Policy Perspectives for the Sierra Leone Cocoa sector

A comparative assessment of the national policy framework with the AfCFTA and ECOWAS Policy commitments in Trade and Agriculture

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International Trade Centre

Sierra Leone
West Africa Competitiveness Programme
About the paper

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## Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AfCFTA</td>
<td>Africa Continental Free Trade Area</td>
</tr>
<tr>
<td>AIAP</td>
<td>Agribusiness Investment Approval Process</td>
</tr>
<tr>
<td>ARSO</td>
<td>Africa Standards Organisation</td>
</tr>
<tr>
<td>AU</td>
<td>African Union</td>
</tr>
<tr>
<td>BIAT</td>
<td>Boosting Inter African Trade Initiative</td>
</tr>
<tr>
<td>CAADP</td>
<td>Comprehensive Africa Agricultural Development Program</td>
</tr>
<tr>
<td>CET</td>
<td>Common External Tariff</td>
</tr>
<tr>
<td>CVC</td>
<td>Cocoa Value Chain</td>
</tr>
<tr>
<td>DIID</td>
<td>Department for International Development</td>
</tr>
<tr>
<td>DFID</td>
<td>Department for International Development of the United Kingdom</td>
</tr>
<tr>
<td>EAC</td>
<td>East African Community</td>
</tr>
<tr>
<td>ECOWAP</td>
<td>Ecowas Agriculture Policy</td>
</tr>
<tr>
<td>ECOWAS</td>
<td>Economic Community of West African States</td>
</tr>
<tr>
<td>ECOWIP</td>
<td>Ecowas Industrial Policy</td>
</tr>
<tr>
<td>ETLS</td>
<td>ECOWAS Trade Liberalization Scheme</td>
</tr>
<tr>
<td>FAO</td>
<td>Food and Agriculture Organisation</td>
</tr>
<tr>
<td>FNS</td>
<td>Food and Nutrition Security</td>
</tr>
<tr>
<td>FTA</td>
<td>Free Trade Area</td>
</tr>
<tr>
<td>ISO</td>
<td>International Standards Organisation</td>
</tr>
<tr>
<td>ITC</td>
<td>International Trade Centre</td>
</tr>
<tr>
<td>MAF</td>
<td>Ministry of Agriculture and Forestry</td>
</tr>
<tr>
<td>MDG</td>
<td>Millenium Development Goals</td>
</tr>
<tr>
<td>MTI</td>
<td>Ministry of Trade and Industry</td>
</tr>
<tr>
<td>MTNDP</td>
<td>Medium Term National Development Plan</td>
</tr>
<tr>
<td>NAIP</td>
<td>National Agriculture Investment Plan</td>
</tr>
<tr>
<td>NATP</td>
<td>National Agricultural Transformation Programme</td>
</tr>
<tr>
<td>NEPAD</td>
<td>New Partnership for Africa Development</td>
</tr>
<tr>
<td>NGOs</td>
<td>Non-governmental Organisations</td>
</tr>
<tr>
<td>NTB</td>
<td>Non-Tariff Barriers</td>
</tr>
<tr>
<td>NTM</td>
<td>Non-Tariff Measures</td>
</tr>
<tr>
<td>OAU</td>
<td>Organisation of African Unity</td>
</tr>
<tr>
<td>PMB</td>
<td>Produce Monitoring Board</td>
</tr>
<tr>
<td>RAIP</td>
<td>Regional Agricultural Investment Programme</td>
</tr>
<tr>
<td>REC</td>
<td>Regional Economic Community</td>
</tr>
<tr>
<td>SADC</td>
<td>Southern Africa Development Council</td>
</tr>
<tr>
<td>SDG</td>
<td>Sustainable Development Goals</td>
</tr>
<tr>
<td>SLIEPA</td>
<td>Sierra Leone Investment and Export Promotion Agency</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Description</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------</td>
</tr>
<tr>
<td>SPS</td>
<td>Sanitary and Phytosanitary (Measures)</td>
</tr>
<tr>
<td>TBT</td>
<td>Technical Barriers to Trade</td>
</tr>
<tr>
<td>UNCTAD</td>
<td>United Nations Conference on Trade and Development</td>
</tr>
<tr>
<td>VGGT</td>
<td>Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forest Resources</td>
</tr>
<tr>
<td>WTO</td>
<td>World Trade Organisation</td>
</tr>
</tbody>
</table>
Executive summary

Sierra Leone has signed to the African Continental Free Trade Area Agreement (AfCFTA) alongside 54 African countries for which implementation commenced on 1st January 2021. The AfCFTA Agreement seeks to expand intra-African trade by the removal of tariffs on goods and services and the creation of a single market in the African continent, allow the free movement of businesspersons and investments, and the establishment of a continental customs union.

The AfCFTA Agreement is a framework agreement with seven protocols. The protocols on Trade in Goods, Trade in Services and Dispute Settlement are complete while negotiations on Competition, Intellectual Property and Investments are ongoing. The Protocol on Trade in Goods and its annexes are key to achieving the objectives of the AfCFTA Agreement. It consists of nine Annexes covering a broad range of issues relating the progressive elimination of tariffs and non-tariff barriers, cooperation in the areas of technical barriers to trade and sanitary and phytosanitary measures and promotion of regional and continental value chains.

Negotiations on the treaty by State Parties took place from 2016 to 2018 following which 44 African Union member states signed the agreement on 21 March 2018 at the 10th Extraordinary Summit of African Union Heads of State and Government in Kigali, Rwanda. The agreement entered into force on 30 May 2019, 30 days after deposit of the 22nd instrument of ratification by Sierra Leone. The operational phase of the AfCFTA was launched on 7 July 2019, at the 12th Extraordinary Summit of AU Heads of State and Government and trading under the AfCFTA commenced on 1st January 2021.

The AfCFTA Agreement recognises that Regional Economic Communities (RECs), like the Economic Community of West African States (ECOWAS) are building blocks for the realisation of the objectives of the AfCFTA and the Continental Customs Union and that work done by the RECs should be maintained during the implementation process. Sierra Leone is a member of the 15 nation ECOWAS body which is implementing a trade liberalisation program and a common external tariff and participated in the AfCFTA negotiations under its umbrella.

The policy framework driving the AfCFTA Agreement is developed around the 1991 Abuja Treaty which seeks to establish an African Economic Community and the African Union Boosting Intra-African Trade Initiative (BIAT) that aims to increase the volume of trade undertaken by African countries and deepen Africa’s market integration efforts.

There is a growing recognition that realization of the objectives set by the AfCFTA Agreement and its effective implementation can only be achieved if policy measures (Enablers) at regional and national level are in place to complement its policy framework.

The cocoa sector of Sierra Leone is one of its highest revenue earners outside the mining sector, contributing over $14 million in 2017 and has been prioritised by the government as a potential driver of socio-economic growth. Sierra Leone has a tremendous potential to promote organic cocoa for niche markets for intra-regional trade, given the fact that it is dwarfed by the two of the world’s leading producers, Ivory Coast and Ghana both of whom specialise in bulk cocoa, are members of ECOWAS and have signed an Economic Partnership Agreement with the EU.

The Ministry of Agriculture and Forestry which has the responsibility for articulating sectoral policies and strategies for the agriculture sector has developed a National Cocoa Policy to promote the sustainable development of the cocoa sector by 2023 and also outlined the National Agriculture Transformation Programme (2018-2023) which is a short-term initiative to increase overall national cocoa production through investment in the sector.

This report seeks to identify the complementary policy features in the National Cocoa Policy that will enable the trading of cocoa within the policy framework of the AfCFTA and ECOWAS trade policy initiatives. The
underlying policy framework for the cocoa value chain in Sierra Leone was first assessed to identify enabling policy features for trade and then assessed alongside the AfCFTA Protocol on Trade in Goods, the National Trade Strategy, the National Agricultural Transformation Programme, BIAT, and ECOWAS Trade Policy instruments.

This comparative assessment indicates that while the policy was robust in most areas, trade-related policy features can be further mainstreamed to enable effective implementation of the AfCFTA and other trade agreements. From these findings, the report proposes suggestions for complementary prescriptions and actions that could further support and strengthen the current cocoa policy framework through a three-tiered approach (i.e. micro, meso and macro levels) to ensure a sustainable cocoa economy for which all actors/stakeholders along the value chain receive a fair value for their investments, with a focus on smallholder farmers.

