that the economic operators initially reporting the anomaly will hear back about what has been done to remedy their complaint.

In the case of a policy barrier involving just one country (for example, Niger's statistical tax on onion exports), the Policy Watch System will enable an economic operator with a complaint about an objectionable measure to appeal for help to his or her national value chain interprofessional association. The national association will make a complaint towards the agriculture and/or trade ministry in an effort to change the situation. In the case of Niger's statistical tax, it is likely the finance ministry would be the national authority to make the final decision. If that does not work, the national association can appeal to the regional body, whether the ECOWAS Commission or the UEMOA Commission, for help in lobbying the relevant ministry to change the objectionable policy.

During the next mission to ECOWAS, the Trade Barriers Team will also discuss the work plan for tackling these policy barriers. By maintaining a tight focus on the details of these policy barriers, it is hoped that ATP/E-ATP will reinforce the advocacy efforts by the regional value chain associations that can lead to the elimination of these barriers.

7. CONCLUSIONS AND NEXT STEPS

The Gap Analysis approach permitted the ATP/E-ATP Trade Barriers Team to pinpoint specific policy barriers hampering intra-regional trade in each of the six value chains. By lowering the cost of transporting products across borders and reducing the time delays, eliminating these barriers would improve the competitiveness of regional food staples in neighboring markets, encourage greater access to food, and bolster food security.

The Trade Barriers Team has a plan for getting established at the ECOWAS Commission a Policy Watch System (and, where appropriate, at the UEMOA Commission) in order to permit economic operators in these value chains to bring their complaints about unfair trade barriers to the attention of the responsible authorities. A monitoring system will ensure that the stakeholders' concerns do not get lost in the shuffle, while a feedback loop will ensure that stakeholders know the result of their advocacy efforts.

The regional agricultural policy ECOWAP has as its slogan, "Make Agriculture the Lever of Regional Integration." The ATP/EATP Project's efforts to help regional value chain associations eliminate barriers to intra-regional trade in rice, millet/sorghum, maize, poultry, livestock/meats, and onions/shallots could be the very lever needed.

In the second year of its activities, the Trade Barriers Team plans to pursue a number of initiatives towards dismantling the identified trade barriers, including:

- Collaborate with different ECOWAS departments on a public awareness campaign on the regional free trading rules for basic foodstuffs
- Activate the Policy Watch system within the structures of the ECOWAS Commission, the UEMOA Commission, and the national administrations of the member states
- Collaborate with regional value chain associations on background documents necessary for pursuing advocacy activities to address the identified policy barriers
- Continued work on proper implementation of the VAT exemption for basic foodstuffs in West Africa
- Contribute to improving the ability of the ECOWAS Commission to develop an effective monitoring mechanism for tracking progress towards resolution of trade disputes notified to ECOWAS.

It is clear that intra-regional trade in basic food staples is hampered by policy barriers both big and small. The impact is to raise costs for exporters, increasing the cost of food for the region's consumers, and undermining efforts to improve food security. When such basic foodstuffs as millet/sorghum, maize, rice and onions are concerned, the poorest consumers would seem to be the most vulnerable, particularly during the "short season" when trade should be encouraged rather than discouraged.

West Africa's cereals traders in particular are caught between partial government intervention and an imperfect market with many of natural and human-imposed barriers. Under these circumstances, many of the hypotheses of modern economics related to free trade are violated. It cannot be assumed that what is written on paper is in fact the reality—unless that paper happens to be banknotes.

A grand bargain is needed, whereby the police, customs, and gendarmes clean up their practices and the region's traders and exporters become more professional in their business practices, for example by respecting the weight limits on trucks and obtaining the necessary paperwork. Tackling these policy barriers one-by-one on a highly specific basis would be a useful approach to making West Africa's regional free trade agreements a reality.

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ANNEX A: SUMMARY OF MEETINGS

Daily Activity Report: First Mission (April 15-30, 2009)—Ghana, Senegal, Ghana)

April 16: The team met with representatives from the West Africa Trade Hub (Vanessa Adams and Jane Ometere Omoluabi) to discuss the joint approach towards the ECOWAS Commission. WATH is completing its Gap Analysis for industrial products and other merchandise and is seeking to organize a region-wide seminar to discuss the findings and recommended changes to the ETLS. Before inviting the national delegates, the ECOWAS Commission wishes to discuss the report's findings at a meeting of experts with the Trade Hub. This may occur at the same time as the next ATP/E-ATP visit to ECOWAS.

Ofei and Plunkett met with Mr. Kenneth Quartey, a poultry operator and immediate past president of Ghana National Association of Poultry Farmers (GNAPF) and Mr. Kofi Agyei-Henaku, GNAPF executive secretary. Mr. Quartey described the past 20 years of growth and retrenching of Ghana's poultry industry following our line of questioning about the relative competitiveness of Ghana's poultry meat production vis-à-vis imports from the world market. Right now, poultry meat production in Ghana is a seasonal business, centered around Christmas and Easter. Nearly all the other sizable poultry producers have switched to egg production. He discussed how in 2003 the headline tariff rate of 20 percent was doubled to 40 percent for a period of three weeks. He described substantial advocacy efforts related to the poultry meat tariff as the poultry producers pursued the matter in court, but that the case was never decided as a government agency issued a "certificate of urgency" to keep the case from going forward. He also was unsure whether or not poultry imports currently pay the 20 percent tariff, or whether they are permitted to enter Ghana duty-free under *ad hoc* exemptions. Interestingly, he noted that spent hens receive a higher price than broiler meat—perhaps due to the tougher quality of the meat and a consumer preference for *poulets bicyclettes*?

