



Modernising Produce Inspection Rules for Exports in Sierra Leone

*Options for improvement of Native
Agriculture Inspection Rules under Chapter
185 (Cap 185)*

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About the paper

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Table of Contents

Executive summary	6
1.0 Introduction.....	7
2.0 Overview of CAP 185 Native Produce (Inspection) Rules	7
1.1 <i>Background to Cap 185 Native Produce (Inspection) Rules</i>	<i>7</i>
1.2 <i>Details of Cap 185 Native Produce (Inspection) Rules.....</i>	<i>8</i>
1.3 <i>Policy context of Cap 185 Native Produce (Inspection) Rules</i>	<i>9</i>
3.0 Key Challenges Of the Cap 185 Native Produce (Inspection) Rules	10
3.1 <i>Obsolete inspection rules.....</i>	<i>10</i>
3.2 <i>Misaligned product coverage.....</i>	<i>11</i>
3.3 <i>Misalignment with new sector policies.....</i>	<i>11</i>
3.4 <i>Mismatched enforcement responsibilities and capacities</i>	<i>12</i>
4.0 Stakeholder Experiences and Recommendations.....	12
4.1 <i>Recommendations for adulteration rules and provisions on entry, search, seizure and detention in a modernised Cap 185.....</i>	<i>12</i>
4.2 <i>Recommendations for transport of produce rules in a modernised Cap 185.....</i>	<i>14</i>
4.3 <i>Recommendations for produce storage rules in a modernised Cap 185.....</i>	<i>15</i>
4.4 <i>Recommendations for produce inspection and grading in a modernised Cap 185.....</i>	<i>16</i>
4.5 <i>Recommendations for legal procedures under Cap 185.....</i>	<i>17</i>
4.6 <i>Recommendations for licenses under Cap 185.....</i>	<i>18</i>
4.7 <i>Recommendations for product coverage in a modernised Cap 185.....</i>	<i>19</i>
4.8 <i>Recommendations on cross-cutting produce inspection and monitoring issues and challenges.....</i>	<i>20</i>
5.0 Next Steps: Advocacy and Policy Engagement.....	20
6.0 Conclusions	21
References.....	22
Annexes	23
A. <i>Stakeholders interviewed.....</i>	<i>23</i>
B. <i>Questionnaire.....</i>	<i>25</i>
A. <i>Importance of topic</i>	<i>25</i>
B. <i>Challenges.....</i>	<i>25</i>
C. <i>Possible solutions.....</i>	<i>25</i>
D. <i>Next steps: Advocacy and policy engagement.....</i>	<i>25</i>
C. <i>CAP 185 NATIVE PRODUCE (INSPECTION) RULES.....</i>	<i>26</i>

Acronyms

Unless otherwise specified, all references to dollars (\$) are to United States dollars, and all references to tons are to metric tons.

AGOA	US African Growth and Opportunity Act
AFCFTA	African Continental Free Trade Area
AU	African Union
Cap 185	Chapter 185 of the Native Produce (Inspection) Rules
CET	Common External Tariff
DTIS	Diagnostic Trade Integration Study
EBA	Everything But Arms (EBA)
ECOWAS	Economic Community of West-African States
EPA	Economic Partnership Agreement
ESG	Environment, Social and Governance
ETLS	ECOWAS Trade Liberalization Scheme
FTA	Free Trade Agreement
GDP	Gross domestic product
GoSL	Government of Sierra Leone
FDI	Foreign Direct Investment
ITC	International Trade Centre
NTM	Non-tariff measure
PMB	Produce Monitoring Board
SLPMB	Sierra Leone Produce Marketing Board
SLSB	Sierra Leone Standards Bureau
SME	Small and Medium Sized Enterprise
TSI	Trade Support Institution
WTO	World Trade Organization
SLeCAD	Sierra Leone Chamber of Agribusiness Development
MAF	Ministry of Agriculture
MTI	Ministry of Trade and Industry
PMB	Produce Monitoring Board
IFDC	International Fertilizer Development Centre

Executive summary

Chapter 185 (Cap 185) Native Produce (Inspection) Rules is the part of the Sierra Leonean Native Agricultural Act that governs the inspection of the storage, transportation, and grading of produce for the purpose export. Enacted in 1946, Cap 185 is severely outdated. Revising Cap 185 was identified as a priority issue in advocacy and dialogue consultations held with Sierra Leonean public and private stakeholders in 2020. Its review, revision and modernization can help to encourage investment and support agricultural produce exports from Sierra Leone to take advantage of market access opportunities in regional and global markets.

Cap 185 has four main weaknesses: Firstly, it comprises obsolete produce inspection rules that do not reflect modern produce trading requirements needed to satisfy market demands. Secondly, it covers agricultural products that were important to the Sierra Leonean economy at the time, but which do not cover all current export priorities or opportunities. Thirdly, it is poorly aligned with current sector policies and regulatory frameworks. Fourthly, it is poorly matched with current institutional responsibilities and capacities.

Stakeholder interviews and the outcome of a dedicated public private dialogue indicate a keen interest in its review, revision, and modernization. The main priorities for its revision include amendments to provide improved clarity and transparency and to streamline inspection standards. Standards inspection is seen to be under-resourced and requiring of additional interventions to ensure that revisions to Cap 185 can be enforced. If inspection rules can be improved in Sierra Leone, they can help to alleviate technical barriers to trade and support export development and diversification.

1.0 INTRODUCTION

Chapter 185 (Cap 185) Native Produce (Inspection) Rules is the part of the Sierra Leonean Native Agricultural Act that details the duties and responsibilities of produce inspectors. It provides a legal basis for the conformity assurance processes related to inspecting agricultural produce meant for export. It aims to ensure the enforcement of quality standards in the storage, packaging, transportation, marketing and exporting of agricultural commodities. The goal of Cap 185 is to support the exportation of high-quality Sierra Leonean produce.

Cap 185 is a component of agri-business quality governance in Sierra Leone. It aims to address issues that create technical barriers to trade and that in turn inhibit the capacity of Sierra Leone to take advantage of international markets, including the regional markets opportunities within ECOWAS and the African Continental Free Trade Area. Its coverage is broad, encompassing issues that require inspection from storage through to transportation and marketing, across a range of agricultural products intended for export.

Developed and enacted in 1946, Cap 185 is severely outdated and misaligned with modern agricultural practices, priority products, and developments in the broader policy and institutional frameworks within the country. The importance of revising Cap 185 was identified as a priority issue in advocacy and dialogue consultations held in 2020 with Sierra Leonean public and private stakeholders.¹ It was identified as an issue that could be addressed to bring changes to the business environment, with a particular focus on the cassava, cocoa and palm oil value chains.

This Position Paper is based on stakeholder interviews through a semi-structured interview methodology covering key stakeholders elaborated in Annexes A and B with recommendations that were validated by stakeholders in a dedicated public-private dialogue held in Freetown in March 2023. It provides an overview of Cap 185, explains its weaknesses and challenges, and consolidates views and recommendations from stakeholder interviews and a dedicated public private dialogue. It intends to provide concrete inputs for the modernization of the Cap 185 regulatory framework with the aim of supporting a competitive Sierra Leonean export sector.