<table>
<thead>
<tr>
<th>Policy level</th>
<th>Recommendations for improvement of the national cocoa policy framework</th>
</tr>
</thead>
</table>
| **Macro level** | ▪ Improving the domestic policy environment to ensure compliance with provisions in the AfCFTA and WTO Agreements  
▪ Increasing awareness on competition Policy and Law |
| **Meso level** | ▪ Promoting Greater Transparency in the Cocoa Sector  
▪ Addressing opportunities for the development of small players in the cocoa industry  
▪ Scaling up Quality Control and Certification |
| **Micro level** | ▪ Promoting Commercially Viable Farmers-Based organisations (Cooperatives, Farmer Based Organisations, Cocoa Sector Associations)  
▪ Facilitating Farmers Access to Finance and Price Risk Mechanisms  
▪ Promoting Product Differentiation for Farmers to benefit from Higher Prices |
1. Sierra Leone and the AfCFTA Agreement

1.1. Introduction

1.1.1. Background to the AfCFTA Agreement

Sierra Leone is a signatory to the African Continental Free Trade Area Agreement (AfCFTA). The foundation of the AfCFTA Agreement started with the adoption of the Lagos Plan of Action which included the establishment of a Common Market for Africa in 1980 by the then Organisation of African Unity. The African Union, successor to the OAU demonstrated a strong commitment to accelerating political and socio-economic integration of the continent and at its 2012 Summit, AU Heads of State adopted a Decision on the Establishment of a Continental Free Trade Area by 2017.

Negotiations on the treaty by State Parties took place from 2016 to 2018 following which 44 African Union member states signed the agreement on 21 March 2018 at the 10th Extraordinary Summit of African Union Heads of State and Government in Kigali, Rwanda. The agreement entered into force on 30 May 2019, 30 days after deposit of the 22nd instrument of ratification by Sierra Leone. The operational phase of the AfCFTA was launched on 7 July 2019, at the 12th Extraordinary Summit of AU Heads of State and Government and trading under the AfCFTA commenced on 1st January 2021.

The AfCFTA Agreement has eight general objectives and seven specific objectives which seeks to deepen African economic integration, expand intra-African trade by the creation of a single market for goods and services in the African continent, allowing the free movement of businesspersons and investments, and the establishment of a continental customs union.

### Table 1: General and Specific Objectives of the AfCFTA

<table>
<thead>
<tr>
<th>General Objectives</th>
<th>Specific Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Create a single market for goods, services, facilitated by movement of persons in order to deepen economic integration</td>
<td>1. Progressively eliminate tariffs and non-tariff barriers to trade in goods</td>
</tr>
<tr>
<td>2. Create a liberalized market for goods and services through successive rounds of negotiations</td>
<td>2. Progressively liberalize trade in services</td>
</tr>
<tr>
<td>3. Contribute to the movement of capital and natural persons and facilitate investments building on the initiatives and developments in the State Parties and RECs</td>
<td>3. Cooperate on investment, intellectual property rights and competition policy</td>
</tr>
<tr>
<td>4. Lay the foundation for the establishment of a Continental Customs Union at a later stage</td>
<td>4. Cooperate on all trade related policies</td>
</tr>
<tr>
<td>5. Promote and attain sustainable and inclusive socioeconomic development, gender equality and structural transformation of state parties</td>
<td>5. Cooperate on customs matters and the implementation of trade facilitation measures</td>
</tr>
<tr>
<td>6. Enhance competitiveness of the economies of State Parties within the continent</td>
<td>6. Establish a mechanism for the settlement of disputes concerning their rights and obligations</td>
</tr>
<tr>
<td>7. Promote industrial development through diversification and regional value chain development, agricultural development and food security</td>
<td>7. Establish and maintain an institutional framework for the implementation and administration of the AfCFTA</td>
</tr>
<tr>
<td>8. Resolve the challenges of multiple and overlapping membership and expedite the regional and continental integration process</td>
<td></td>
</tr>
</tbody>
</table>

Sources: AfCFTA Agreement Article 3 ‘General Objectives’ and Article 4 ‘Specific Objectives’

The AfCFTA Agreement will also harmonise and coordinate trade liberalization and facilitation efforts across the RECs and FTAs across Africa in general. Key regional FTAs currently in place include:

- the Treaty Establishing the Southern African Development Community (SADC)
- the Treaty for the Establishment of the East African Community (EAC)
- the Common Market for Eastern and Southern Africa (COMESA) Treaty
- the Economic Community of West African States (ECOWAS) Treaty

The AfCFTA is also expected to enhance competitiveness at the industry and enterprise level through exploitation of opportunities for scale production, continental market access and better allocation of resources.
Implementation of the AfCFTA agreement is expected to boost intra-regional trade of goods and services by the reduction of tariffs and removal of non-tariff barriers, integrate 1.3 billion people across 55 countries with a combined gross domestic product (GDP) valued at $3.4 trillion (WB 2020). By boosting intra-African trade and promoting regional value chains and production networks, the AfCFTA is expected to drive Africa’s structural transformation and also provide an opportunity for the continent to integrate into the global economy and reduce poverty. By 2035, implementation of the AfCFTA is estimated to increase the volume of intra-African trade by 81% and the volume of total African exports by 29% (World Bank, 2020).

1.1.2. Structure of the AfCFTA Agreement

The AfCFTA is a Framework Agreement with seven protocols and annexes covering key areas of trade and negotiated in three phases. The key areas covered by the AfCFTA Protocols and phases of negotiations are outlined in Table 2.

Phase I negotiations covered:
- The Protocol on Trade in Goods (Advanced Stage of Completion)
- The Protocol on Trade in Services (Advanced Stage of Completion)
- The Protocol on Rules and Procedures on the Settlement of Disputes (Complete)

No table of figures entries found. Table 2: Key features of the Continental Free Trade Agreement

<table>
<thead>
<tr>
<th>Agreement establishing the African Continental Free Trade Area</th>
<th>Protocol on Trade in Goods</th>
<th>Protocol on Trade in Services</th>
<th>Protocol on Dispute Settlement</th>
<th>Protocols on:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Elimination of duties and quantitative restrictions on imports</td>
<td>• Transparency of service regulations</td>
<td>• Dispute Settlement Body (DSB) structured on WTO model</td>
<td>• Intellectual Property Rights</td>
</tr>
<tr>
<td></td>
<td>• Imports shall be treated no less favourably than domestic products</td>
<td>• Mutual recognition of standards, licensing and certification of services suppliers</td>
<td>• Dispute Settlement Panels established by DSB</td>
<td>• Investment</td>
</tr>
<tr>
<td></td>
<td>• Elimination of non-tariff barriers</td>
<td>• Progressive liberalization of services sectors</td>
<td>• Appellate Body to adopt panel rulings and maintain surveillance of panel rulings and recommendations</td>
<td>• Competition Policy</td>
</tr>
<tr>
<td></td>
<td>• Cooperation of customs authorities</td>
<td>• Service suppliers shall be treated no less favourably than domestic suppliers in liberalized sectors</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Trade facilitation and transit</td>
<td>• Provision for general and security exceptions</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Trade remedies, protections for infant industries and general exceptions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Cooperation over product standards and regulations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Trade facilitation and transit</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Authors modification of “Continental Free Trade Area: Key Features” from UNECA FAQ document
The Phase 2 negotiations will cover the Protocols on Investments, Competition Policy and Intellectual Property Rights, while Phase 3 negotiations will cover the Protocol on Digital Trade and E-Commerce. At the Kigali Summit, a Protocol on Movement of Persons, which is not a part of the AfCFTA Agreement but a key factor in its implementation, was also signed.

The Protocol on Trade in Goods is fundamental to the implementation of the AfCFTA Agreement. It consists of nine Annexes (Table 3) and 32 Articles covering a broad range of issues related to the actual trade in goods. Its main objective is to boost intra-African trade in goods through:

- progressive elimination of tariffs
- progressive elimination of non-tariff barriers
- enhanced efficiency of customs procedures, trade facilitation and transit
- enhanced cooperation in the areas of technical barriers to trade and sanitary and phytosanitary measures
- development and promotion of regional and continental value chains
- and enhanced socioeconomic development, diversification and industrialization across Africa.

The Protocol on Trade in Goods and its Annexes are fairly consistent with the WTO’s General Agreement on Trade and Tariffs (GATT). Annex 6: Technical Barriers to Trade and Annex 7: Sanitary and Phytosanitary Measures are based on the WTOs Technical Barriers to Trade and Sanitary and Phytosanitary Agreements respectively.