April 17: They met with Mr. Manuel Doku, a former official with Ghana's Customs and Excise Protection Service, now engaged as a consultant for ECOWAS on the harmonization of the region's customs service computerization. He was optimistic that anomalies on intra-regional trade, such as those observed for the six ATP/E-ATP value chains, could be resolved once all trading is registered in the computerized system, as the "transaction code" for products will indicate the applicable tariff to customs officials in all countries. Part of his $29-million request for customs computerization includes a legal review of the ISRT convention, which permits transit operations (shipments through a country under customs seal), budgeted at $2.2 million including training. As products in the six value chains covered by ATP/E-ATP are supposed to move freely across borders under both UEMOA and ECOWAS rules, ATP/E-ATP will seek to ensure that information about the rules for intra-regional free trade in basic foodstuffs be incorporated into the legal review of the ISRT presently underway.

April 20: Ofei and Plunkett met with Madame Aissata Keita Sawadogo, the president of the regional poultry association, UOFA. She is very interested in help from ATP/E-ATP in building the capacity of her association. Her group has undertaken advocacy vis-à-vis both the UEMOA Commission and the ECOWAS Commission, approaching the Agriculture Department of each organization. She described a poultry feed supplement called "CMV" which contains a "pre-mix," lysine, salt, and other necessary ingredients, that she is importing from a company in Nigeria. That company could perhaps be a supplier to poultry operations throughout the region. Frustrated with the difficulties in importing day-old chicks from other countries within the region, she is also interested in buying chick incubators from overseas and bringing them to her operations in Ouagadougou. She asked for help from Daniel Plunkett in finding information about chick incubator suppliers in Turkey.

April 21: Ofei and Plunkett met with Mr. Sériba Ouattara, director for trade with Burkina Faso's Ministry of Trade and Industry, as well as with three of his staff members. In recent months, the Directorate of Commerce sent its staff members to several border posts, trying to find out actual conditions for trade, and the staff members were aware of nearly all of the policy-related barriers we had identified during the initial missions in May and December 2009. They had not heard about the "*taxe informatique*" (information technology tax) we were told in December was being assessed by the Burkinabé Customs Service. They also described the process by which the seasonal export bans on cereals are put in place following a meeting between the ministries of finance, agriculture, and trade.

Ofei and Plunkett provided a briefing to the ATP/E-ATP staff members in the Ouagadougou office related to the progress to date by the Policy Team. An initial presentation of the Policy Watch System led to some helpful suggestions on the part of the Ouagadougou office staff. A series of individual meetings with the value chain specialists and the cross-cutting specialists (advocacy, gender, monitoring and evaluation) permitted fruitful exchanges on how to help each other.

April 22: Ofei and Plunkett met with Ms. Ricarda Mondry, an animal health specialist who has assisted E-ATP on avian influenza. She provided useful insight into the process by which the AI-related prohibitions on poultry imports would eventually be lifted (see section above on Poultry Trade Barrier #1).

April 23: Ofei and Plunkett met with Mr. Amadou Ba, director for international trade negotiations for Senegal's Ministry of Trade. He was familiar with the difficulties that traders in the six value chains have encountered in terms of corruption along the roadways and collection of VAT and other non-transparent fees. He described how Senegal has organized itself for matters relating to UEMOA and the negotiations on the Economic Partnership Agreement (EPA) and the WTO, with a national committee for each set of negotiations. He suggested that the legislative framework was fully in place to permit free trading within the region (except for the absence of *la libre pratique*, or free movement of third-country goods within the Customs Union once the duty is paid), but that at the technical level, much remains to be done.

April 24: Along with Kossi Dahoui and Cheikh Ngane, the team toured the Dakar slaughterhouse and met with the slaughterhouse management company SAGAS and with officials from Senegal's national livestock and meat association, ANPROBVS. Also with us were the ANPROBVS representative from Tambacounda and Madame the representative of the Tambacounda organization of women in the livestock/meats sector. The meat traders are interested in exporting fresh meat to Cape Verde, but lack knowledge of the documentation and technical standards required. As Cape Verde is an ECOWAS member, ATP/E-ATP may be able to help by writing to the Cape Verdean authorities to obtain such information.

The team went to the sheep and goat market near the slaughterhouse in Dakar and explained the objectives of the ATP/E-ATP Project and possibilities for collaboration with the 22 traders attending the meeting.

Then the team went to the main cattle market in Dakar, where 3,000 head arrive per day. Discussions with the 25 traders participating in the meeting centered on the project's objectives and building awareness regarding the regional trading rules. Kossi Dahoui of the ATP/E-ATP Logistics Team discussed how important it was for the cattle traders not to ride with the cattle in the back of the truck, as this abnormal practice gives rise to bribe-taking by the PDG. Limiting the number of cattle in each truck to 25 head is another reform in sight.

The team visited the poultry operations of Mr. Idrissa Kamy, who has a day-old chicks incubator and production facilities for poultry meat and eggs. Madame Maimouna Albuida Sow, another poultry producer, also participated in the meeting. Mr. Kamy noted how the airlines operating in West Africa do not have the right planes with capacity for palletized loads of cargo, which is the recommended way to ship live day-old chicks. In the past, Air Afrique had such capacity, but no longer. This is a major constraint on exporting day-old chicks, for which there is substantial demand throughout the region. Road transport of day-old chicks is a possibility, for example to Nouakchott in Mauritania or to Bamako in Mali, but only if the roadway is in good condition, otherwise mortality rates are too high.

April 26: They met with Mr. Babacar Sembène, director for agricultural trade for Senegal's Ministry of Trade. As with Mr. Ba on Friday, the conversations were quite open and it became apparent that Senegal's Trade Ministry is a real "ally" in terms of promoting freer intra-regional trade. They were already aware of most of the trade barriers we have identified affecting our six value chains. He discussed preparations for a border conference between Mali and Senegal to be held in October 2010 to improve trade flows and launch the new corridor.

Ofei and Plunkett met with the Economic Growth Project (*Projet de croissance économique,* or PCE), funded by USAID's bilateral mission in Senegal. The PCE project, in its new incarnation following up on the SAGIC project, now has a focus on food security and works in all of the ATP/E-ATP value chains except for onions and shallots. We met with the Chief of Party, Jim Billings, and Deputy Chief of Party Andy Keck and Souleye Wade, who is working on the policy reform agenda. PCE is assisting Senegal's Presidential Investment Council to set up four working groups, one of which will deal with agriculture and food products, on needed policy reforms to make Senegal a better business environment. Andy Keck suggested that there was a real lack of knowledge by officials in Senegal regarding the regional trading rules and asked if Frank and I might be able to provide a training session for the working group. We can discuss if this might be a possibility for our next mission end of May/beginning of June.