These efforts are being supported by ITC under the EU-funded WACOMP Sierra Leone programme. This programme supports trade-related advocacy and dialogue as a tool for improving the competitiveness of Sierra Leone's agri-business sector, targeting both supply-side and demand-side constraints and opportunities.

2.0 OVERVIEW OF CAP 185 NATIVE PRODUCE (INSPECTION) RULES

1.1 Background to Cap 185 Native Produce (Inspection) Rules

Cap 185 was developed and enacted on the 15th September 1946 by the Governor in Council under section three (3) and approved by the Legislative Council, being known then as the Native Produce Inspection Rules (Cap 185). Its intention was to govern the conditions under which major agricultural commodities were managed for the Sierra Leone Produce Marketing Board (SLPMB), which operated a state monopoly over the export of commodity produce.

Agricultural produce trade changed substantially in 1993 with the liberalization of the sector following the closure of the SLPMB in 1993. The Sierra Leone produce export sector then transitioned from a centrally

¹ ITC (2022). Supporting private sector interests through policy and advocacy in Sierra Leone. Available at: <https://www.intracen.org/uploadedFiles/intracenorg/Content/Redesign/Projects/WACOMP/WACOMP%20SL%20-%20Priority%20topics%20for%20policy%20and%20advocacy%20support.pdf>

planned and managed system to one increasingly led by the private sector. Many private sector actors and individuals began actively engaging in the sector and export market from the mid-1990s.

The Produce Monitoring Board (PMB) was established by an Act of Parliament in 2013 with a mandate to regulate the pre-shipment produce sector and trade in Sierra Leone. The PMB took over the functions and assets of the SLPMB, including Cap 185, which continues to remain the working document of the Produce Monitoring Board covering export quality control issues. Although some of its provisions are still relevant today, most of the rules in Cap 185 are aligned to the concentrated market structure that was in force prior to 1993, rather than reflecting the regulation of a private sector-led agricultural market that exists nowadays in Sierra Leone.

The Sierra Leone Standards Bureau (SLSB) has since been established by an Act of Parliament as the national body responsible for quality standards and conformity assessment and collaborates with the PMB in its quality management services. However, many of the provisions contained in Cap 185, as well as the penalties established for breaching its rules, have become obsolete and are no longer enforceable by the SLSB or the PMB.

1.2 Details of Cap 185 Native Produce (Inspection) Rules

As part of the Native Agricultural Act, Chapter 185 (Cap 185) on Native Produce (Inspection) Rules provides the overarching regulatory framework governing agricultural produce for the purpose of exportation in Sierra Leone. The rules cover the processing, storing, marketing and transporting of agricultural export produce. They detail the duties and responsibilities of produce inspectors and examiners charged with enforcing these rules, the appointment of those inspectors, and provisions governing the treatment of offences against the rules (see Table 1).

The instrument encompasses a wide range of rules from general provisions and standard regulations, subordinate rules, administrative formalities and decisions that give effect to higher-level regulations (such as the issuance and or revocation of export license), and various standards of agricultural produce. Good regulatory practices are defined for processes, systems, tools and methods to improve the quality of regulations and ensure that regulatory outcomes are effective, transparent, inclusive and sustained.

For example, Cap 185 outlines the rules for the sanitary transport of produce, including detailed conditions of carriage to ensure that produce is protected from water or weather damage. One such provision requires, for instance, that “when any vessel, boat or canoe is used for the carriage of produce, the bottom thereof shall be fitted with adequate dunnage in such a way as to prevent the contact of such produce with any water in the vessel, boat or canoe”. It further covers storage conditions for cleanliness, ventilation, moisture and heat protection, and hygiene. It outlines the conditions for the issuance of export licenses for the sale, purchase, dealing in, and possession for the purpose of sale, of produce for the purpose of export.

In terms of produce coverage, Cap 185 governs what were Sierra Leone’s key export commodities at the time of enactment. These were cocoa, coffee, ginger, palm kernel, palm kernel oil, palm oil, and piassava. Licenses are required for the export of these products. It also covers licenses in respect of rice but includes no inspection rules or grading provisions governing the treatment of rice.

Table 1. Outline of Cap 185 Native Produce (Inspection) Rules

Article	Provision
Part I – General Provisions	Re-exported produce exempted Producer exempted Advisory Committees Appointment of Inspectors and Examiners Inspection stations Produce markets

	Marketing areas Ports for exports
Export of Ungraded Produce	Export of sub-standard produce prohibited License to export sub-standard produce
Adulteration of Ungraded Produce	Offences Disposal of produce by court Disposal of forfeited articles Facilities for examination Tampering with graded produce Seals stamps and grade marks
Entry, Search, Seizure and Detention	Powers of entry, search, seizure and detention Forfeiture where owner unknown Forfeiture Storage and sealing of detained produce (1) Place of detention (2) Failure to produce Tampering with detained produce
Transport of Produce	(1) Protection of produce from the weather (2) Offence (1) Transport of adulterated or sub-standard produce (2) Duty to give information (3) False information
Storage of Produce	Storage of produce
Disposal of Cleanings	Disposal of cleanings
Protection of Graded Produce	Substitution of produce Failure to protect produce Mixing of produce Permission to break the seals on produce
Re-examination of Examined Produce	(1) Powers to re-examine produce (2) Powers of entry, etc Dispute as to quality
Legal Procedure	Institution and conduct of proceedings Onus of proof Forfeiture Report of Inspector to be evidence Protection to Inspectors and Examiners Attempts, etc.
Part II – Licenses	Licenses Form of license Duration of licenses No deduction Licenses not transferable Grant of licenses Revocation of licenses Production of licenses
Part III – Inspection and Grading of Produce	Inspection of Palm Kernels Inspection of Palm Oil Intended for Export Inspection and Grading of Ginger Inspection and Grading of Piassava Inspection and Grading of Cocoa Inspection and Grading of Coffee

Source: Cap 185 (1946)

1.3 Policy context of Cap 185 Native Produce (Inspection) Rules

Agriculture remains a key driver of development for Sierra Leone with the sector accounting for two-thirds of labour force employment and more than half of GDP (World Bank, 2021). Enhancing the agriculture sector has remained a core component of Sierra Leone's development strategies since at least the 2005 Sierra Leone Poverty Reduction Strategy Paper.

The Sierra Leone Medium-Term National Development Plan (2019-2023) has been the overarching development policy framework. It prioritizes productivity and commercialization of the agricultural sector through the National Agriculture Transformation Programme 2023. The current National Agriculture Transformation Programme 2023 aims to provide a policy and strategic framework for the agriculture sector focusing on providing better quality and wider access to inputs and infrastructure, and improving storage and processing facilities to increase productivity, achieve food security and expand exports.