Table 3: Protocol on Trade in Goods and its Annexes

<table>
<thead>
<tr>
<th>Annexes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annex 1: Schedules ofTariff Concessions</td>
</tr>
<tr>
<td>Annex 2: Rules of Origin</td>
</tr>
<tr>
<td>Annex 3: Customs Cooperation</td>
</tr>
<tr>
<td>Annex 4: Trade Facilitation</td>
</tr>
<tr>
<td>Annex 5: Non-tariff Barriers</td>
</tr>
<tr>
<td>Annex 6: Technical Barriers to Trade</td>
</tr>
<tr>
<td>Annex 7: Sanitary and Phytosanitary Standards</td>
</tr>
<tr>
<td>Annex 8: Transit and Transport Facilitation</td>
</tr>
<tr>
<td>Annex 9: Trade Remedies</td>
</tr>
</tbody>
</table>

Source: AfCFTA Protocol on Trade in Goods

1.2. The Policy Framework of the AfCFTA

The AfCFTA is part of an AU Initiative to promote a continent-wide economic integration and its objectives are largely derived from the 1991 Abuja Treaty and AU’s 2012 Boosting Intra-African Trade Action Plan.

The 1991 Abuja Treaty provides for the establishment of an African Economic Community over a thirty-four-year period in six stages.

- Stage One: Strengthening of existing RECs and establishment of new RECs in regions where they do not exist.
- Stage Two: Stabilization of tariff barriers, and non-tariff barriers, customs duties and internal taxes by each REC.
- Stage Three: The establishment of a free trade area through the gradual removal of tariff barriers and non-tariff barriers to intra-community trade and the establishment of a customs union by adoption of a common external tariff at the level of each REC.
- Stage Four: Coordination and harmonization of tariff and non-tariff systems among the various RECs with a view to establishing a Customs Union at the continental level by means of adopting a common external tariff.
• Stage Five: Establishment of an African Common Market through the adoption of common policies in several areas; harmonization of monetary, financial and fiscal policies; and the application of the principle of free movement of persons as well as the provisions regarding the rights of residence and establishment.

• Stage Six: Consolidation and strengthening of the structure of the African Common Market, and setting up of a Pan African Economic and Monetary Union including setting up of African Monetary Union, a single African Central Bank and a single African Currency.

1.2.1. BIAT Priority Clusters and Initiative

The African Union’s Boosting Intra-African Trade (BIAT) initiative seeks to increase the volume of trade undertaken by African countries and deepen Africa’s market integration efforts. In this regard, the AU developed an Action Plan with programs and activities to be developed in in the short term (3 years), medium term (3-7 years) and long term (beyond 7 years). The plan is centred on seven priority clusters.

Table 4: BIAT Priority Clusters and Objectives

<table>
<thead>
<tr>
<th>Priority Cluster</th>
<th>Main Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade Policy</td>
<td>Fast tracking intra-African trade development</td>
</tr>
<tr>
<td>Trade Facilitation</td>
<td>Reducing the time it takes to move goods from point A to point B (across borders and within and between regions)</td>
</tr>
<tr>
<td>Productive Capacity</td>
<td>Creating regional and continental value chains/complementarity, to increase local production/ trade in goods produced in Africa</td>
</tr>
<tr>
<td>Trade-Related Infrastructure</td>
<td>Development of innovative, legal, financial and other mechanisms for multi-country infrastructural development projects.</td>
</tr>
<tr>
<td>Trade Finance</td>
<td>Develop and strengthen African financial institutions and mechanisms to promote intra-African Trade and investment.</td>
</tr>
<tr>
<td>Trade Information</td>
<td>Bridging information gap to enhance opportunities for intra African trade</td>
</tr>
<tr>
<td>Factor Market Integration</td>
<td>Increase intra-regional mobility of labour through harmonisation of labour, business and investment laws</td>
</tr>
</tbody>
</table>

For the BIAT, each priority cluster has a number of programs and initiatives for implementatation. The programs for Trade Policy and Trade Facilitation Clusters are outlined in Tables 5 and 6 respectively.

Table 5: Trade Policy Cluster

<table>
<thead>
<tr>
<th>Programme</th>
<th>Target</th>
<th>Competent authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mainstreaming of intra-African trade in national trade and development strategies</td>
<td>Adequate allocation in Member states (MS) budgets to enable implementation is done African and regional trade policies are mainstreamed in the National trade and development strategies</td>
<td>Sierra Leone</td>
</tr>
</tbody>
</table>
Comparative Assessment of the Sierra Leone Cocoa Policy

<table>
<thead>
<tr>
<th>Programme</th>
<th>Target</th>
<th>Competent authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enhancement of the role of the organized private sector, informal private sector and women in trade policy formulation</td>
<td>Regular formal platforms for organized private sector, informal private sector and woman business and civil society for trade policy dialogue with Government, are established</td>
<td>Sierra Leone; ECOWAS; AU</td>
</tr>
<tr>
<td>Boost intra-African trade in food products</td>
<td>Tariffs, Non-Tariff Barriers and quantitative restrictions on intra-African trade in food products are removed</td>
<td>Sierra Leone</td>
</tr>
<tr>
<td>Undertake commitments to liberalize trade-related service sectors; Transport, professional, financial and ICT</td>
<td>Unilateral liberalization in services is undertaken by MS. Commitments made in RECs or between RECs Regulatory framework are put in place</td>
<td>Sierra Leone; ECOWAS</td>
</tr>
<tr>
<td>Commit to harmonize rules of origin and trade regimes</td>
<td>Rules of origin and trade regimes are harmonized at the REC level and Tripartite level</td>
<td>Sierra Leone; ECOWAS; RECs Tripartite Sectoral Ministerial Committee; AU</td>
</tr>
<tr>
<td>Promoting “Buy in Africa” and “Made in Africa”</td>
<td>Increased trade in good among member states</td>
<td>Sierra Leone</td>
</tr>
</tbody>
</table>

Table 6: Trade Facilitation Cluster

<table>
<thead>
<tr>
<th>Programme</th>
<th>Target</th>
<th>Competent authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reduction of roadblocks</td>
<td>All unnecessary roadblocks are removed</td>
<td>Sierra Leone</td>
</tr>
<tr>
<td>Harmonizing and simplifying customs and transit procedures, documentation, and regulations</td>
<td>Number of customs documents are reduced, Key customs documents are harmonized within RECs, Border operation hours are harmonised</td>
<td>ECOWAS; Sierra Leone</td>
</tr>
<tr>
<td>Establishment and operationalisation of One-Stop Border Posts</td>
<td>OSBPs at all key border posts established, Border time crossings of goods are reduced by 50%</td>
<td>ECOWAS; Sierra Leone</td>
</tr>
<tr>
<td>Integrated Border Management (IBM)</td>
<td>Customs procedures, standards and regulations are harmonized and simplified</td>
<td>ECOWAS; Sierra Leone</td>
</tr>
</tbody>
</table>

1.2.2. The AfCFTA Agreement and Progressive Elimination of Non - Tariff Barriers

In the context of both international and domestic trade, there are a wide range of official trade policy measures termed Non-Tariff Measures (NTMs). They are generally defined as policy measures other than ordinary customs tariffs that can potentially have an economic effect on international trade in goods, changing quantities traded, or prices or both (UNCTAD/DITC/TAB/2019/5) and are broadly classified into three types:

**Technical Measures**
- Sanitary and Phyto-Sanitary Measures
- Technical Barriers to Trade
- Pre-Shipment Inspection and other formalities

**Non-Technical Measures**
- Include import quotas, licensing and rules of origin
- Product-specific requirements, such as quality or content requirements, labelling, testing and certification

**Export Measures**
- Export Licences
- Export Quotas

Although NTMs are official and legitimate trade policy measures, there is often a requirement to comply with a range of technical regulations, product standards, customs procedures and requirements of other countries.
When used for protectionist purposes, NTMs can become a barrier to trade and alongside other unofficial restrictive trade measures are referred to as a Non-Tariff Barrier (NTB).

There is growing global concern about NTBs and the major challenge they present to international trade. The progressive elimination of NTBs, a fundamental objective of the AfCFTA Agreement is amply reflected in the provisions of the AfCFTA Agreement. Article 4 (a) of the Framework Agreement and Article 2 (b) of the Protocol on trade in goods makes relevant provisions for the progressive elimination of technical barriers to trade. The Protocol also outlines a system to identify, categorize, monitor and eliminate NTBs (Article 12 and Annex 5). Annex 5 categorizes the different forms of NTBs which include TBTs and SPS measures, and customs regulations and procedures (see Chapter 3) and provides for an institutional framework to identify, report on, resolve, monitor, and eliminate NTBs in parties to the AfCFTA (Articles 4–10).

Addressing the Challenges of Technical Barriers to Trade (TBT) in the AfCFTA

Technical Barriers to Trade (TBT) are in the form of Standards, Technical Regulations, Conformity Assessment, Sanitary and Phytosanitary measures, Metrology and Accreditation. They are part of the NTBs to Trade that are covered under Annex 6, Technical Barriers to Trade (TBT) and Annex 7, Sanitary and Phytosanitary Measures (SPS) of the AfCFTA Protocol on Trade in Goods.