Towards the end of the meeting with the PCE, by coincidence, Moustapha Ly of the USAID economic growth team in Senegal came to the PCE office. We met with him for a brief time and he seemed quite interested in the work on policy barriers we're doing.

The team met with Mr. Sérigné Amar, a major rice miller and trader with family background in fertilizer sales and distribution. He described how he had become interested in Mali, where rice production is greater than in Senegal, but where there is no large-scale rice milling industry. The rice in Mali is all de-hulled by small-scale shellers or by hand. Mr. Amar suggested he was interested in setting up a rice milling operation in Mali, as he has two milling machines on hand sitting in storage. The Trade Barriers Team will pass along the information to Mr. Vincent Akue, the Public-Private Partnerships Advisor for ATP/E-ATP, to follow up.

The team met with two officials of the National Council for Food Security (*Conseil national de sécurité alimentaire*, or CNSA), the new Chairman Mr. Mamadou Faye and Madame Sénabou Touré Laye, head of the information office for the CNSA, which is in the Prime Minister's Cabinet. She discussed how the internal marketing system for rice does not result in rice from the Senegal River Valley making it to Dakar in order to be sold, despite a consumer preference for local rice. She also encouraged the ATP/E-ATP team to continue to follow the efforts led by CILSS to organize a regional system for food security buffer stocks. She described how in Senegal there has not been a food stocks agency, in part because ample storage capacity exists in private hands. She agreed that Senegal could play an important role in a regional food stocks strategy, given the prominent role of Dakar port for trading in the western part of the ECOWAS region (and Mauritania).

April 27: The team met with Mr. Drame of the Observatoire des Pratiques Anormales. He discussed how the national trucking fleets are in need of upgrading in order for the system of joint border posts and weigh stations to be effective.

Ofei and Plunkett, along with ATP/E-ATP market facilitator Cheik Ngane, met with an extensive group of Trade Ministry officials, including the director of the Minister's Cabinet, Mr. Ismael; the number one adviser to the Minister, Mr. Abdoulaye Ba; the coordinator of projects and programs and focal point for donor activities, Mr. Magatte Ndoye; the adviser to the Minister of Agriculture, UEMOA and ECOWAS Madame Anne Wagner; the director for internal trade within Senegal, Mr. Director El Hadji Alioune Diouf; the assistant director for internal trade, Mr. Ba; and another adviser working with Madame Wagner, Mr. Matar. Among other topics, they discussed Senegal's new Framework for the Marketing of Agricultural Products with its emphasis on warehousing and transformation of agricultural products. They mentioned recent studies underway on development of a regional exchange (*bourse)* for agricultural products and on the coherence between trade policies and agricultural development policies. They mentioned that the Prime Minister is well aware of the corruption, bribes, and other non-tariff barriers on the roadways affecting intra-regional trade. They also noted a major shift—intra-regional trade now represents between 46 and 48 percent of Senegal's total trade. They also asked to be included in the mailing list for ATP/E-ATP.

The team went to an important cereals market in the Dakar neighborhood of Pikine. The market had burned to the ground twice in recent years and the market stalls and operations seemed to be on temporary footing. At least half a dozen trucks bringing products from Mali were parked at the entrance to the market, although the millet observed for sale was of Senegalese origin.

April 28: Ofei, Plunkett, and Cheikh Ngane (in his function as president of Senegal's horticultural exporters association) attended a meeting organized by Senegal's Trade Ministry updating the national committee on negotiations on the latest vis-à-vis the region-wide Economic Partnership Agreement with the European Union and on the Fifth Tariff Band (35 percent) of the ECOWAS CET. The economic studies office of the customs service presented a study that was in progress showing customs revenue losses to be at relatively minor or moderate levels under different scenarios for liberalization under the EPA (60 percent of trade liberalized, 65 percent, 70 percent). As for the 5th Tariff Band of the ECOWAS CET, among the six ATP/E-ATP value chains, it is likely that poultry meat will end up with a 35 percent duty on imports coming from outside the ECOWAS region (perhaps even with a combined tariff featuring both an *ad valorem* and a specific element). The 60 participants were informed briefly about the objectives and activities of the ATP/E-ATP Project.

April 29: Back in Ghana, Ofei and Plunkett met with Ometere Omuolabi of the Trade Hub and both sides brought each other up to date on preparations for meeting with the ECOWAS Commission. Ometere had suggested that a recent dispute between Côte d'Ivoire and Senegal regarding palm oil shipments to Senegal might be a good example of a trade dispute that was successfully resolved. During their mission, the Trade Barriers Team learned that Senegal was blocking imports of palm oil from Côte d'Ivoire (with a large shipment waiting on a ship in the port of Dakar) and that the dispute was resolved via the intervention of the UEMOA Commission's Director for Competition Policy. Senegal had disputed whether the palm oil was safe for human consumption and a technical analysis was conducted showing that the oil was okay. Another source had suggested that the palm oil may not have been Ivorian in origin, but had come from Malaysia. The real details are not entirely clear—when asked if there were a briefing paper available on the matter, Senegal's Trade Ministry indicated there was one but that it was not yet available.

Daily Activity Report: Second Mission (June 1-19, 2010)—Ghana, Senegal, Ghana

June 2: Ofei and Plunkett met with eight members of Ghana's National Trade and Transport Facilitation Committee, including Mr. Godwin Brocke, Ernest Tufuor and Chris Appiah of the Ministry of Roads, Ms. Adelaide Fiavor of the State Insurance Company, Mr. Matthew Hayford, chairman of the Ghana Road Transport Coordinating Council, Ms. Antoinette Dumelo of the ECOWAS and Free Zones Unit of Ghana's CEPS.