Agriculture is a strategic growth sector for the Government of Sierra Leone. Increasing agricultural productivity is central to the Government's policy objectives as stated in the National Agricultural Transformation 2023 initiative to boost the agricultural environment in order to drive productivity. This is reflected in the government's efforts to create an enabling environment for agribusiness investors (domestic and international) through numerous sector-specific investment incentives and the availability of wide-ranging investment facilitation assistance from trade support institutions.

The Sierra Leone Medium-Term National Development Plan additionally aspires to diversify the Sierra Leonean economy. The Sierra Leone National Trade Strategy (2021) contributes to this goal with the identification of several agricultural product priorities with export potential. Priority agricultural products with unmet export potential include cashews, coffee, cocoa, cassava, palm oil, lime, ginger, and fresh and frozen fish and crustaceans. Priority agricultural products for export diversification include coconut oil, groundnut oil, cocoa paste, sesamum seeds, natural honey, pineapples and mangos, and bovine meats.

The challenges to agriculture trade in Sierra Leone are broad and have been well documented. Farmers in Sierra Leone have struggled to take advantage of preferential market access opportunities. These include regional opportunities through the ECOWAS Trade Liberalisation Scheme and the African Continental Free Trade Area, but also preferential market access schemes in the US, EU, China and India. Typically, producers and traders have little or no awareness of the opportunities of such trade arrangements and struggle in accessing these high-value markets due to outdated produce regulatory instruments, including Cap 185.

The lack of an updated regulatory framework has been a factor inhibiting produce exports alongside broader supply side challenges. A revision to Cap 185 and implementation of the necessary changes to it can create a modernized and productive trade policy instrument which will support access to high-value export markets.

3.0 KEY CHALLENGES OF THE CAP 185 NATIVE PRODUCE (INSPECTION) RULES

3.1 Obsolete inspection rules

There has been a steady evolution of quality standards and technical regulations for the different produce covered by Cap 185 since its enactment in 1946. Storage, transportation and marketing processes have advanced since, with many new international best practices now in place.

In the area of standards for storage and warehousing the Cap 185 does not include modern rules, for example, on:

- the location of warehousing facilities away from houses, schools and shopping areas
- warehouse building designs that prevent and contain the spread of fire and product spillage through, for instance, the construction of firebreak walls and catchments basins – these allow product spillage and water used in combating any fires to be retained for safe disposal
- easy loading and un-loading
- access for emergency vehicles
- non-combustible and heat resistant warehouse construction materials
- flooring that is impervious to liquids

In the area of transportation, the Cap 185 does not include best practice rules on, for instance:

- Preparation and loading
- Driver and vehicle suitability
- Threats vulnerability and preparedness for accidents.

The discrepancy between rules covered by Cap 185 and international standards results in technical barriers to trade. Technical regulations and conformity assessment procedures in Sierra Leone, in accordance with Cap 185, are currently insufficient to satisfy the quality demands of export markets. For instance, storage and transport practices frequently undermine the quality of produce. This in turn affects Sierra Leone's reputation for quality and undermines its ability to export its agricultural commodities to high-value international markets.

An updated revision to Cap 185 would provide the Produce Monitoring Board and enforcing departments (Quality Control Department) an instrument to better guide its day-to-day regulation of the produce value chains in Sierra Leone. One objective of reviewing Cap 185 would be to update the instrument to reference international agricultural produce regulatory best practices as required to ensure that produce qualifies for important international target markets.

3.2 Misaligned product coverage

Cap 185 was designed to cover important agricultural export commodities for the Sierra Leonean economy in 1946. Many of these are still relevant. Cap 185 governs the export of cocoa, coffee, ginger, palm kernel, palm kernel oil, palm oil, and piassava, as well as some aspects of rice.

However, since then, new export products have emerged or otherwise have been identified as having high export potential that are not covered by Cap 185. These include cassava, cashews, lime, fresh and frozen fish and crustaceans, coconut oil, groundnut oil, cocoa paste, sesamum seeds, natural honey, pineapples and mangos, and bovine meats. In some instances, other aspects of Sierra Leonean policy have since emerged to address the inspection of some of these products.

High quality produce trade can be assured across priority products with an updated revision to Cap 185. High levels of produce sector regulation can better foster revenue mobilization and improve the livelihoods of all actors along the value chains.

3.3 Misalignment with new sector policies

In Sierra Leone, as in many other countries, the governance of the agriculture sector is characterized by several layers of overarching and sector-specific policies. The National Agriculture Transformation Programme 2023 (NAT 2023) is the overarching agriculture sector policy. Sector-specific policies such as the National Cocoa Policy have been developed in order to specifically support cocoa production as envisaged under the NAT. There is little coherence between Cap 185 and these policies.

The National Cocoa Policy, for instance, does not include provisions on the assurance of quality standards for the storage and transportation of cocoa. Instead, these are left to the Cap 185, yet the provision for inspecting standards related to storage and transportation in Cap 185 are outdated. This undermines the ability of Sierra Leone to assure the quality of its cocoa exports and in turn reduces the price of Sierra Leonean cocoa on export markets which disincentivizes production and exports.

When Cap 185 was enacted, its focus was on agricultural "produce". New policies and institutions have been created to cover different aspects of agricultural produce since then. For instance, a Ministry of Fisheries was established in 1967 (now the Ministry of Fisheries and Marine Resources) to specifically govern exports of associated goods. A Food and Feed Safety Act was more recently enacted in 2017 to address food and feed safety issues in the domestic market and to protect the public against health hazards. A revised Cap 185 needn't address issues covered by these subsequent policy measures.

There have been significant developments in standards and certifying agencies in the development of quality standards for produce and food which Cap 185 has not captured and could be referenced in a possible revision. Examples include UTZ Kapeh certification and Rainforest Alliance certification for coffee. Neither of these important commercial standards were developed at the time of Cap 185.

Cap 185 is not aligned with newer developments in Sierra Leone's agricultural and trade policy environment, including sector policies. It requires updating to align with new policy developments and priorities.

3.4 Mismatched enforcement responsibilities and capacities

Cap 185 establishes the role of inspection officers for its enforcement. The PMB, in taking over the functions of the SLPMB in 2013, assumed the responsibility for hosting inspection officers however MTI also has inspection officers at different levels. In the Cap 185, there is outdated identification of who should conduct inspections and the actors involved.

Responsibilities for the enforcement and certification of other related standards on agricultural produce are spread across a range of ministries and agencies. In some instances, the PMB is the responsible agency, in others it may be the SLSEB, the National Fertilizer Agency, Seed Certification Agency, or the Ministry of Agriculture. Even when the law is clear on the role of individual institutions, it is not always clear on how such institutions should collaborate and coordinate.

Institutional authorities and agencies responsible for current standards and quality inspection and examinations in Cap 185 do not reflect current agencies or their mandates and administration in the chain of enforcement bodies. For instance, Cap 185 recognizes the Governor as an authority figure head even though this role no longer exists in the current administration of the agricultural food and produce sector.