The fundamental basis of Annex 6 is the WTO TBT Agreement which adopts the WTO definition, incorporating standardization, technical regulations, conformity assessment procedures, accreditation, and metrology. The Articles of Annex 7 which deals with sanitary and phytosanitary measures also incorporate WTO definitions and subordinates State Parties to other key international agreements.

TBTs have been envisaged to present challenges in the implementation of the AfCFTA Agreement an include:

- variation in certification, testing, inspection practices and standards used by different countries and RECs (ECOWAS, EAC, SADC, COMESA, EAC) on the basis of the WTO Agreement.
- Introduction of stringent regulatory requirements by African governments to address health, safety or environmental issues in accordance with the WTO TBT Agreement.
- The demand for safety and quality assurances from consumers
- Evidence that products and services traded meet regulatory, technical and other requirements.

To address these challenges, Annex 6 (article 3) provides for States Parties to cooperate in the development and implementation of standards, technical regulations, conformity assessment procedures, accreditation, metrology, capacity building and enforcement activities and also calls on the State parties to adopt the harmonised African standards by ARSO, based on international standards, guidelines and recommendations, and the WTO TBT Agreement.

The key mandate of ARSO is the harmonization of African Standards and conformity assessment procedures based on International standards and best International practices to reduce TBTs in Africa and promote intra-African and international Trade. ARSO is currently harmonizing African Standards using the ARSO Standards Harmonisation Model (ASHAM) and International Internationally Accepted best practices within the ISO/IEC Guide, WTO TBT Annex 3 and has published 1345 Standards (G/TBT/GEN/289). ARSO also Promotes the Adoption of International Standards by notification to the member states and through developed guidelines and has approved the adoption of ISO Standards ISO 30500:2018, ISO 24521:2016, ISO 24510:2007 ISO 24511:2007, as African Standards.

A key standard developed by the ISO that will be of immense relevance to addressing TBT issues under the AfCFTA is the ISO 34101 series on Sustainable and Traceable Cocoa, as Ivory Coast, Ghana, Nigeria and Cameroon are amongst Africa’s largest producers and exporters of cocoa. The ISO 34101 series was developed by stakeholders from all sectors of the cocoa industry, including representatives from both countries where the cocoa is grown and markets where it is consumed.

The ISO 34101 series seeks to encourage the professionalization of cocoa farming covering the organizational, economic, social and environmental aspects of cocoa farming as well as featuring strict requirements for traceability, offering greater clarity about the sustainability of the cocoa that is used (ISO). ISO 34101-1 is made up of 4 parts:

- **Part 1: Requirements for cocoa sustainability management systems**
  aims to help users implement effective practices to allow them to continually improve their business.
- **Part 2**, which deals with performance requirements, specifies economic, social and environmental criteria.
- **Part 3** contains the requirements for traceability of sustainably produced cocoa.
- **Part 4** is aimed at certification scheme owners, certification bodies and all those seeking conformity to the ISO 34101 series. It provides a starting point for farmers new to the concept of sustainable cocoa production, allowing time to progressively fulfil the requirements of Part 1 as experience is gained.

### 1.2.3. The Role of the ECOWAS in the Implementation of the AfCFTA

The AfCFTA negotiations and the agreement (Article 19) are guided by 2 principles. The first principle considers RECs as building blocks of the AfCFTA,” and the second prescribes the “preservation of the acquis” whereby the negotiations “build on and improve the acquis of the existing REC Free Trade Areas” and not reverse what had been agreed previously. The AfCFTA agreement envisages that RECs that have already achieved deeper integration will continue to apply their regional trade regimes for intra-regional trade until a Continental Customs Union is formed.

There are several RECs in existence on the continent with overlapping membership and at different levels of integration covering customs union, FTAs and monetary unions. The AU recognizes eight RECs and not all of them have free trade areas or Customs Union which is key for liberalized trade. ECOWAS, EAC and SADC are far advanced having both Customs Union and FTAs and will play a major role in the finalisation and implementation of the AfCFTA.

Sierra Leone is a member of ECOWAS, which was formed in 1975 and is one of the eight AU recognised RECs. One of the fundamental objectives of the ECOWAS has been the promotion of free trade and economic integration amongst its members and it has established a customs union and achieved to certain extent, a monetary and economic union and a common market.

The ECOWAS is widely considered as one of the building blocks of the AfCFTA and has played a major role in the AfCFTA negotiations process. Although negotiations were done by the individual State Parties, Sierra Leone and other West Africa nations established common ECOWAS negotiating positions with technical support provided by ECOWAS. The ECOWAS Common External Tariff (CET) was used by ECOWAS member states as the basis of tariff negotiations under the AfCFTA and ECOWAS will continue to apply its regional trade regime for trade under the AfCFTA.
2. Complementary Policy Measures for Implementation of the AfCFTA

The immediate benefits of the AfCFTA are expected to emerge from the reduction in tariffs and non-tariff barriers (NTBs), and the establishment of a continental framework for trade in goods and services. Implementation of the AfCFTA can also promote industrialization and export diversification and opportunities also exist within the framework of the AfCFTA Agreement for the development of the agriculture, e-commerce and services sectors.

The agriculture sector is a very important sector in Africa, contributing 32% of the continental GDP and accounting for 60% of total employment (Tralac, 2018). The AfCFTA offers an opportunity to promote transformation in the agricultural sector and the development of regional agricultural value chains, promotion of value-addition activities to traditional exports such as cocoa, coffee and tea and facilitation of intra-regional trade in agr-products. Transformation of the continent’s agriculture sector will require accompanying policies and initiatives to improve productive capacities, promote investment for value addition and trade-related agricultural policies. Furthermore, there will be a need to strengthen and harmonise internationally compliant SPS and TBT related complementary policies at regional and continental levels.

UNECA recognizes that effective implementation of the AfCFTA Agreement and realization of its objectives can only be achieved if complementary policy measures are in place to facilitate trade and investment. The complementary policies are enablers to maximise the benefits of the AfCFTA and many of these policy enablers relate to specific continental trade-related policies or initiatives, such as the CAADP, BIAT framework in agricultural commodities and sub-regional policies such as the ECOWAS ETLS, CET, ECOWAP and national policies.

2.1. Continental and Regional Agriculture Policy Frameworks and Commitments

2.1.1. The CAADP/Maputo Framework

In 2003, the AU and other international partners developed a comprehensive development strategy, the “New Partnership for Africa’s Development” (NEPAD) to chart the path for Africa’s development in the new millennium. An agricultural component to NEPAD was formulated, the Comprehensive African Agriculture Development Programme (CAADP) as a framework for interventions, development policies and strategies for the agriculture sector across the continent.

Its overall objective is to "Help African countries achieve a higher level of economic growth through agriculture-oriented development" and thereby eradicate hunger and reduce poverty through agriculture" (CAADP, 2013) and revitalize the agricultural sector of African states to achieve a 6 percent growth in productivity by committing at least 10 percent of their annual national budgets to agriculture within 5 years (The Maputo Declaration).

Five pillars were outlined in the CAADP to promote agricultural growth on the continent and include the following:

1. land and water management
2. improvement in rural infrastructure as well as trade-related capacities in order to access the market;
3. reduction of hunger through increased food supply
4. investment in agricultural research, including dissemination and adoption of technology
5. pursuit of sustainable development of livestock, fisheries and forestry resources.

CAADP encourages countries to "Design national agricultural development strategies by explicitly taking into account regional complementarities and trade" and was envisaged to be driven by RECs through regional and national agricultural investment plans (RAIP/NAIPs). ECOWAS in West Africa has supported the preparation of both regional and national programs.

Following a review of the CAADP Framework of 2003, African Leaders adopted the Malabo Declaration in 2014 which has a main objective to deepen Africa’s market integration and significantly increase the volume of trade that African countries engage in among themselves. The Malabo Declaration is based on seven commitments and the fifth commitment is for AU Member States to boost intra-African trade in agricultural commodities and services. In this regard, AU governments made commitments to:
Comparative Assessment of the Sierra Leone Cocoa Policy

- triple, by the year 2025, intra-African trade in agricultural commodities and services
- create and enhance policies and institutional conditions and support systems.
- simplify and formalise trade practices, create a continental free trade area with its own common external tariff (to be established as part of the AfCFTA)
- invest in markets and trade institutions, support platforms for multi-actor interactions, and adopt a common African position on agriculture-related international trade negotiations and partnership agreements.