In a separate meeting with Adelaide Fiavor of SIC Insurance Company, who is working as a consultant to WAMI on ways to improve the functioning of the ETLS, the team discussed the transit guarantee system in depth. She confirmed the working hypothesis of the Trade Barriers team that the products in ATP/E-ATP value chains are non-dutiable items when crossing borders within West Africa and need not be enrolled in the transit guarantee system. For example, cattle traveling from Mali via Burkina Faso to Ghana are presently assessed three types of transit guarantee: the guarantee fund fee; the ISRT Logbook; and a vehicle escort. All three of these are unnecessary.

June 3: Meeting with officials at Ghana's Ministry of Trade, including the multilateral negotiations and WTO desk and Mr. Martin Williams, a foreign adviser. They discussed how in Ghana, the road harassment is compartmentalized by the type of security official (police, gendarmes, customs) and how there are few efforts to eliminate restrictions across the board.

June 4: Meeting with the Commissioner for the Ghana CEPS, Mr. Lanyon, and three members of his staff including assistant commissioner for evaluation and policy Mr. Fred Gavar, his deputy Paul Nkrumah Amadi and legal counsel Mr. Gordon Atto. Meeting with Mr. Phillip Mensa of the Intelligence Unit of CEPS in Jamestown. The Intelligence Unit, created in 2009, investigates complaints of corruption or abuse of position within Ghana's Customs Service. Several of the ATP/E-ATP stakeholders, including Ghana's onion traders and livestock associations, had visited Mr. Mensa's office in order to register complaints about corruption and harassment by customs officials.

Meeting with Mr. Samuel Koja Dapaah, adviser to the Ministry of Agriculture, who expressed doubt that efforts to improve the ETLS would be effective given the long-standing practices of corruption and self-interest.

Meeting with Ministry of Trade officials, including Mr. W. Kofi Larbi, Mr. Emmanuel Derek Awuri, Mr. Samuel Ato Yeboah. They were quite interested in seeing improvements to the ETLS and expressed the desire for Ghana to be a leader in the regional efforts.

June 5: Flight to Dakar, Senegal.

June 6: In Dakar, Ofei and Plunkett met with Mr. Sunny Ugoh of the ECOWAS Communications Division and discussed collaboration on public awareness campaigns regarding the regional trading rules for the six ATP/E-ATP value chains.

June 7: With ATP/E-ATP Market Coordinator for Senegal, Mr. Cheikh Ngane, Ofei and Plunkett reviewed the public presentation regarding the Gap Analysis and Policy Watch System. The team also received helpful comments and suggested changes on the presentation from the USAID-financed PCE project in Senegal.

The team visited the Medina market in Dakar and interviewed cereals traders regarding their experience with importing and exporting. The traders responded that the only rice ever to be found on the Medina market was rice from outside the region; bags of rice from Thailand, Brazil, and Uruguay were seen on that day. The traders reported buying millet, sorghum, and cowpea coming from other West African countries on an occasional basis.

June 8: Ofei and Plunkett attended the kick-off meeting of the President's Council on Investment in preparation for the border meeting on the Dakar–Bamako Corridor, which is to be held in October. They gave a presentation on the regional trading rules, including the Gap Analysis and Policy Watch System, and answered and asked questions both in plenary and during the breaks.

June 9: Ngane, Ofei and Plunkett visited the towns of Richard Toll and Rosso in the Senegal River Valley and interviewed rice growers, processors and traders. It was learned that Senegalese rice is exported to Mauritania from Rosso on an informal basis in narrow boats called *pirogues*, despite a ban on imports established by the government of Mauritania. None of the economic operators interviewed knew of any restrictions on exports established by the government of Senegal, even when the crop is produced using subsidized inputs (which is the case in several other countries).

June 10: In Saint Louis, Senegal, the team visited cereals traders in the Ndar Toute market, who described the frustrations experienced by those bringing cereals to Saint Louis from Mali (generally going to Tambacounda in eastern Senegal in order to purchase them). In Rau, Senegal, the team visited an onion collection and distribution center and collected information regarding the purchase and sale price of 40-kilogram onion bags made in Senegal by COFISAC. The bags are bought by the cooperative in stacks of 1,000, the red polypropylene onion bags cost 160 FCFA ($0.30) each and are sold to cooperative members for 175 FCFA. The May 2009 Trade Barriers Mission identified conversion of Niger's practice of using old cocoa bags for transporting onions into usage of modern bags designed for carrying onions as a priority investment in the onion value chain. The modern onion bags permit greater air flow, reducing spoilage, and would represent a substantial improvement in labor conditions for those involved in the trade in onions coming from Niger, as the onions in Niger are packed into bags weighing 110 to 120 kilograms each, intended to be carried by one person. In addition, smaller capacity onion bags discourage the common practice of hiding poor-quality onions in the middle of the bags, where they cannot be seen by the purchaser.

Next door to the onion market in Rau, the Policy Team toured an innovative, environmentally sustainable onion storage center being constructed as a prototype by a French consultant. The storage center uses no electricity and is designed to allow the heat of the day to escape via a roll-top roof during the night. Local mud bricks are used, as well as local fibers such as *tifa* from the Senegal River Valley and recycled plastic. Driving through a rural onion-growing area to the west of Rau along the coast, it was observed how improvements in onion seeds and agronomic knowledge allowed cultivation in an otherwise very poor area with very sandy soil.

The team visited an onion market in Potou, Senegal, where the counter-cyclical harvest was just beginning. Potou is an example of how construction of a road linking the village near the coast to the trunk highway has reduced the village's isolation, improving food security and efforts at poverty reduction. At a cereals and input supply market in Potou, it was observed how used onion bags and cereals bags are re-sold. Dutch onion bags are particularly prized as they have a stronger build.