Cap 185 could be revised to better delineate and streamline standards assurance processes to improve transparency and clarity, and to better target resources where the enforcement of quality standards is most important.

4.0 STAKEHOLDER EXPERIENCES AND RECOMMENDATIONS

As part of the WACOMP programme, interviews were held with a range of public and private sector stakeholders in Sierra Leone in the course of 2021 and 2022 (see Annexes A and B). The findings and stakeholders' perspectives from these consultations were reviewed, experiences shared and recommendations validated at a dedicated public-private dialogue in Freetown in March 2023. This section details these experiences and recommendations.

4.1 Recommendations for adulteration rules and provisions on entry, search, seizure and detention in a modernised Cap 185

Stakeholders reviewed the Cap 185 provisions for adulteration of produce (Rules 13 – 20) and rules covering entry search, seizure and detention (Rules 20 - 25). They shared i) challenges and experiences, ii) Recommendations for rules on the adulteration of produce and on entry, search, seizure and detention in Cap 185, and iii) Recommendations for adulteration beyond Cap 185.

i) Challenges and experiences with adulteration of produce and entry, search, seizure and detention rules

Significance of the issue of adulteration - The adulteration of produce is a substantial issue affecting produce quality in Sierra Leone. For instance, (carcinogenic) Sudan IV dye is often added to palm oil to improve consumer perceptions of colour, stones are added to increase the weight of coffee requiring coffee exporters to rely on de-stoning machines, and moisture is added to cocoa to increase weight. Mixing of different grades of produce is a persisting challenge with, for example, cocoa middlemen often contaminating superior grade cocoa with inferior quality cocoa.

Definition and scope of adulteration – A clear definition is needed for adulteration to determine whether it encompass actions for deliberate gain, but which fall short of the *addition of another substance* to the produce. For instance, farmers may deliberately forego the 7 days required for fermentation of cocoa,

meaning that the cocoa won't sufficiently dry and insects may penetrate it. Such an action is for deliberate gain by the farmer, to save time, and reduces the quality of the produce, but does not amount to the *addition of another substance* to the produce.

Tampering with graded produce – There are fewer problems with the breaking of seals and tampering of graded produce, although there have been issues with the stealing of graded produce from sealed bags.

Adulteration across the value chain – Adulteration occurs at different steps along the value chain. Farmers were argued in many instances to cause more adulteration than agents, sometimes inadvertently. For instance, farmers use mosquito coils in the same room that they have the cocoa causing deet molecules to undermine the quality of the cocoa.

Enforcement against adulteration – The current situation under Cap 185 was argued to grant only limited powers for enforcing against adulteration. PMB has the right to detain produce and take it to the law officers department who go between the regulatory authority and the produce owner to determine whether produce can be considered to be adulterated, however law officers were argued to lack expertise in specific produce and knowledge of adulteration practices.

Equipment for testing of adulteration – It is difficult to have adequate equipment at hand to do sufficient testing at the premise of produce owners (as is currently provided for in Cap 185).

Seizure and disposal of adulterated produce – Once proven to be adulterated, rules need to clarify for the seizure and disposal of produce. In some instances, inferior and adulterated produce may still have export value, in other instances it may have alternative local uses.

ii) Recommendations for rules on the adulteration of produce and on entry, search, seizure and detention

- *Definition of adulteration* – Currently, Cap 185 rules on adulteration cover “any person who shall adulterate or cause to be adulterated any produce” (Rule 13.(1)). This definition needs to be more firmly defined to clarify whether or not certain practices are to be construed as adulteration, such as inferior practices taken deliberately (for instance deliberately insufficient fermentation periods for cocoa), the combining of grades (which is difficult to make a case against under the current definition), the inclusion of foreign materials, and other deliberate practices that affect the quality of produce.
- *Enforcement of rules against adulteration* – Cap 185 needs to better define procedures on how to deal with adulteration. The current rules on entry, search, seizure and detention were argued to be insufficient and not up to date with current testing requirements. After detaining produce, rules should require for samples to be taken for laboratory testing and that testing should be timely.

iii) Recommendations for adulteration beyond Cap 185

- Empower the PMB to develop standard operating procedures to conduct for test and proof of adulteration. These should be developed in collaboration with the SLSB and private sector representatives for specific sectors.
- Any illegal activity in adulteration should be enforced by the appropriate institutions, rather than the regulator (PMB). This may require establishing a stakeholders committee for improving awareness of the Cap 185 rules to improve their enforcement, comprising PMB, local authorities and border agencies (Customs Officials, Sierra Leone Police, SLSB, NRA, Republic of Sierra Leone Armed Forces).
- Establish a committee on the seizure and disposal of adulterated and substandard produce. That committee should develop standard operating procedures for seizure and disposal of adulterated and substandard produce.

4.2 Recommendations for transport of produce rules in a modernised Cap 185

Stakeholders shared experiences on how produce transportation happens in practice and challenges with its current regulation under Cap 185 (Rules 26 – 27). Transport was argued to be a major challenge in ensuring produce quality, particularly in sensitive but high value products like cocoa that can absorb particles during transportation. This section comprises i) Challenges and experiences with transport of produce, ii) Recommendations for produce transportation rules, as well as iii) Recommendations for produce transportation beyond Cap 185.

i) Challenges and experiences with transport of produce

Significance of transportation issues - Transport issues are one of the major challenges undermining the quality of produce, and cocoa in particular, in Sierra Leone.

Contamination in transportation - Transporters reportedly use the same trucks for transporting cement as they do for agricultural produce. Cap 185 could govern the fitness of vehicles used for transportation to ensure that vehicles' previous usage, such as cement transportation, does not affect produce.

Use of vehicles for multiple produce - All cocoa exporters in Sierra Leone are involved in other produce. This increases the likelihood of vehicles being used for transporting different products and in turn the likelihood of residues affecting cocoa produce. While some participants suggested that cocoa exporters be restricted to just the cocoa sector others argued that a breadth of product coverage is needed to ensure commercial survival.

Inferior modes of transportation - In practice, small scale farmers mostly use motorbikes for transportation. Motorbike transport is wholly inappropriate for the transportation of sensitive products like cocoa. Other challenges include the use of vehicles that produce heavy fumes as that can affect quality.