2.1.2. The ECOWAP/CAADP Framework

In 2002, ECOWAS commenced the process of developing a common agriculture policy, ECOWAP which became aligned with the CAADP during the policy development process. ECOWAP has seven specific objectives (ECOWAS Commission, n.d.):

1. food security for the region,
2. reducing food dependence and achieving food sovereignty,
3. involving producers in markets,
4. creating jobs in rural areas,
5. intensifying production systems in a sustainable manner,
6. limiting factors of instability and regional insecurity and
7. adopting appropriate funding mechanisms.

The ECOWAP is built around two key policy frameworks: the implementation of a Regional Agricultural Investment Plan (RAIP) and the implementation of a National Agricultural Investment Plan (NAIP) drawn up by each of the 15 ECOWAS States. There are six priority fields for the RAIP, all closely aligned with the CAADP with each field having a set of activities for implementation:

- Improved water management
- Improved management of other natural resources
- Sustainable agricultural development at the farm level
- Developing agricultural supply chains and promoting markets
- Preventing and managing food crises and other natural disasters
- Institution building

In the RAIP, the activities for the Developing agricultural supply chains and promoting markets field relate to:

- developing the different supply chains (foodcrops, periurban agriculture, export crops, short-cycle livestock rearing, agro-forestry food products, artisanal fishing and fish farming)
- developing processing operations
- strengthening support services for operators
- promoting national, international and regional trade

The NAIPs reflect the priorities of the States and those of national actors and focus mainly on productive investments and cover the different sub-sectors, i.e. agriculture, livestock, fisheries and forestry. They define the volume and allocation of investments that can help generate at least 6% annual growth in the agricultural sector, which is considered necessary to poverty rates. Each ECOWAS member state is expected to formulate and implement its NAIP aligned to the RAIP. Sierra Leone adopted the National Sustainable Agriculture Development Plan (NSADP) 2010-2030 as its NAIP and from it developed a “Flagship” program, the Smallholder Commercialization Program (SCP). The SCP has six components and the key objectives are to increase production, increase value-adding activities, increase exports and improve access to financing to farmers.

The first generation ECOWAP focused largely on food security issues, as a result of the 2008 global food crisis. In 2015, ECOWAS undertook a review process of ECOWAP after 10 years of implementation, taking into consideration key social, economic and environmental sustainability issues and adopted a new ECOWAP Strategic Framework for the period 2015-2025. The new framework is developed around all major policies and global initiatives (the Sustainable Development Goals, the Paris Agreement on climate change, etc.) that are relevant to achieving food security and nutrition in the region.

To implement the new ECOWAP, ECOWAS has developed a new Regional Agricultural Investment Plan and Food and Nutrition Security (RAIP-FNS) along four strategic pillars:
1. contribute to increasing agro-forestry, pastoral and fisheries productivity and production through diversified and sustainable production systems, and to reducing post-production losses
2. promote contractual, inclusive and competitive agricultural and food value chains oriented towards regional and international demand, with a view to regional market integration;
3. improve access to food, nutrition and resilience for vulnerable populations; and
4. improve the business environment and the governance and funding mechanisms for the agriculture and food sector.

The second generation ECOWAP 2015-2025 considers major regional cash/export crops and countries can choose to co-operate on export value chains like cocoa which is a major player in the sub-region both technically (research, standards, etc.), and at the level of joint investments in the processing and valorisation of products, and finally at the level of specific international negotiations.

2.1.3. The Framework for Boosting Intra-African Trade in Commodities

The Framework for Boosting Intra- African Trade in Agricultural Commodities and Services was developed by the AU and FAO in 2019 to facilitate implementation of the fifth commitment of the Malabo Declaration for AU Member States to boost intra-African trade in agricultural commodities and services. Its key objective is to triple intra-African trade in agricultural commodities and services and key elements include strengthened policy and trade regime coordination (including food and trade standards); food safety and compliance; expanded market-oriented infrastructure that is demand-driven with agricultural growth zones/corridors; and strengthened trade negotiation capacity.

The Framework and its roadmap are developed around seven clusters or priority areas based on the AU’s BIAT.

Table 7: Action areas of the Boosting Intra-African Trade in Commodities initiative

<table>
<thead>
<tr>
<th>Cluster</th>
<th>Action Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade Policy</td>
<td>Promote/ improve policy environment to accelerate intra-African agricultural commodities and services trade development</td>
</tr>
<tr>
<td>Trade Facilitation</td>
<td>To reduce the complexity and cost of trade transaction process and ensure that all these activities take place in an efficient, transparent and predictable manner</td>
</tr>
<tr>
<td>Productive Capacity</td>
<td>Create regional and continental value chains/ complementarity to enhance productive capacity of producers, increase local production and processing of agricultural commodities and services</td>
</tr>
<tr>
<td>Trade-Related Infrastructure</td>
<td>Develop innovative, legal, financial mechanisms for multi country infrastructural development in support of intra- African trade</td>
</tr>
<tr>
<td>Trade Finance</td>
<td>Develop and Strengthen African financial institutions and mechanisms to promote intra- African trade and investment, taking into account the need to address binding constraints confronted by women and youth with respect to issues of trade finance</td>
</tr>
<tr>
<td>Factor Market Integration</td>
<td>Increase Intraregional mobility of labour through harmonisation of labour, business and investment laws</td>
</tr>
<tr>
<td>Cross-Cutting Issues</td>
<td>Establish BIAT/ AfCFTA national committees on trade in agricultural commodities and services in coordination with the RECs</td>
</tr>
</tbody>
</table>

The seven clusters are expanded into a roadmap, aligned with the AfCFTA context and each cluster has corresponding objectives, activities, indicators, lead implementing agencies and timelines (short, medium and long term). The Framework is expected to guide RECs and Member States in the development of agricultural trade policies, strategies and plans to take advantage of the market opportunities offered by the AfCFTA and includes guidelines for the development of sustainable regional value chains around strategic commodities identified at the national, regional and continental levels.

2.2. The ECOWAS Trade Policy Instruments

The main trade policy instruments of ECOWAS are the ECWAS Trade Liberalization Scheme (ETLS) and the Common External Tariff (CET). These policy instruments are reinforced by several ECOWAS trade-related
Comparative Assessment of the Sierra Leone Cocoa Policy

policies, which serve to promote its objectives of promoting trade and economic integration. They include the ECOWAS Industrial Policy (ECOWIP), ECOWAS Quality Policy (ECOQUIP), and the ECOWAS Competition Policy.

The ETLS, which has been in existence since 1983, seeks to liberalize trade within the sub-region by providing duty-free and quota-free trade of eligible products between ECOWAS member states and has the following features:

1. The following product groups benefit from ETLS, provided they originate from the ECOWAS region:
   - agricultural and livestock products
   - fishery products from the sea, rivers or lakes
   - mining products
   - artisanal handicrafts
   - industrial goods

2. Industrial goods require a Certificate of Origin based on “Rules of Origin” which define whether an industrial product can be considered as originating from the ECOWAS region.

3. Agricultural and livestock products, handmade, manufactured articles instruments and implements directly operated by the artisan do not require an ETLS Certificate of Origin to be traded duty-free. However, agricultural goods will require the relevant sanitary and phytosanitary certificates obtained at the countries of origin.

4. Certificates of Origin for industrial goods are issued based on the following criteria:
   i) product should be wholly produced from the country of origin
   ii) product should meet the local content which states that at least 60% of the inputs should originate from Sierra Leone or ECOWAS sub regional countries
   iii) the value additional criteria of products, which require at least 30%, value addition.

5. Any product manufactured in a Special Economic Zone does not qualify for admission under the ETLS.

The ECOWAS CET is an economic, fiscal and trade policy instrument that seeks to increase intra-community trade and enhance the competitiveness of the regional production. It comprises five tariff bands (0, 5, 10, 20, 35% tariffs) depending on the status of the products (essential social goods, basic necessities, inputs and intermediate products and final consumer goods, etc.). The 5th tariff band provides for taxing "specific goods for economic development" at 35% and many agricultural products benefit from this level of protection. ECOWAS has included in the CET trade defence measures to counter any risks from trade practices that will harm the ECOWAS Common Market. They involve mainly safeguard measures to temporarily restrict imports for certain products; countervailing duties to counteract the effects of subsidies; anti-dumping measures to counteract unfair practices; and additional protection measures.

Drawing on its experience in implementing the ETLS and CET, operating a Customs Union and mediating trade disagreements between countries in the sub-region, ECOWAS will continue to play a major role in the implementation of the AfCFTA and up coming Phase 2 negotiations.

2.3 The Sierra Leone National Trade Strategy

To maximise the benefits and opportunities of the AfCFTA, the Conference of African Ministers of Finance, Planning and Economic Development in May 2018, agreed that African countries should develop AfCFTA National Strategies with new policy interventions and revised policy frameworks at national and regional levels to make the most of the AfCFTA. In addition, a country’s National Strategy should identify key value addition and trade opportunities, current constraints, measures and capacities required for it to take full advantage of national, regional and global markets within the AfCFTA context. Sierra Leone has developed a National Trade Strategy aligned to the objectives of its Mid-term National Development Plan (MTNDP) and implementation of the AfCFTA Agreement.