June 11: Back in Dakar, the team met with the PCE project to discuss collaboration on helping the President's Investment Council to prepare for the border meeting with Mali, scheduled for October. ATP/E-ATP can help specifically the working groups on agricultural products and livestock products by providing the findings from the Gap Analysis regarding identified policy barriers to trade. As the PCE develops a schedule of meetings and preparatory work, they will reach out to ATP/E-ATP for additional help as needed. The team met with Oxfam Great Britain to discuss regional food security and priorities for improving intra-regional trade. The Oxfam official, Mr. Eric Hazard, the Regional Economic Justice director, showed strong support for ATP/E-ATP's activities, noting how in his opinion the focus on intra-regional trade reflects a change in approach for USAID, which typically has aimed to encourage exports of cash crops outside West Africa. It is hoped that Oxfam, which has been quite vocal in calling for higher tariff protection for agriculture in West Africa, can be convinced to be as strong a supporter of free trade within West Africa.

June 12: While the original mission Scope of Work called for traveling to Abuja, Nigeria in order to consult with the ECOWAS Commission June 14–16, Ofei and Plunkett re-routed to return to Ghana in order to conduct a joint ECOWAS consultation with the West African Trade Hub on the Gap Analysis, Policy Watch, and improvements to the ETLS.

June 14th: Planning and preparation for the joint consultation with the Trade Hub on the Gap Analysis and ETLS improvements scheduled for June 16–17.

June 15: Meeting with the Trade Hub regarding the joint consultation starting the next day.

June 16: Joint consultation for ATP/E-ATP and the Trade Hub with officials from the ECOWAS Commission to present the findings of the Gap Analysis and ETLS improvements. The ECOWAS officials present included Mr. Gilles Hounkpatin (Director, Customs), Dr. Sakho (Trade Directorate, Informal Trade), Mr. Felix Kwatchey (Trade), Mr. Kola ___, Mr. Tony Ulumelu (Free Movement of Persons), Mr. Alfred Braimah (Director, Private Sector), Mr. Enobong Umoessien (Private Sector), Mr. (Community Computing Center) and Mr. Sunny Ugoh (Communications). Mr. Lanto Harding of the West Africa Monetary Institute (WAMI) and several officials from Ghana's Trade Ministry and CEPS also participated.

June 17: Continued meetings with the representatives of the ECOWAS Commission and Ghana as part of the joint consultation. At lunch, a number of private sector representatives were introduced to the group, including Mr. Mawali Akpenyo (Delata export services), Mr. Nii Klottey Odonkor (Maersk shipping),

June 18: De-briefing for Bechir Rassas, Deputy Chief of Party for ATP/E-ATP.

ANNEX B: SENEGAL INTRA-REGIONAL TRADE DATA FOR ATP/E-ATP VALUE CHAINS

Obtaining reliable data on intra-regional trade is a constant challenge in West Africa. The April 2010 Trade Barriers Team mission was able to obtain Senegal's official trade statistics for most of the ATP/E-ATP value chains for the years 2008 and 2009. The data on exports within the region have been summarized in the paragraphs that follow and in the table below.

Senegal data show meat exports of 200 tons to other West African countries in 2008 and 131 tons in 2009, with Togo the largest purchaser. As for live animals, the data show regional exports worth just under 200 million FCFA (about $450 million) in 2008, falling to 128 million FCFA in 2009 (about $285 million).

Senegal export data show a small but active regional trade in rice in recent years. Senegal exported over 10,000 tons of rice in 2009, including about 7,500 tons of polished rice to Côte d'Ivoire and 3,500 tons of broken rice exported to Mali, Guinea-Bissau and Guinea. In 2008, Senegal data show exports of just under 3,000 tons of broken rice to Mali, Guinea-Bissau and Mauritania and in 2009. Whether this is in fact Senegalese-grown rice, or rice imported from outside the region that has cleared customs in Dakar and was then re-exported to neighboring countries, is unclear. Transshipments of rice coming into Dakar port but with the final destination of another country would not show up in these figures.

Senegal also appears to be able to export maize seeds to other countries, with data showing 20 tons going to Mali and 10 tons to Guinea in 2008. Senegal was able to export 500 tons of low-quality wheat to Mali in 2009.

For these same years, Senegalese official data show zero imports of live animals, meats, or cereals from other West African countries. This most likely reflects a weakness in Senegal's reporting system, as imports coming overland (for example, cattle from Mali or rice from The Gambia) are not being recorded. It can be assumed that only imports arriving at maritime ports are being recorded.

SENEGAL'S EXPORTS OF ATP AND E-ATP PRODUCTS TO WEST AFRICA

HS code	Product	Destination	2008		2009	
			Value FOB FCFA	Kg	Value FOB FCFA	Kg
0102900000	Other live bovines—pure breed	Mali	14,400,000	12,500	13,900,000	18,000
0104101000	Breeding sheep	Mali	8,000,000	450,000		
0105110010	Breeding roosters and hens	Burkina Faso	450,000	45	6,862,500	378
0105110090	Other roosters and hens	Mali			4,573,000	390
0105190000	Other live fowl	Mali	12,385,000	240,340	19,985,590	28,565
		Burkina Faso	9,663,200	710	17,221,000	1,488