Regulation enforcement – For cocoa (where a specific National Cocoa Policy exists) the standards for transportation exist nationally. International standards are otherwise available for the transport of most other products. Nevertheless, the enforcement of transport regulations very limited in practice.

ii) Recommendations for produce transportation rules

- *Alignment with national and international standards* – Sufficient international transportation standards already exist for all relevant produce but are currently voluntary. They need to be specifically referenced and included in the Cap 185 to give a legal basis for their enforcement in Sierra Leone.
- *Powers of enforcement* – Appropriate penalties should be referenced in Cap 185 to encourage compliance with the rules in the revised Act.
- *Produce stuffing and loading* – Cap 185 should require exporters to follow inspection rules on stuffing and loading rules for their produce.
- *Vehicle usage suitability* – Cap 185 should require exporters and dealers to use, or secure, suitable and roadworthy vehicles and have provisions to investigate the suitability of road transport vehicles used for the transportation of produce.
- *Maritime containers* – Cap 185 should have rules to require exporters to take full responsibility to line containers, including dry bags, used for exporting cocoa to protect from contaminants from their previous use.

iii) Recommendations for produce transportation beyond Cap 185

- Beyond transportation within Sierra Leone, containers used for transport from the port also affect produce quality. Exporters need to know the usage history of containers used for exporting produce, but currently this information isn't readily available.
- Coordination with neighbouring MRU and ECOWAS countries is required to address cross-border transportation issues. Produce like cocoa is imported into Sierra Leone using unsuitable transportation modes from neighbouring countries.

- Good hygienic practices (GHP) should be defined for produce transportation and smallholder farmers and traders should be encouraged to undertake trainings on GHP, with support from development partners and the Ministry of Agriculture.
- Stakeholder engagement and awareness sharing on rules and best practices on transportation practices should be delivered in collaboration with the Sierra Leone Transporters Association.

4.3 Recommendations for produce storage rules in a modernised Cap 185

Stakeholders reviewed the Cap 185 rules governing produce storage (Rules 28 – 33), shared the challenges they encounter in produce storage, and provided recommendations for the revision of storage rules in Cap 185. This section comprises i) Challenges and experiences with produce storage, ii) Recommendations for produce storage rules, as well as iii) Recommendations for produce storage beyond Cap 185.

i) Challenges and experiences with storage of produce

Significance of produce storage - Storage is a critical issue for the export-quality of produce as storage and warehousing conditions risk undermining most produce if inappropriate.

Current practices – PMB jointly with SLSB follow a storage checklist to monitor warehousing to ensure the availability of certain standards and equipment that should be available. For instance, warehouses should be properly paved, should be clean, should have pallets available, should be 8 to 10 meters high (for cocoa storage), should be disinfected for upcoming harvests and should have pest control measures. SLSB monitor aspects such as weighing equipment (because some of the buyers adjust scales to cheat farmers). Once evaluated, adequate warehousing is rewarded with a storage inspection certificate and produce buying license.

Different scale operators - Warehouses are evaluated mostly for the exporters, principal agents and large-scale actors. Smaller agents and aggregators may own smaller warehouses and tend to be less thoroughly assessed for their storage standards, however, produce tends to spend less time in these warehouses before being moved down the supply chain.

Current checklist for assessing warehouses goes beyond Cap 185 – It includes additional measures on weighing equipment, availability of pallets, moisture monitor, and other aspects. Some products, like gari and palm oil, do not have dedicated check lists for assessing warehouses. These aspects need to be adopted into Cap 185 to give a legal basis to the assessment of produce storage. Current checklist standards are in practice based on international standards, rather than the dated provisions of Cap 185.

Cross-produce contamination - Most exporters store multiple produces. Cocoa is being packed with other commodities in the same store. That undermines its quality. Cap 185 rules exist to regulate against this but there is a lack of enforcement in practice.

Risk management – Storage and warehouse operators face numerous risks, including thievery from storage and damage to storage facilities.

Produce-differentiated requirements – Cap 185 has generic produce storage requirements, but some products need differentiated storage treatment. For instance, moisture monitoring is a big issue for cassava gari but Cap 185 does not require moisture monitoring for storage.

ii) Recommendations for produce storage rules

- *Gaps in Cap 185* – Cap 185 does not provide a legal basis for requiring international best practices and current national standards in storage and warehousing, including requirements weighing equipment, availability of pallets, moisture and heat monitoring equipment, and other aspects. PMB and SLSB in practice check these elements, but have no legal basis for their enforcement from Cap 185.
- *Insurance requirement* – Some stakeholders believe that Cap 185 should require storage and warehouse owners to take out insurance on warehousing facilities for risk mitigation. Others felt that

this should be required only for large scale warehouse, while others still argued that insurance should be reserved as a voluntary business decision and not covered in Cap 185.

- *Storage rules for smaller-scale actors* - Warehousing requirements are limited to the major commercial (middle and super) actors. But storage monitoring needs to be extended to the smaller scale actors to ensure quality, including at the farm gate and with smaller agent aggregators. Two solutions were provided:
 - Some participants argued that Cap 185 should have storage standards appropriately developed for each level of actor, including smaller scale actors, to secure good storage practices.
 - Other participants felt that the onus for storage responsibilities at the smaller scale should be held by larger businesses, rather than by regulators, through their contracts with their suppliers.

iii) Recommendations for produce storage beyond Cap 185

- Inspectors can be compromised and issue licenses for inferior storage facilities. There should be penalties to inspectors addressed through PMB internal practices for managing inspectors.
- PMB should collaborate with the Ministry of Agriculture to improve the monitoring of produce storage undertaken at the level of farmers as part of good agricultural practices. There should be awareness raising of standards as well as trainings for farmers and agents.
- PMB need to continue to strengthen engagement with SLSB to collaborate on rolling out awareness raising programmes on standards for good agricultural practices and good hygiene practices related to produce storage.

4.4 Recommendations for produce inspection and grading in a modernised Cap 185

Stakeholders reviewed the Cap 185 provisions for produce inspection and grading, which cover the products of Palm Kernels (Rules 51-53), Palm Oil Intended for Export (Rules 54-57), Ginger (Rules 58-62), Piassava (Rules 63-73), Cocoa (Rules 74-83), and Coffee (Rules 84-92). The following are the i) challenges and experiences shared, ii) recommendations for inspection and grading of produce rules in Cap 185, and iii) recommendations for inspection and grading beyond Cap 185.

i) Challenges and experiences with inspection and grading of produce

Inspection and grading of produce in practice - Cap 185 is followed as the working document for PMB to guide examiners and inspectors in the field as they do their work. In practice, however, PMB do not follow the specific standards outlined in Cap 185, which are severely outdated, but enforce standards that are developed by SLSB. For produce for which SLSB does not have standards, such as cashews, PMB sometimes inspect and monitor to other international standards.

Cap 185 is an "ancient" document – units of measurement are outdated and need to be updated. When written there were no standards for the covered products. There are now international and national present-day standards from SLSB. PMB follow provisions set out in Cap 185 but apply the SLSB standards for issuing standards certificates, even though these are not provided for in Cap 185. For instance, Cap 185 doesn't provide procedures for collecting samples, so we follow the SLSB sampling standards. PMB also work with buyer requirements, which are outside Cap 185, to make produce grading business friendly.

There are not national standards for some high-potential produce - For instance with cashew, there is no national standard, so PMB work with ComCashew Standards (global standards), even though there is no provision for this in Cap 185. In practice much cashew ends up being exported via neighbouring countries that have national cashew standards, missing an opportunity for Sierra Leone.

Delayed standards certification – Private sector operators complain that the results of standards tests can be severely delayed, reportedly up to 3-years for test results in some instances.