The National Trade Strategy has both short term and medium-to-long term objectives:
2.3.1 Short Term Objectives

To build the policy and coordination foundations for the Ministry of Trade and Industry and trade stakeholders to more effectively articulate and deliver trade policies that contribute to the Vision, including the implementation of the AfCFTA and addressing the trade implications of COVID-19. The specific objectives are:

- **AfCFTA Implementation**
  To fulfil the legal obligations required of Sierra Leone by its ratification of the AfCFTA Agreement, and put in place the means to take advantage of its rights under the Agreement to the benefit of all, including SMEs, women, and youth.

- **COVID-19 Mitigation**
  To address and mitigate the immediate challenges posed by COVID-19 on Sierra Leone’s trade.

- **Institutional Capacity Development**
  To develop the capacity of the Ministry of Trade and Industry and its agencies to formulate and design inclusive trade policies, participate effectively in regional and international trade negotiations, and implement inclusive policies and trade obligations.

- **Government Coordination**
  To create effective channels of coordination between government ministries and agencies involved in the various stages of facilitating and promoting trade.

- **Private Sector Collaboration**
  To establish effective and transparent mechanisms for consultation between the private sector and government in the area of trade, with consideration to the inclusion of women entrepreneurs.

2.3.2 Medium-to-Long Term Objectives

To design and reinvigorate policy areas of the Ministry of Trade and Industry and deliver upon an achievable portfolio of priority trade–related policy initiatives that can diversify growth, create jobs and generate foreign exchange. The specific objectives are:

- **Build Back Better from COVID-19**
  To favourably restructure trade in Sierra Leone for more conducive future growth and development.

- **Nurture Exporters**
  To support indigenous businesses to expand and connect their production with export opportunities in new and existing markets.

- **Attract Anchor Businesses**
  To attract business investments in frontier priority sectors as a ‘proof of concept’ for the feasibility of Sierra Leonean exports.

- **Reduce Overall Cost of Trade**
  To bolster the effectiveness of trade policy and reduce the administrative burden of regulation.

- **Enhance Overall Quality of Trade-Related Infrastructure**
  To coordinate with MDAs and the private sector to prioritize investments in trade-related infrastructure, including quality standards, to support the growth of Sierra Leone’s high potential export sectors.

2.4 The National Agriculture Transformation Program 2023

The National Agricultural Transformation Programme 2023 (NAT 2023) is a short term agriculture policy (2018-2023) with a focus on increasing investment in agriculture; increasing food crop production; increasing cash crop production; increasing livestock production; improving irrigation water management; improving land management; and improving governance and research. The NAT 2023 focuses on four key value chain interventions; Towards Rice Self Sufficiency, Livestock Development, Crop Diversification, Sustainable Forest Management and Biodiversity Conservation all delivered with support from 3 key enablers:

1. Improve the Policy Environment and Governance
2. Promote Women and Youth in Agriculture and Agribusiness
3. Utilisation of Mechanisation and Technology, with an emphasis on stepping up Private Sector involvement
For the interventions in crop diversification, the NAT 2023 focuses on the priority tree crops, cocoa, coffee and cashew and has a target to increase tree crops production covering 400,000 ha and other crops production cover 200,000 ha.
3. The National Cocoa Policy as an Enabler of The AfCFTA and Other Regional Trade Agreements

3.1. Background and Structure of the National Cocoa Policy

The cocoa value chain is one of the highest revenue earners for Sierra Leone outside the mining sector, contributing over USD 14.0 m in 2017 alone. The Government of Sierra Leone has prioritised the cocoa sector as a potential driver of socio-economic growth and the Ministry of Agriculture and Forestry in its National Agriculture Transformation Plan (2018-2023) proposes to increase overall national cocoa production through investment in the sector.

The cocoa sector was viewed as unstructured and the need for a national cocoa policy became stronger if the Ministry of Agriculture and Forestry was to achieve its objectives of increasing cocoa under the National Agriculture Transformation Plan and commenced the process of formulating a National Cocoa Policy. The National Cocoa Policy document seeks to achieve nine objectives, which are highlighted in Appendix 1 and consists of nine policy areas.

Table 8: Thematic Policy Areas and Sub-Policies of the National Cocoa Policy

<table>
<thead>
<tr>
<th>Chapter Reference</th>
<th>Policy Area</th>
<th>Sub-Policies</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>Production</td>
<td>Improved Cocoa Planting Materials</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Farm Management Practice</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Agricultural Diversification</td>
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<td></td>
<td></td>
<td>Pest and Disease Management</td>
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<td></td>
<td></td>
<td>Climate Smart Agriculture</td>
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<td></td>
<td></td>
<td>Land Access</td>
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<tr>
<td>3.2</td>
<td>Research</td>
<td>-</td>
</tr>
<tr>
<td>3.3</td>
<td>Value Addition and Processing</td>
<td>-</td>
</tr>
<tr>
<td>3.4</td>
<td>Trade and Commercialisation</td>
<td>Quality Control and Certification</td>
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<td></td>
<td></td>
<td>Price and Market Information</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Trade Regulations</td>
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<tr>
<td></td>
<td></td>
<td>Infrastructure of Cocoa Production</td>
</tr>
<tr>
<td>3.5</td>
<td>Sector Organisation</td>
<td>Farmer Based Organisation</td>
</tr>
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<td></td>
<td></td>
<td>Cocoa Commodity Association (s)</td>
</tr>
<tr>
<td>3.6</td>
<td>Access to Finance</td>
<td>-</td>
</tr>
<tr>
<td>3.7</td>
<td>Cocoa Data and Statistics</td>
<td>-</td>
</tr>
<tr>
<td>3.8</td>
<td>Cross Cutting Issues</td>
<td>Women and Youth Security</td>
</tr>
</tbody>
</table>

3.2. Key Trade Related Policy Features of the National Cocoa Policy

A review of the National Cocoa Policy document was carried out against the following National Policy documents:

- The Medium-Term National Development Plan (MTNDP)
- The Sierra Leone National Export Strategy (2010-2015)
- Sierra Leone Trade Policy Review 2016
- The National Trade Strategy
- National Agriculture Transformation Programme (2023)
The key trade policy related findings from this review were:

- The framework of the National Cocoa Policy was developed around the priority enablers (research and policy, women and youths, private sector and mechanisation).
- The policy provides scope to build the export competitiveness of the cocoa sector particularly with regard to standards and quality, promotion of value addition, regulation of the sector and research and development.
- Vision of sustainable development of the cocoa sector remains to be elaborated further, also in line with the long-term development plan of Sierra Leone.
- Policy prescription and options remain focused on the Ministry of Agriculture and Forestry and other government agencies. This may not nurture the levels of collaboration required with the private sector and NGO’s.
- There is room for enhanced alignment of the national cocoa policy with the MTNDP and the National Trade Strategy, especially in relation to the cocoa sector as an important earner for the country in terms of foreign currency and domestic revenues. Sierra Leone’s trade policy supports a fully liberalized trade sector especially with respect to agricultural commodities. Relevant policies include:
  - Trade Liberalization Policy
  - Industrial policy
  - Special Economic Zones/Export Processing Zones
  - Local Content and SME Policies.
- Export-Related Non-Tariff Measures (NTMs) are not extensively discussed in the National Cocoa Policy. These include:
  - Licensing/Permit requirements for the export of cocoa
  - Export Registration requirements for cocoa
  - 2.5% export levy paid on cocoa and other commodities and utilization of such revenues
  - Pre-shipment inspection on cocoa exports
- Other NTMs which have a potential of becoming barriers to trade are also not are not adequately discussed in the National Cocoa Policy and include:
  - Conformity Assessment Procedures
  - Technical Regulations for cocoa
  - Harmonisation of National Cocoa Standards with regional and international standards
- The following topics would benefit from a more structured approach and set of policy recommendations:
  a. Cocoa pricing at farmgate and producer levels,
  b. guaranteed pricing,
  c. export pricing and
  d. price stabilization
  e. Issues around competition and anti-competitive practices and abuse of market power in the cocoa sector
- The document does not provide specific policy prescriptions on Geographical Indication (GI) for cocoa beans which can be used to identify the origin, quality, and reputation of Sierra Leone cocoa (Sierra Leone Cocoa of Excellence Award) and used to capture extra value.