HS code	Product	Destination	2008		2009	
		Benin	60,000	258		
		Mauritania	30,066,500	2,865	4,607,500	450
		Guinea	2,011,200	150		
0105900000	Other live fowl	Mali	117,512,468	247,860	59,200,949	33,052
0105990000	Other live domestic birds	Burkina Faso			210,000	120
		Côte d'Ivoire			516,026	100
		Mali	1,305,000	108	120,000	90
0106390000	Other birds	Guinea	360,000	25		
0106900000	Other types of birds	Guinea	250,000	5		
		Côte d'Ivoire			100,000	98
		Ghana			11,070	27,000
02023000	Bovine meats and offals; fresh, refrigerated, frozen	Mauritania	1,266,400	391		
0203290000	Other pork, frozen	Mauritania	183,800	63		
0206100000	Bovine offals	The Gambia	4,135,900	701		
0206290000	Other bovine offals, frozen	Ghana	47,660,040	26,748		
0210120000	Pork bellies and other salted, dried or smoked pork	Mali	16,518,507	4,541	11,603,293	3,125
0210200000	Edible bovine meats and offals, salted, dried or smoked	Mali	164,525	40	96,510	20
		Togo	33,640,000	168,200	27,090,000	138,100
1001900000	Other wheats and spelt	Mali			66,964,840	505,000
1005100000	Maize seeds	Mali	2,220,000	20,200		
		Burkina Faso	1,800,000	10,000		
1006101000	Rice paddy seeds	Guinea-Bissau			1,080,000	4,000
1006301000	Rice in sacks greater than 5 kg	Guinea			20,400,000	68,000
		Côte d'Ivoire			2,250,000,000	7,400,000
		Nigeria			515,510	250
1006400000	Broken rice	Mali	685,794,000	2,584,000	5,353,954,000	1,987,000
		Guinea-Bissau	85,908,000	300000	267,288,000	1,204,000
		Mauritania	600,000	400		
		Guinea			42,461,194	134,000
1008900000	Other grains	Mali			1,097,500	1,240
		Burkina Faso	50,000	45		
		Côte d'Ivoire	14,400,000	1,600	2,766,038	3,000

Source: Senegal's National Statistical Office.

ANNEX C: GAP ANALYSIS AND POLICY WATCH PRESENTATIONS TO ECOWAS

Also available in PowerPoint files.

IN THE NAME OF FOOD SECURITY!

REGIONAL RULES FOR FREE CIRCULATION OF STAPLE FOOD CROPS IN WEST AFRICA

'GAP ANALYSIS'

'POLICY WATCH' SYSTEM

AGRIBUSINESS AND TRADE PROMOTION (ATP) PROJECT

EXPANDED AGRIBUSINESS AND TRADE PROMOTION (E-ATP)

- Financed by USAID/West Africa regional program (agriculture)
  ATP value chains: onions-shallots, livestock-meats, maize
  E-ATP value chains: poultry, rice, millet-sorghum

- ATP/E-ATP runs through September-October 2012, covers whole ECOWAS region (focus on Benin, Burkina Faso, Cote d'Ivoire, Ghana, Mali, *Niger*, Nigeria, Senegal and Togo)

- Goal is to improve food security by increasing intra-regional trade

- Agricultural trade issues necessarily involve officials responsible for customs, trade, transport, private sector, communications, etc.

WEST AFRICA's CUSTOMS UNION

- *First step*: FREE TRADE AREA
- **Elimination of all tariff barriers**
- Customs duties and taxes of equivalent effect
- **Elimination of all non-tariff barriers**
- Fiscal barriers
- Physical barriers
- Technical barriers
- *Second step*: COMMON EXTERNAL TARIFF
- Single tariff regime on imports
- Harmonization of internal indirect taxes
- Adoption of a common trade policy

THE CHALLENGE

- Despite free trade regime since January 2000, intra-regional trade hampered by non-application of policies and imposition of non-tariff barriers

- "Gap Analysis" to determine nature and extent of difference between regional rules and the reality, and propose solutions

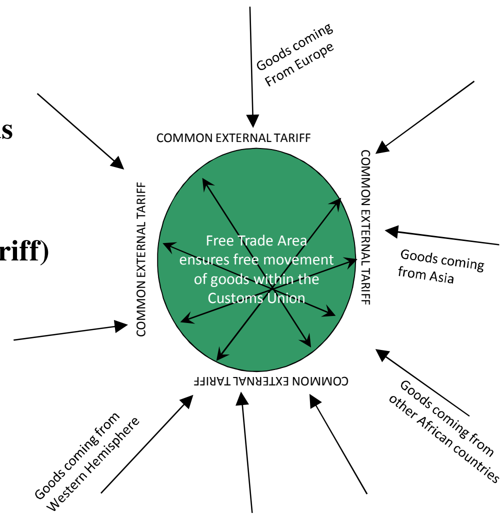
- "Policy Watch" system to ensure compliance with regional trade policies, and to give value chain economic operators recourse when faced with unfair barriers

THE VISION

Effective UEMOA-ECOWAS Customs Union

a. Community-origin goods circulate freely within West Africa

b. CET (common external tariff) applies to imports from third countries



Regional Rules for Trade

For the free movement of **agricultural and livestock products** in ECOWAS and UEMOA, the treaties and protocols require:

Elimination of tariff barriers

- Customs duties
- "Taxes of equivalent effect"

Elimination of non-tariff barriers

- Road checkpoints
- Unnecessary documentation
- Norms and standards as disguised barriers

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Elimination of non-tariff barriers
- Road checkpoints
- Unnecessary documentation
- Norms and standards as disguised barriers

Non respect of the Regional Rules

Many **non-tariff barriers** were observed:

- Numerous roadblocks (bribes, harassment)
- National documentation not recognized across borders
- Unnecessary documentation asked for (certificate of origin eliminated for these products according to ECOWAS A/P1/1/03)
- Restrictions on the export of cereals by border authorities
- Cote d'Ivoire asks for a certificate of origin for the bags in which the cereals arrive

Concepts and Practical Considerations for Crossing Borders

Types of barriers

Fiscal barriers to trade

Physical barriers to trade

Technical barriers to trade

What, How, Whom

For the free movement of goods

For the free movement of the truck

For the free movement of the driver and his assistants

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For the free movement of the truck

For the free movement of the driver and his assistants

E-ATP Value Chains	Identified Policy Barriers to Trade
Rice	▪ Seasonal export bans ▪ VAT of 18% charged when crossing borders ▪ Countries refuse to allow the export of rice produced with subsidized inputs ▪ Need for certificate of origin to avoid paying the full range of customs duties ▪ Cote d'Ivoire asks for certificate of origin for the bags in which cereals arrive ▪ Non-respect of equivalence of phytosanitary certificate ▪ Refusal by Burkina Faso certification body to certify seeds because seed producer planned to export seeds

E-ATP Value Chains	Identified Policy Barriers to Trade
Poultry	▪ Import ban in several countries on live animals, meat and eggs due to avian influenza ▪ Nigeria bans the import of poultry meat outright ▪ Need for certificate of origin to avoid paying the full range of customs duties ▪ Non-respect of equivalence of veterinary certificate