PMB collaboration with SLSB – collaboration needs to be improved because of the critically close relationship between each agency for determining and implementing produce grading standards. Sometimes the demarcation of functions between each agency is not always clear and need to be more clearly delineated.

The private sector is not well represented on the Technical Mirror Committee on Standards and Conformity Assessment – Some participants argued that, when invited, the private sector fails to turn up while others argued that the private sector is not sufficiently invited.

ii) Recommendations for inspection and grading of produce rules

- *Update produce grading rules in Cap 185* – Cap 185 needs to be updated to reflect modern-day standards and units of measurement and coverage. Its scope needs to be expanded to reflect new and emerging high-potential produce. To make Cap 185 more flexible, it should not include standards itself, but reference national and international standards.
- *Provisions regulating control of smuggling* – Cap 185 should include regulations providing for penalties, including seizure and confiscation of produce, to protect against cross-border smuggling of sub-standard produce.
- *Legal cross border trade* – Cap 185 should enforce against substandard produce being transported into Sierra Leone from neighbouring countries. It should require produce to be declared and labelled as organic or otherwise when entering the country.

iii) Recommendations for inspection and grading beyond Cap 185

- PMB needs to continue to strengthen collaboration with SLSB to ensure that standards being designed and followed in produce grading reflect current best practices, including regional ECOWAS standards, and including through the Standards Technical Committees that develop standards.
- The Technical Mirror Committee on Standards and Conformity Assessment needs to be strengthened through MTI to engage PMB and SLSB through its Standards and Compliance Directorate for effective collaboration on the development of grading standards and conformity assessment procedures.
- There should be improved private sector representation on the Technical Mirror Committee and Conformity Assessment on Standards. SLeCAD should be the natural aggregator of the private sector voice and should attend, and send required personnel, to the Technical Mirror Committee on Standards. SLeCAD should examine their membership and interested sector players, and appoint the most appropriate to attend these meetings.
- MTI should develop and make functional their data management system with portals for each agency to input data related to firm test results. To the extent possible, such data should be publicly available.
- Need to align grading standards between neighbouring ECOWAS countries to reduce cross-contamination or poorer graded produce being imported across land borders (ECOSHAM standards).

4.5 Recommendations for legal procedures under Cap 185

Stakeholders reviewed the legal procedures (Rules 36-42) for prosecuting against charges under Cap 185. They shared the following: i) Challenges and experience with legal procedure under Cap 185, ii) Recommendations for legal procedures, and iii) Recommendations beyond Cap 185.

i) Challenges and experiences with legal procedures under Cap 185

Current situation – Currently a prosecution for an offence under Cap 185 with a view to the forfeiture of produce or other matter under Cap 185 is conducted through a Magistrate's Court. Some participants argued that this process can be extremely time-consuming, with judgements taking years and the requisite technical sector expertise unavailable at the Court. This was contrasted with sector-specific arbitrators, such as the Federation of Cocoa Commerce, which has a special arbitration committee for settling disputes within the

cocoa sector. The private sector prefers to go through arbitrators is timelier and provides for better access to appropriate sector-specific expertise.

ii) Recommendations for legal procedures under Cap 185

- *Fast-track rulings* – Empower the Fast-Track Commercial Court to address offences under Cap 185.

iii) Recommendations for legal procedures beyond Cap 185

- Investigate options for the timely arbitration of issues under Cap 185, including through an arbitration committee or grant arbitration powers to a committee on the seizure and disposal of adulterated and substandard produce.

4.6 Recommendations for licenses under Cap 185

Stakeholders reviewed the rules for licenses under Cap 185 (Rules 42 – 50). These are required for exporters, dealers and agents of the products covered by Cap 185. Stakeholders raised i) Challenges and experiences with licenses and ii) Recommendations for the issue of licenses under Cap 185.

i) Challenges and experiences with licenses under Cap 185

Current situation – PMB issues specific licenses for exporters, dealers, buying agents of covered products. Buying agents are small scale buyers, usually at the village level, dealers are larger scale aggregators, and exporters operate at the largest commercial scale. For licenses to be issued, operators must have a certified business and certified warehouse, as appropriate for their role in the value chain. For instance, export license holders must hold a business registration certificate, certificate of incorporation (if a company), tax clearance certificate (from NRA), statement of bank balance, store/warehouse certificate, and proof of repatriation of 30% of previous export sales, to gain a license. Licenses can be revoked.

Blended responsibilities – In practice, some operators act across the value chain, with some exporters – for instance – employing their own agents who operate at the village level.

Traceability challenges – Some participants argue that when agents act independently it reduces traceability, making it difficult to monitor from where exporters get their produce. Accordingly, some participants argued that buying agents need to be more clearly linked to exporting companies to improve traceability through the value chain. Other participants argued that the market should remain free and not over-regulated, allowing traders and agents to work with each other without binding restrictions on with whom they work in the value chain.

Obsolescence in Cap 185 licensing rules – Cap 185 specifies ancient license pricing rules that are no longer relevant. Cap 185 requires licenses to be renewed on each 31 December, irrespective of when they are issued. So a license issued, hypothetically for example on 30 December, would expire the following day which makes little sense. 31 December is furthermore poorly aligned with the harvest timelines for instance in the cocoa sector.

ii) Recommendations for the issues of licenses under Cap 185

- *Improve the clarity of definitions for licenses to different value chain actors* – A clear distinction should be made for licenses issued to exporters, dealers and agents. As it is now, some buying agents have been issued export licenses when they are not exporters.
- *Regulating trader and agent engagement* – Some participants recommended that agents should specify in their license application the exporters that they work with, with the right to change this each year when they apply for their license, and that exporters should include lists of their agents when they apply for license. This was argued to help improve traceability in the sector. Others argued that the sector should remain freer and open.
- *Licensing timelines* – These should be changed to a 12-month licensing period from the date of issuance, rather than arbitrarily requiring their renewal on 31 December.

4.7 Recommendations for product coverage in a modernised Cap 185

Stakeholders have recommended that the product coverage of the Cap 185 be revised to better reflect current trade and support promising export opportunities. Recommendations are oriented around three areas: i) Principles to guide product coverage, ii) the Breadth of scope for product coverage, and iii) Specific product suggestions.

i) Recommended principles of product inclusion

The following core principals were prioritised by stakeholders to guide the inclusion of any products under a revised Cap 185.

- **Scalability** – products that have the potential to be substantially scaled up to boost Sierra Leone’s exports
- **Policy alignment** - including with the priority products identified in the National Trade Strategy and not in conflict with food items covered by the Food and Feed Act
- **Flexibility** - to address the emergence of future export opportunities
- **Focus** - on products that have substantial economic value or potential
- **Capacity alignment** - or reasonable expectation of capacities in the near future to carry out monitoring and inspection effectively

ii) Recommended breadth of scope

It was agreed that the Cap 185 should focus on: Agricultural produce, but with the definition of “produce” reviewed and redefined to additionally cover processed and semi-processed goods. This would allow Cap 185 to encompass marketability, growth and value addition, rather than just “raw” produce. Doing so can support economic transformation and growth in Sierra Leone’s export sector. The scope should explicitly exclude meats and fish products, which are adequately addressed through the Ministry of Agriculture and Ministry of Fisheries and Marine Resources.

iii) Specific product suggestions

The following “long list” of products reflects priorities suggested by stakeholder for inclusion in the scope of a modernised Cap 185 (Table 2).