3.3. Comparative Review of the Sierra Leone Cocoa Policy and the BIAT Action Plan

This comparative review of the National Cocoa Policy of Sierra Leone will be done against the Trade Policy and Trade Facilitation Clusters of the BIAT Action Plan. For each Cluster and programme/activities, the review comments will be made on the cocoa policy and highlight interventions or non-interventions at national, ECOWAS or Continental levels. Both clusters have been reviewed against the cocoa policy because of their relevance to Sierra Leone’s trade policies and strategies.
3.3.1 The Trade Policy Cluster

Main Objective: Fast tracking intra-African Trade Development

In this cluster, the BIAT requires the adoption and implementation of coherent and efficient trade policies specifically geared to the promotion of intra-African trade at the national, regional and continental levels. In addition, trade policies of African countries are to be designed in such a way that no other African country would receive a less favourable treatment than is given to a non-African country, whether the latter is developed or developing.

Table 9: BIAT Trade Policy Cluster and the Sierra Leone Cocoa Policy Review

<table>
<thead>
<tr>
<th>Programme</th>
<th>Target</th>
<th>Competent authority</th>
<th>Cocoa Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mainstreaming of intra-African trade in national trade and development strategies</td>
<td>Adequate allocation in Member states (MS) budgets to enable implementation is done African and regional trade policies are mainstreamed in the National trade and development strategies</td>
<td>Sierra Leone</td>
<td>Trade is not adequately mainstreamed into the National Cocoa Policy and the Governments Medium Term National Development Plan</td>
</tr>
<tr>
<td>Enhancement of the role of the organized private sector, informal private sector and women in trade policy formulation</td>
<td>Regular formal platforms for organized private sector, informal private sector and woman business and civil society for trade policy dialogue with Government, are established</td>
<td>Sierra Leone, ECOWAS, AU</td>
<td>The Cocoa Policy makes provision for establishment of a policy dialogue with the cocoa sector, which will include organized and informal private sector and women. 3.5.2 Cocoa Commodity Association(s) of the policy refers. The National Trade Strategy also proposes the establishment of sectoral PPD platforms.</td>
</tr>
<tr>
<td>Boost intra-African trade in food products</td>
<td>Tariffs, Non-Tariff Barriers and quantitative restrictions on intra-African trade in food products are removed</td>
<td>Sierra Leone</td>
<td>The Cocoa Policy does not have any prescriptions to boost -intra-African trade in processed cocoa food products.</td>
</tr>
<tr>
<td>Undertake commitments to liberalize trade-related service sectors: Transport, professional, financial and ICT</td>
<td>Unilateral liberalization in services is undertaken by MS. Commitments made in RECs or between RECs Regulatory framework are put in place</td>
<td>Sierra Leone, ECOWAS</td>
<td>The Cocoa Policy does not have any prescriptions related to the liberalization of trade-related service sectors: Transport, professional, financial and ICT. Sierra Leone does not have a services policy and is negotiating the Services Protocol of the AfCFTA Agreement within the framework of ECOWAS. Several member states have made commitment to liberalize these sectors and Sierra Leone is expected to do so shortly</td>
</tr>
<tr>
<td>Commit to harmonize rules of origin and trade regimes</td>
<td>Rules of origin and trade regimes are harmonized at the REC level and Tripartite level</td>
<td>Sierra Leone, ECOWAS, RECs Tripartite Sectoral Ministerial Committee; AU</td>
<td>There are no policy prescriptions in the cocoa policy concerning this activity. Sierra Leone is however a signatory to the ECOWAS ETLS and Common External Tariff Agreements which have addressed this issue. Sierra Leone has also been negotiating the aspects of rules of origin in the Trade Protocol of the AfCFTA Agreement within the framework of ECOWAS</td>
</tr>
</tbody>
</table>
Comparative Assessment of the Sierra Leone Cocoa Policy

<table>
<thead>
<tr>
<th>Programme</th>
<th>Target</th>
<th>Competent authority</th>
<th>Cocoa Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Promoting “Buy in Africa” and “Made in Africa”</td>
<td>Increased trade in good among member states</td>
<td>Sierra Leone</td>
<td>There are no policy prescriptions in the cocoa policy concerning this activity. At national level, Sierra Leone has enacted a local content legislation and is currently promoting a “Made in Sierra Leone” policy in the processed food, handicrafts, and textiles sectors</td>
</tr>
</tbody>
</table>

3.3.2 The Trade Facilitation Cluster

**Main Objective:** Reducing the time it takes to move goods from point A to point B (across borders, within, and between regions). A key factor identified in the low level of intra-African trade has been the numerous trade facilitation constraints. Removal of these constraints is critical to boosting trade among African countries.

Table 10: BIAT Trade Facilitation Cluster and the Sierra Leone Cocoa Policy Review

<table>
<thead>
<tr>
<th>Programme</th>
<th>Target</th>
<th>Competent authority</th>
<th>Cocoa Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reduction of roadblocks</td>
<td>All unnecessary roadblocks are removed</td>
<td>Sierra Leone</td>
<td>There are no policy prescriptions in the cocoa policy concerning this activity. Sierra Leone is implementing a National Trade Facilitation Strategy as part of the WTO Trade Facilitation Agreement. The strategy contains provisions for the removal of roadblocks especially at cross border levels.</td>
</tr>
<tr>
<td>Harmonizing and simplifying customs and transit procedures, documentation, and regulations</td>
<td>Number of customs documents are reduced, Key customs documents are harmonized within RECs, Border operation hours are harmonised</td>
<td>ECOWAS, Sierra Leone</td>
<td>There are no policy prescriptions in the cocoa policy concerning this activity. Implementation of the Sierra Leone Trade Facilitation Strategy by Customs Authorities has resulted in the reduction of customs documents at national level. At ECOWAS Level, customs documents are harmonized.</td>
</tr>
<tr>
<td>Establishment and operationalisation of One-Stop Border Posts</td>
<td>OSBPs at all key border posts established, Border time crossings of goods are reduced by 50%</td>
<td>ECOWAS, Sierra Leone</td>
<td>There are no policy prescriptions in the cocoa policy with regards to the establishment and operationalization of OSBPs. There are provisions in the Sierra Leone Trade Facilitation Strategy for the establishment of OSBPs. The process is ongoing. ECOWAS is currently implementing a trade facilitation plan with provisions for OSBPs</td>
</tr>
<tr>
<td>Integrated Border Management (IBM)</td>
<td>Customs procedures, standards and regulations are harmonized and simplified</td>
<td>ECOWAS, Sierra Leone, AU</td>
<td>There are no policy prescriptions in the cocoa policy with regards to this activity. The Sierra Leone Trade Facilitation Strategy has provisions for the harmonization of customs procedures, and standards with Guinea and Liberia. The ECOWAS Quality Policy contains provisions for the simplification and harmonization of standards and regulations</td>
</tr>
</tbody>
</table>

3.4. Comparative Review of the Sierra Leone Cocoa Policy and the ECOWAP/CAADP

A review of the National Cocoa Policy document was carried out against the new ECOWAP/CAADP and the key findings from this review were:

1. The specific policy actions in the cocoa policy which relate to production, value addition, trade and trade regulations, standards and certification schemes are well aligned with Pillar 2 which focuses on the organisation and structuring of regional value chains of strategic agricultural and food products, from the collection and marketing of commodities at the level of producer organisations to distribution.
2. It also covers institutional issues, technological issues, quality, standards and traceability, promotion of the image of regional products, financing for the economic agents, functioning of regional markets and management of the regional market and international markets interface are well integrated.

3. The cocoa policy outlines specific policy issues on financing, women and youth, climate smart agriculture and capacity building of producer organisations that are broadly aligned to Pillar 4 of the cross-cutting aspects of the RAIP-FNS that overlap with the other strategic pillars. These include issues related to agriculture financing, establishment of a regulatory environment and, more broadly a business climate conducive to private sector investment, upgrading of information systems, development of the capacities of public institutions and professional and civil society organisations, driving and leadership of new initiatives.

4. The National Cocoa Policy does not directly address issues of establishment of a regulatory environment, promotion of a business climate conducive to private sector and upgrading of information systems which are potential areas that can be included in any future revisions to the policy.
4. Potential Policy Revisions to the National Cocoa Policy for Sierra Leone

4.1. Introduction

The reviews and assessments of the National Cocoa Policy against other regional trade and agricultural policy frameworks have clearly illustrated gaps and weaknesses especially concerning the regulatory framework and trade. The cocoa policy addresses many of the current policy perspectives around the cocoa value chain, however to serve as a policy enabler for the AfCFTA, there are salient trade-related policy areas that remain unhighlighted or require policy intervention.

Overall there has hardly been mainstreaming of trade in the country’s development strategies and for cocoa to trade sustainably within a multilateral system or Free Trade Agreement (FTA), trade-related policy measures need to be included in the National Cocoa Policy.