E-ATP Value Chains	Identified Policy Barriers to Trade
Millet-Sorghum	▪ Seasonal export bans ▪ VAT of 18% charged when crossing borders ▪ Senegal special surcharge on millet imports ▪ Need for certificate of origin to avoid paying the full range of customs duties ▪ Cote d'Ivoire asks for certificate of origin for the bags in which cereals arrive ▪ Non-respect of equivalence of phytosanitary certificate

ATP Value Chains	Identified Policy Barriers to Trade
Maize	▪ Seasonal export bans ▪ Countries refuse to allow the export of maize produced with subsidized inputs ▪ Need for certificate of origin to avoid paying the full range of customs duties ▪ Cote d'Ivoire asks for certificate of origin for the bags in which cereals arrive ▪ VAT of 18% charged when crossing borders ▪ Non-respect of equivalence of phytosanitary certificate

ATP Value Chains	Identified Policy Barriers to Trade
Livestock-Meats	▪ Regional governor's export authorization requirement in Mali ▪ Assessment of VAT by importing countries ▪ Basket of fees for transit operations ▪ Burkina Faso's FODEL export tax ▪ Non-respect of equivalence of veterinary certificate across borders ▪ Difficulties in exporting to Cote d'Ivoire ▪ "Parking tax" imposed by local authorities in Bitou, Burkina Faso

ATP Value Chains	Identified Policy Barriers to Trade
Onions-Shallots	▪ Seasonal import ban imposed by Senegal ▪ 10% surcharge on imports imposed by Senegal ▪ "Parking tax" imposed by local authorities in Bitou, Burkina Faso ▪ Statistical export tax in Niger ▪ Need for certificate of origin to avoid paying the full range of customs duties ▪ Non-respect of equivalence of phytosanitary certificate

Policy Barriers that are not Product-Specific

- Corruption on the roadways (PDG)
- Extra charge by Customs officials for "overtime"
- Burkina Faso's "computerization tax" (1%)
- Ghana's "processing fee" (0.25%)
- Non-respect of ISRT Logbook
- Excessive bureaucracy, extortion and delays during border formalities

Harmonized Documents

For the free movement of **agricultural and livestock products**:

- Single Administrative Document (SAD) (ECOWAS C/REG.4/8/99) (or) Provisional Export Declaration
- Phytosanitary or veterinary (SPS) certificate: national certificate valid in every other country

For goods in transit:

- ISRT Logbook (Inter-state transit: ECOWAS Convention A/P2/5/85)

Harmonized Documents

For the free movement of the **driver** and his **assistants**:

- Driver's license
- Identity card (passport not necessary)
- Driver's vaccination card
- Social security card

Harmonized Documents

For the free movement of the **truck**:

- License plates
- Inspection booklet (vehicle norms)
- ECOWAS Brown Card (insurance)
- Laisser-passer (known as « passavant » in Mali) = temporary import permit for the vehicle (ECOWAS Convention A/P1/7/85)
- International transport permit
- Bill of lading
- Transporter's invoice
- Security equipment (first-aid kit, triangle, extinguisher)
- Respecting maximum vehicle weight per axle (overloading) (ECOWAS Resolution C/Res1/12/88)

Actors at the National Level

- Approvals committee
- Facilitation committee
- Trade Ministry
- Chamber of commerce
- Economic operator
- Value chain associations

'POLICY WATCH' SYSTEM TO IMPROVE FOOD SECURITY

OBJECTIVES

- Promote policy compliance and reduce barriers to trade in value chains critical to food security

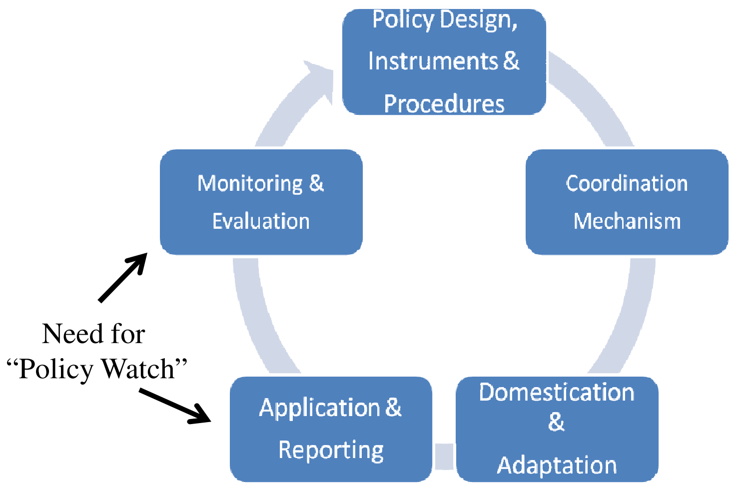
- Strengthen the link between individual economic operators and the regional integration bodies (ECOWAS, UEMOA, CILSS)

- Improve the advocacy capability of the value chain associations

- Operate a rigorous monitoring mechanism, incorporating a visible policy abuse redress system and sanctions mechanism

- "Make agriculture the lever for closer regional integration" (slogan for ECOWAP, the regional agricultural policy)