Table 2. Long list of products for additional inclusion in a revised Cap 185

Products	
Mangoes ¹	Pineapple (raw and processed into concentrate) ²
Palm products (palm oil, pam kernel, palm cake) ³	Onion
Pepper	Ginger
Coconut (oil and whole)	Tumeric
Groundnut	Honey
Potatoes	Cassava Gari
Corn (Maize)	Lime
Soya bean	Sorghum
Cassava leaf	Millet
Kola nuts	Yam
Sugar cane	Cocoyam
Cashew (kernel and nuts)	Avocado pear
Shea products (shea butter)	Garcinia kola

Source: stakeholder discussions

Notes: ¹ Factories for juices and concentrated are being set up in the country. A factory is established for exporting pineapple concentrates. ² A factory is established for exporting pineapple concentrates. ³ Some of these products are not now exported in large volumes but have potential

4.8 Recommendations on cross-cutting produce inspection and monitoring issues and challenges

Participants debated additional and cross-cutting issues and challenges facing produce inspection and monitoring in Sierra Leone. The following issues and recommendations were raised.

Fees and charges: Traders and farmers complain of the heavy burden of additional fees being levied for a range of licenses with different regulators and things such as “evacuation fees” for transporting produce between chiefdoms in addition to a 2.5% tax paid by exporters to PMB. Bylaws issued by chiefdoms to raise community revenues can impose significant burdens, particularly in cocoa areas. The burden and complexity of fees and charges disincentivises produce exports.

- *Recommendation:* PMB should engage paramount chief councils, local councils and local authorities to review informal local taxes with a view to reducing their burden to make the evacuation and transportation of produce more competitive.

Demarcation of responsibilities between agencies: Responsibilities between agencies in the monitoring of produce standards are not always clearly demarcated.

- *Recommendation:* PMB should be the lead agency but outsource responsibilities that they do not have the capacity for to any competent authority. For instance, to SLSB for testing, where appropriate. Mechanisms should be designed to improve collaboration between agencies involved in monitoring produce standards.

Technical assistance: Standards design and conformity assessment capacities are still nascent in Sierra Leone and require substantial development to effectively support produce exports.

- *Recommendation:* PMB and SLSB need technical assistance on standards development and conformity assessment related to commodity marketing.

Availability of local certification: Companies may be relying on international providers for Quality Management Systems Certification (ISO 9001), even though it is available from SLSB.

- *Recommendation:* PMB should encourage exporters to adopt Quality Management Systems Certification (ISO 9001) from SLSB.

5.0 NEXT STEPS: ADVOCACY AND POLICY ENGAGEMENT

Meetings were held with representatives of the Ministry of Trade and Industry, PMB, SMEDA, MAF and SLCCIA to identify the next steps for policy advocacy and engagement on the revision of Cap 185.

Continued advocacy and policy engagement was recognised as critical to ensure that the private sector voice is heard and that Government stakeholders are open to advocacy consultations, in order to strengthen constructive dialogue around any revision to Cap 185. Key stakeholders must be supported, including SLeCAD, to take up a constructive role in advocacy and dialogue on key areas of interest for the private sector where changes and reforms are demanded, or improved implementation of existing policies is needed.

The following next steps for the review, revision and modernisation of Cap 185 incorporate advocacy and accountability practices to ensure public and private ownership of policy developments to improve the business environment in Sierra Leone.

Policy engagement and next steps for Cap 185

- **ToR to be developed** to hire a consulting firm/individual to conduct the revision working closely with Law Officers Departments of the GoSL.
- **Line Ministry and Agency to submit to Cabinet:** Cabinet will meet and draft a Cabinet Paper on the basis of the revision, findings of the Position Paper, submitted comments, and public private dialogue workshop findings.

- **Cabinet will present to Parliament:** Presentation of the Cabinet Paper seeking permission to adopt an Act or issue an amendment of the existing Act by Parliament.
- **Parliament will make final submission to Cabinet to seek the President’s assent on the Act**
- **Cabinet will submit signed document to Parliament for enactment of the Act or Publication**

6.0 CONCLUSIONS

As part of the Native Agricultural Act, Chapter 185 (Cap 185) on Native Produce (Inspection) Rules provides the overarching regulatory framework governing agricultural produce for the purpose of exports in Sierra Leone. Enacted in 1946, these rules are severely outdated.

Cap 185 reflects obsolete inspection rules by modern standards, fails to cover significant priority export products, is misaligned with sector policies, and is mismatched with institutions, enforcement responsibilities and Capacities. Collectively, this means that the obsolescence of Cap 185 undermines commercial-scale investments in Sierra Leone’s agricultural sector and frustrates the exportation of produce to high-value export markets. Modernised inspection rules can contribute to the improved utilisation of Sierra Leone’s market access opportunities, including regionally within ECOWAS and the AfCFTA, as well as in other markets outside of Africa.

Stakeholder interviews indicate that while both the private and the public sector had low awareness of Cap 185, both saw the value in its revision and modernisation. A reviewed, revised and updated Cap 185 was seen as valuable in supporting international investments and exports, and in ensuring business practices that would improve the quality of Sierra Leonean produce. A dedicated public-private dialogue was held on the topic of Cap 185 in March 2023. Experts and practitioners shared practical experiences from the produce sectors and validated a series of recommendations for revisions to a modernized Cap 185 as well as additional recommendations needed beyond the Act to support effective produce monitoring.

Businesses want a revised Cap 185 to provide clarity and transparency, and to streamline inspection and standards practices. Currently, investment and standards requirements are seen to be unclearly demarcated between different parts of government, making standards assurance and certification processes onerous, untimely, and expensive. The private sector wants to see clearer regulatory structures. Standards inspection is seen to be under-resourced and poorly capacitated. Revising rules, such as Cap 185, is seen as important, but insufficient, if unmatched by investments in enforcement capacities.

Recommendations generally fell into four types. The first are those regarding specific updates to the Cap 185 regulation. The second concern the institutions associated with implementing Cap 185, their enforcement capacities, and means of collaboration in the implementation of Cap 185, and those relating to complementary actions. The third relate to complementary actions, such as awareness raising and training for produce handling agents, including farmers, transporters, and storage operators. A final category of interventions relate to regional coordination, including within the MRU and ECOWAS to collaborate over produce rules, such as transportation regulations for produce coming from neighbouring countries and address challenges with the infiltration of substandard produce.