A fundamental weakness of Sierra Leone’s national development landscape over the years is that sectoral policy collaboration is often weak and trade-related issues have not been adequately mainstreamed into National Development Planning. This is clearly highlighted and addressed in the National Trade Strategy (October 2020) where policies, strategies and initiatives relating to the Sierra Leone Trade Policy, 2011 National Industrial Policy, Sierra Leone AGOA Response Strategy 2019 to 2025, 2019 National Trade Facilitation Strategy, 2013 MSME Development Strategy, 2019 Doing Business Reforms Roadmap, Draft 2013 Special Economic Zone Policy in Sierra Leone, 2013 Capacity Development Actions for trade Related Organization in Sierra Leone have been integrated.

The National Trade Strategy document has a strong focus on implementation of Sierra Leone’s rights and obligations under the AfCFTA and proposes detailed policy reforms incorporating sectoral policies and strategies including the agriculture sector.

In this light, a national cocoa policy should be comprehensive and robust enough to enhance growth and expansion in both the national and global cocoa value chains as well as inter-regional trade within the framework of ECOWAS and the AfCFTA.

4.2. Potential Framework and proposed Revision of the National Cocoa Policy

ECOWAP, which is one of the policy instruments that will be used to promote trade of agricultural products across all agricultural value chains within the context of AfCFTA trading. In Chapter Three, many of thematic policy issues highlighted in the National Cocoa Policy were found to be broadly aligned with the objectives of Pillars 2 and 4 of the ECOWAP, which focus on organisation and restructuring of regional value chains, regulatory frameworks and international trade; and improvements to the business environment, governance and funding mechanisms for the agriculture and food sector respectively.

The National Cocoa Policy is also reviewed against the trade policy framework around which the AfCFTA was developed, the BIAT. While there are varying degrees of alignment of the cocoa policy with the Trade Policy and Trade Facilitation clusters of the BIAT, no direct recommendations for revision of the National Cocoa Policy against these two frameworks or the AfCFTA are made, taking into consideration the fact that negotiation and implementation the AfCFTA Agreement by Sierra Leone is within the ECOWAS framework and preservation of “Acquis”.

Key issues highlighted in Chapter Three for revision or improvement to the National Cocoa Policy broadly relate to the regulatory framework for the cocoa value chain and specifically to quality control and certification, pricing and market information. Abdusalmad and Fernholz (ITC, 2019) outline three policy options for Sierra Leone Cocoa to address policy issues on price stabilisation, price support and marketing arrangements for Sierra Leone cocoa based on a cost benefit analysis modelling of three different cocoa production and marketing systems in Ivory Coast, Ghana and Sierra Leone. The three models analysed are:

1. Free Market Model (utilised in Sierra Leone)
2. Stabilisation Fund (utilised in the Ivory Coast)
3. Commodity Board (utilised in Ghana)
The Ivory Coast and Ghana are the largest cocoa producers and exporters in Africa and their production volumes seriously the global demand and pricing. The policy options outlined could be examined for inclusion in a revised national cocoa policy.

Gayi and Tsowou (2016) propose a policy framework for cocoa value chains that can be adapted to the national cocoa policy. They propose three sets of policy options for cocoa value chains especially in the context of attaining a sustainable cocoa economy and contributing to achieving some of the Sustainable Development Goals. The thrust of their proposals is that in light of rapidly falling prices in the global cocoa sector and a highly integrated industry in the last decade, national policies for cocoa value chains should ensure that all actors/stakeholders along the value chain receive a fair value for their investments in the chain especially smallholder farmers. They propose and define the following policy measures levels:

- **Macro - Level Policies**: Global, regional and national level policies implemented by regional economic commissions and national governments
- **Meso-Level Policies**: Support players along the global value chain and bring benefits to producers
- **Micro-Level Policies**: Policies centred around cocoa farmers

These policy options are proposed based on a framework of the ‘Sustainable Cocoa Tree’ where policies at the micro-level provide a conducive environment for the tree to grow and the meso and macro policies are those, which nurture the ‘tree’ to produce abundant fruit which in contextual terms will mean economic sustainability for producers.

For future development, the National Cocoa Policy might be reviewed and reorganized around this three-level policy perspectives framework.

### 4.2.1 Macro-Level Policies

**Improving the domestic policy environment**: Government’s policies should be developed and implemented with a view to creating an enabling environment, improving the income of farmers and increasing cocoa production. The strength of government’s trade, monetary and fiscal policies would largely determine how the cocoa sector grows. Key policy issues to be addressed would include *Trade Regulations* and specifically, NTM/NTB issues relating to:

- Compliance with WTO and AfCFTA Trade Agreements
- Licensing/Permit requirements for the export of cocoa
- Export Registration requirements for cocoa
- Utilisation of the cocoa export levy
- Farmgate Pricing, Farmers Guaranteed Pricing, Price stabilization mechanisms
- Investment and incentives

**Increasing awareness on competition Policy and Law**: Considering the fact that the West African States of Ivory Coast and Ghana together account for 60% of the world’s production, Sierra Leone cocoa may become subject of competitive practices at a future date. There are ongoing efforts around a competition policy and accompanying law which when concluded should be reflected in the cocoa policy.

### 4.2.2 Meso- Level Policies

Meso- Level policy perspectives will focus on those policies or mechanisms that will result in a greater level playing field for the various cocoa value chain actors and stakeholders. The policies should also promote greater transparency in the national cocoa value chain and creating an environment to support the development of small players in the sector. Meso-level policy issues can be clustered around:

**Promoting Greater Transparency in the Cocoa Sector**:

- Outlining the regulatory and coordinating role of the Produce Monitoring Board in the sector
- Accessing reliable market formation around prices, markets, trade and business regulations, government policies

**Addressing opportunities for the development of small players in the cocoa industry**: Policy areas to be addressed would include:

- Market Linkages
- Smallholder commercialization including agro-processing
- Cocoa GAP
Scaling up Quality Control and Certification
- Harmonisation of Conformity Assessment Procedures
- Develop appropriate technical regulations and standards based on international cocoa standards (ISO & FFC)
- Develop regulations on pesticides, heavy metals, mycotoxins, microbes, labelling, packaging and storage of raw cocoa beans
- Review of Cap 285 of the Laws of Sierra Leone, which governs the SPS issues of cocoa and other commodities.
- Promote Sustainable Cocoa and Geographical Indicators

4.2.3 Micro-Level Policies

These policies are centred on supporting cocoa farmers and are supported by the policies at macro and meso-levels. They will include policies relating to:

Promoting Commercially Viable Farmers-Based Organisations (Cooperatives, Farmer Based Organisations, Cocoa Sector Associations): Policies should address issues of organization, clustering, facilitation of PPD mechanisms, improving technical and managerial capacities, gender, and youth

Facilitating Farmers Access to Finance and Price Risk Mechanisms
- Develop policies that address issues of collaterals, land titles, grants, Incentives for quality standards and value addition
- Identify Risk Management mechanisms

Promoting Product Differentiation for Farmers to benefit from Higher Prices
- Develop policies that focus on the application of private certification schemes and standards for niche markets (FFC and Bulk)
- Adopt a multi stakeholder policy implementation process approach involving the public sector, the private sector, civil society, international organizations, academia and farmers to leverage on the specific comparative advantage of each value chain actor.
ANNEXES

APPENDIX 1: OBJECTIVES OF THE NATIONAL COCOA POLICY

The National Cocoa Value Chain Policy will:

1. Identify all policies and aspects of the regulatory framework that have an impact on the cocoa sector, both within the agricultural sector and within other sectors. This may include national, regional and international policies and legislation(s).
2. Conduct an analysis of the implications of policies and the regulatory framework on the tree crop sub-sector policy.
3. Identify the marketing and land tenure-related policies and regulatory frameworks (if any).
4. Identify locations where such tools have been successfully developed and used in other countries in the West Africa sub-region, critically assessing potential opportunities for adapting and applying similar tools in Sierra Leone.
5. Assess and analyse existing clonal gardens in relation to the availability of improved planting materials and how previous interventions contributed to upgrading the gardens, vis-à-vis providing planting materials currently needed by farmers.
6. Assess, analyse and provide options for integrating a tree crops policy – in particular CC – into other government policies, including, as applicable, general agricultural development, conservation, land use, commercial farming and other key impacting policies.
7. Analyse operational and technical capacities at national and local levels and identify gaps and capacity building needs (this should be undertaken in context of the expected revival / establishment of a national cross-sectoral cocoa and coffee coordination mechanism at policymaking level, with a strong value chain analysis component).
8. Identify and assess priority areas and alternative strategies for institutional strengthening of relevant institutions (including extension services)
9. Develop a strategic implementation plan and activities with budget implications
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