REGIONAL POLICY PROCESS

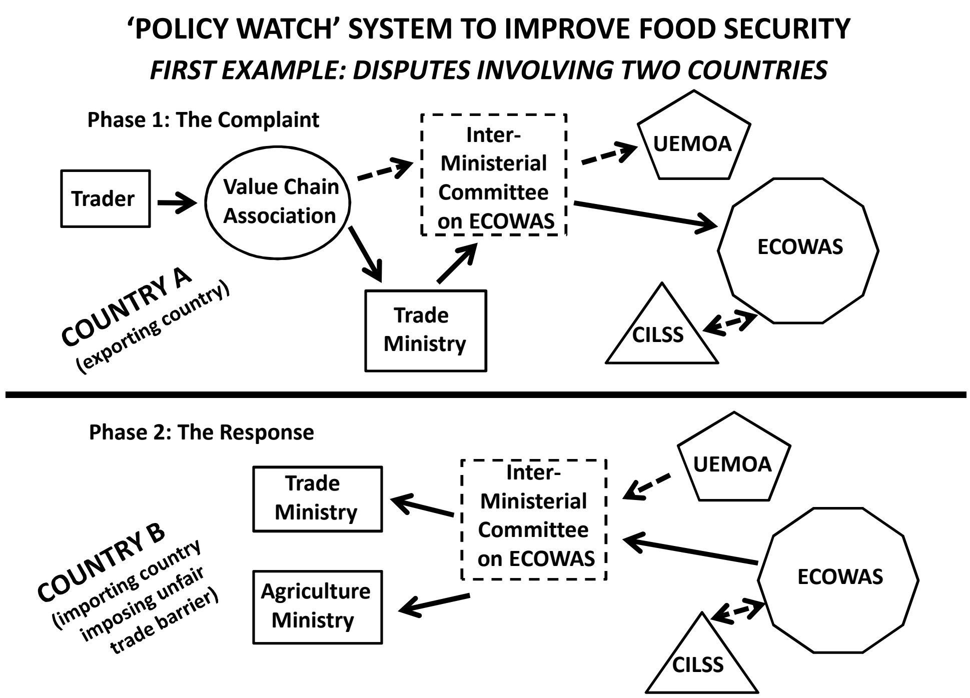


Dispute Resolution

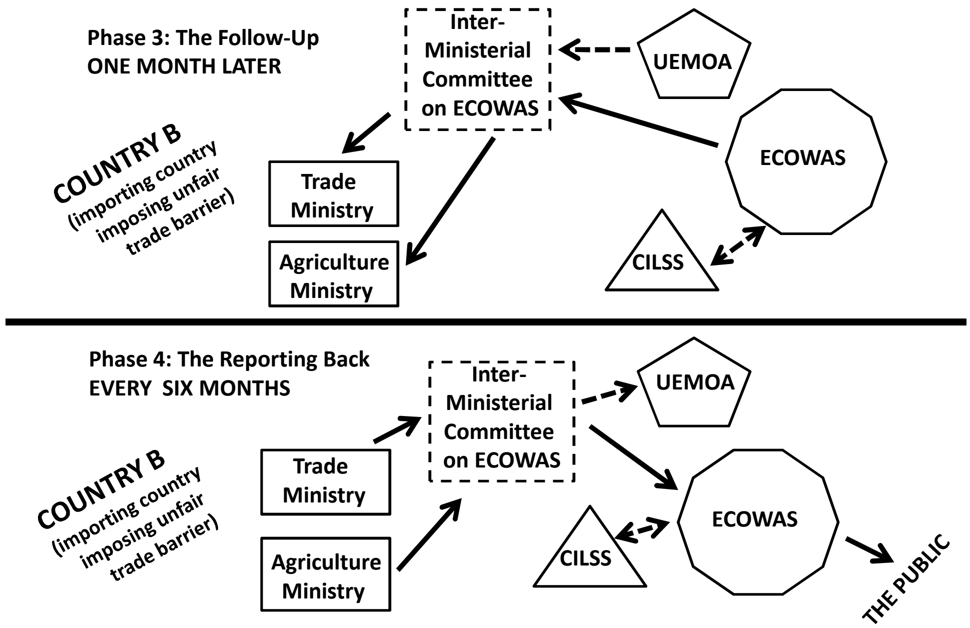
If there is a problem in the implementation of the regional rules, what can be done?

A dispute resolution system functions within UEMOA.

Within ECOWAS, a system is in the process of becoming operational



‘POLICY WATCH’ SYSTEM TO IMPROVE FOOD SECURITY



‘POLICY WATCH’ SYSTEM TO IMPROVE FOOD SECURITY

SECOND EXAMPLE: ABNORMALITY INVOLVING JUST ONE COUNTRY

Phase 1: Seeking Recourse Within the Country

1) Under the HOTLINE INSTANT REDRESS MECHANISM, a trader or transporter encountering a problem at the border calls a complaints-receiver appointed by the value chain association

2) That person then calls a responsible official at the Customs Service or Trade Ministry to get the cargo released

3) The complaints-receiver can go to the media or to an NGO if the problem persists or government officials are unresponsive

KEYS TO THE "POLICY WATCH" SYSTEM

- Use Existing Structures
- Strengthen the National Committees on ECOWAS Matters and Regional Integration
- Give Value Chain Stakeholders a Voice
- Hot Line—Instant Redress
- Insist on Follow-through and Public Reporting

'POLICY WATCH' SYSTEM TO IMPROVE FOOD SECURITY

WHAT'S NEEDED/NEXT STEPS

- Sensitization campaign to inform economic operators and the public about regional trading rules
- Designate officials within regional bodies as focal point for receiving complaints and acting upon them, with back-up staff members designated to ensure continuous responsiveness
- Place as the top item in ECOWAS departmental workplans and employee evaluation mechanisms
- Design monitoring mechanism and reporting plan for formal adoption by ECOWAS member states

ANNEX D: LIST OF PERSONS MET

FIRST MISSION (APRIL 15-30, 2009)—GHANA, BURKINA FASO, SENEGAL, GHANA

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Jose Momodou	Membre	«	
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Daouda Gonjoka	Président	Marche (Petit Ruminant de Dakar)	
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Mamadou Salif Diallo	Marchand	Marche (Gros Ruminant, M'Bao)	
Amadou Sow	«	«	
Alhousseini Moussa Sow	«	«	
Harouna Telli Sow	«	«	
Ahoude Maimouna Sow		Complexe	

Name	Position	Organization	Contact Information
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Iba Mar Oulare			

SECOND MISSION (JUNE 1-19, 2010)—GHANA, SENEGAL, GHANA

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4	Alhaji A Baba	Deputy General Secretary	GRTCC	233 547 447 283
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#	Name	Position	Organization	Contacts
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