The findings of this Position Paper, drawing from desk literature and stakeholder interviews, can be summarized in the following four key recommendation areas:

A. Legal architecture

Recommendation A.1: Review, revise and modernize Cap 185 to reflect modern inspection standards, including alignment with new sectoral policies, acts and regulations, and an extension of coverage to include current agricultural export produce priorities.

B. Enforcement capacities

Recommendation B.1: The institutions charged with implementing Cap 185 and regulating produce in Sierra Leone need to be capacitated to do this job effectively.

Recommendation B.2: Consolidate and create effective platforms for the institutions responsible for state inspection activities to better collaborate in the implementation of the revised Cap 185.

C. Complementary actions

Recommendation C.1: Provide complementary actions to support the produce export sector, including through awareness raising of best practices and rules, developing guidelines, and providing trainings, including for traders, transporters, and storage operators.

D. Regional coordination

Recommendation D.1: Collaborate through the MRU and ECOWAS regional configurations over produce rules and implementation issues to harmonize approaches and address challenges with the infiltration of substandard produce.

REFERENCES

African Union. (2018) Agreement Establishing the African Continental Free Trade Area: <https://www.tralac.org/documents/resources/african-union/1964-agreement-establishing-the-afcftaconsolidated-text-signed-21-march-2018-1/file.html>

ECDPM. (2014) The SADC EPA and Beyond: <https://ecdpm.org/great-insights/economic-partnership-agreements-beyond/sadc-epa-beyond/>

Government of Sierra Leone, Medium Term National Development Plan: <http://moped.gov.sl/Development-Plan/MTNDP>

Government of Sierra Leone. (2019) National Agriculture Transformation Programme 2023 (NAT 2023): <https://www.consulatesierraleonerome.com/wp-content/uploads/2021/02/SL-Agric-transformation-Programme.pdf>

Government of Sierra Leone. (2019) National Cocoa Value Chain Policy: <https://bafs.org.sl/wp-content/uploads/2021/02/SL-Cocoa-Value-Chain-Policy-2019-.pdf>

Government of Sierra Leone. (2019) AGOA Response Strategy Paper, 2019-2025 : <https://agoa.info/images/documents/15571/sierra-leone-agoa-response-strategy-paper-final.pdf>

ITC (2020) WACOMP Sierra Leone - Report on the consultative workshop on policy and regulatory framework for cocoa, cassava and oil palm

ITC (2022). Supporting private sector interests through policy and advocacy in Sierra Leone. Available at: <https://www.intracen.org/uploadedFiles/intracenorg/Content/Redesign/Projects/WACOMP/WACOMP%20SL%20-%20Priority%20topics%20for%20policy%20and%20advocacy%20support.pdf>

TRALAC. (2021) AfCFTA comparative analysis of tariff offers:
<https://www.tralac.org/documents/resources/infographics/4276-afcfta-comparative-tariff-offer-analysis-march-2021/file.html>

TRALAC (2016) Trade and trade barriers in West Africa:
<https://www.tralac.org/images/docs/10274/overview-of-trade-and-barriers-to-trade-in-west-africa-insights-in-political-economy-dynamics-agricultural-trade-eecdpm-july-2016.pdf>

WEF (2020) Global Competitiveness Index, country profile Sierra Leone:
http://www3.weforum.org/docs/GCR2017-2018/03CountryProfiles/Standalone2-pagerprofiles/WEF_GCI_2017_2018_Profile_Sierra_Leone.pdf

World Bank (2013) Trading towards Prosperity: Sierra Leone Diagnostic Trade Integration Study Update;
<https://www.oecd.org/aidfortrade/countryprofiles/dtis/Sierra%20Leone-DTIS-2013.pdf>

World Bank (2021). Sierra Leone Public Expenditure Review 2021: Sierra Leone Agriculture Sector Review

National Revenue Authority: <https://www.nra.gov.sl/import-and-export/customs-duty>

ANNEXES

A. Stakeholders interviewed

Organizations	Name	Designation	Sector	Cellphone	Email address
Ministry of Trade and Industry	Emmanuel Konjoh	Chief Director	Public	+232 76 829583	emmanuelkonjoh@yahoo.com
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Home Food & Drinks	Dr. Braima James	CEO	Private	+232 76 956001	bdamajames.sl@gmail.com
Sierra Leone Association of Importers/Exporters	Rashid A Conteh	General Secretary	Private	+232 674484	razpecbeds@aol.com
SLeCAD	Ahmed Nanoh	CEO	Private	+232 76 642563	aknanoh@gmail.com

B. Questionnaire

A. Importance of topic

- What is your knowledge of the Native Produce Inspection rules (CAP 185
- Can you describe how the Native Produce Inspection Rules (CAP 185) is important to your organization?
- How is your organization /are your members impacted by the CAP 185?
- Does your organization focus on a specific agriculture produce (i.e. cocoa, oil palm, other), or a specific activity in the supply chain (i.e. growing, trading, processing) ?

B. Challenges

- Does your organization see any major challenges with the current set-up and scope of the CAP 185?
- Can you provide specific examples of the challenges encountered?
- What is the negative impact of these challenges on your members / organization?
- What is the impact of CAP 185 on cassava (gari, cassava chips, etc.), cocoa, palm oil value chains?
- Is there any specific section of CAP 185 that require for an urgent update among the following ones?
 - Inclusion of standards for emerging produce (especially in relation to cassava, cocoa, palm oil value chains)
 - Inclusion of Phytosanitary as part of key function of the agency responsible for standards, quality and produce inspection, especially having the responsibility and custotody of the national standards and quality management tasks in the agri-sector
 - Licenses to export for sub-standard/Low grade produce (Rule 12)
 - Prohibition to trade in raw cocoa beans
 - Adulteration of produce (Rule 13)
 - Disposal of sub-standard produce (Rule 4)
 - Disposal of produce by court (Rule 15)
 - Prices for license for various categories of produce
 - Requirement for storage facilities for various produce (Rule 28)
 - Dispute as to quality of produce (Rule 35)
 - Revocation of licenses (Rule 49)
 - Protection to produce inspectors and examiners/Quality Control Officers (Rule 40)

C. Possible solutions

- Do you support the call for a revision of the agricultural sector legislation (CAP185)? Why?
- What should be the major (medium-to-longer-term) objectives to be embedded in a possible revision of CAP 185 as part of the Native Agricultural Act? I.e.: to improve the enabling factors of the agri-sector business environments, sustainability and access to markets, and/or particular emphasis on produce quality, standards and markets.
- For your organization, what are the key areas where the current regulatory framework needs improving?
- Have you or your members identified specific improvements that you wish to see?
- What would be the impact if these changes would be implemented?

D. Next steps: Advocacy and policy engagement

- What kind of lobby and/or policy influencing would be most efficient in your perspective to advocate for reforms and/or policy change on this topic?
- Is your organization aware of any upcoming events, meetings or workshops in which the findings of this position paper can be presented?
- Would you be available to provide further inputs into a position paper on the proposed topics?

C. CAP 185 NATIVE PRODUCE (INSPECTION) RULES



Cap 185 (full).doc