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Q1: Respondent details

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Q2: Country or Customs territory

UNITED STATES

Q3: Organization

Public sector

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Q4: Title of case story

Removing Certificate of Origin Requirements to Facilitate Trade in Agricultural Products in West Africa

Q5: Case story focus

Trade Facilitation.

Q6: Case story abstract

The Economic Community of West African States (ECOWAS) has adopted an ambitious set of agreements and regulations to support the free movement of goods, people and capital across the region. However, in practice, implementation of these agreements is uneven and barriers to trade often remain in place. A prime example of this problem is the continued requirement in some West African countries for traders of ECOWAS originating agricultural products to obtain and present certificates of origin. Demands by border officials for such documents violate the agreements reached by ECOWAS and impose unnecessary costs and delays on traders. USAID's West Africa Trade and Investment Hub is partnering with the private sector, civil society, and governments to abolish these practices. Burkina Faso, Côte d'Ivoire, and Togo have recently done so, and USAID is working with ECOWAS and other partners to support other countries to follow their example.

Q7: Who provided funding?

Other (please specify) USAID

Q8: Project/Programme type

Regional

Q9: Your text case story

The West Africa Trade and Investment Hub is one of the continent's three USAID-funded trade and investment hubs, joining those in East and Southern Africa. The Trade Hub promotes West Africa's economic and social advancement, closely coordinating with a network of West African private sector partners and public institutions to reduce poverty and increase food security by expanding regional and global trade. In addition to direct interventions, the Trade Hub works to improve the business enabling environment by addressing trade barriers and transport constraints.

Trade in agricultural products contributes greatly to overall intra-regional trade in West Africa and offers great potential for regional food security and improved farmer incomes—thus reducing poverty. To further these goals, the Trade Hub is addressing legal and regulatory barriers, transport constraints, and illicit practices that hinder regional agricultural trade.

Trade Hub research and feedback from partner organizations confirm that poor knowledge of regional protocols and national legislation are obstacles to growth in intra-regional agricultural trade. One such regional protocol, abolished decades ago, but still in effect in practice, was adopted by ECOWAS to implement the ECOWAS Trade Liberalization Scheme (ETLS). The ETLS stipulates that unprocessed agricultural products originating and traded within the ECOWAS region do not require a Certificate of Origin (COO).

In practice, however, the Trade Hub found that traders were being asked to produce COOs along trade corridors and at border crossings—often as part of a request for a bribe. Authorities issuing the COO are usually located in urban areas far from main agricultural production centers. For this reason, many intra-regional cereals and livestock exporters do not obtain the COO, making them susceptible to harassment, leading to delays and higher costs to their businesses. West African traders at the Food Across Borders conference in 2013, the ECOWAS Citizens' Forum in 2014, and Borderless Alliance's 2015 annual conference have cited the COO requirement as a barrier to trade. Eliminating the improper request for COOs for regional agricultural products is a priority of ECOWAS and the Union Economique et Monétaire Ouest Africaine (UEMOA).

In 2014, the Hub began mobilizing stakeholders for concerted advocacy efforts with West African governments to remove the requirement for COOs. This includes bringing traders and their representatives to meetings with government officials and civil society to discuss the undue burden the COO places on trade. To date, three countries have dropped the requirement: Côte d'Ivoire (in November 2015), Burkina Faso (in February 2016), and Togo (in October 2016).

In Côte d'Ivoire, traders interviewed by Hub staff reported paying about 3,000 West African Francs (approximately \$5 USD) per document. These transactions require travel time for traders and sometimes require more than one process. Those who cannot present a COO may be required to pay import duties on their goods as they cross borders within the region. A circular issued by Ivorian Customs required raw agricultural products exported to other countries in the region be accompanied by COOs. The Hub joined forces with the Borderless Alliance, a public-private transport advocacy group; a traders group, Bureau de Vente des Producteurs; and UEMOA representatives to press the Ivorian Customs Department to issue a new circular that revoked the COO requirement and ensured the country is now in compliance with the ETLS.

In Burkina Faso, the Hub met with authorities to discuss ways the government could achieve ETLS compliance. Hub experts suggested reissuing the country's Note de Service on COO requirements to ensure that all customs personnel become aware of the rules. As a result, in February 2016, Burkina Faso reissued the circular—Note de Service No. 2016/068—which reminded border agencies of the regulations for trade in unprocessed agricultural products in the region, removing the requirement for the COO.

In August and September 2016, the Hub discussed Togo's COO procedures with officials from the Office Togolais des Recettes (OTR). The Hub's expert pointed out the discrepancy between ETLS rules and Togo's regulations on COO requirements. Working through a local partner, he also trained cereal producers to ensure that they fully understood the ETLS requirements. The Commissioner of Customs and Indirect Taxes directed the Acting Director of Research and Legislation to work on the issue. The Acting Director agreed to let the officer in charge of COOs in the department work with the Hub during the week of October 3, 2016, to draft a Note de Service that would cancel the COO requirement. On October 7, 2016, the Government of Togo removed that country's requirement for COOs on unprocessed agricultural products traded within the region. The Hub has begun advocacy for this issue in Benin, and is planning similar work for Guinea and Mali.

After successfully advocating for the abolishment of COO requirements in Côte d'Ivoire, the next step was to raise regional traders' and producers' awareness of ETLS rules and documentation requirements. From May 5-7, 2016, the Hub reached out directly to cereals value chain actors in Bouaké, Côte d'Ivoire, one of the region's main cereals markets, by hosting a Fair on the Enabling Environment for ETLS Foods Crops. At this event, the Hub worked with local authorities and border agencies to share information and respond to participants' questions, including representatives from Ivorian customs, the local police force, gendarmes, freight forwarders, the Office for the Commercialization of Foodstuffs (Office de Commercialisation des Produits Vivriers, OCPV), and the Regional Directorate of Support for Agricultural Development (Direction Regionale d'Appui au Developpement Agricole, DRADA) of Côte d'Ivoire's Ministry of Agriculture. More than 80 traders, half of them women, actively participated in the fair and received information packets on all documents required for exports.

The Trade Hub is planning similar sensitization activities for other locations in Côte d'Ivoire, Burkina Faso and Togo and later, to Benin, Guinea and Mali. In August 2016, the Trade Hub held a training in Togo on ETLS requirements for a regional trade association representing 21,000 of the country's cereal producers and exporters.

"Now that the Certificate of Origin requirement has been dropped in Togo, we can export thousands of metric tons of cereals throughout the region without any hitches," said Yakoubou Nagnango, Executive Director of La Centrale des Producteurs de Céréales du Togo.

Removal of the COO requirement improves countries' ETLS compliance and should spur growth in intra-regional

trade while promoting regional integration in West Africa. It will also contribute to regional food security through trade, reducing costs and time incurred by traders, and thereby improving their incomes. Ongoing sensitization campaigns will help bridge the knowledge gap on ETLs regulations on agricultural trade among stakeholders. Further, removal of the COO and accompanying information dissemination will help countries improve consistency with requirements of the World Trade Organization's Trade Facilitation Agreement on the publication and availability of information relating to rules of origin. Campaigns and publications will also contribute to countries' compliance with the TFA measures on fees and charges imposed on or in connection with importation and exportations.

Q10: Lessons learnt

1. Regional protocols are usually agreed and signed collectively by all member states and at a high level. However, implementation is done individually by each member state and requires commitment from all relevant institutions. The Trade Hub's experience shows a need for more national commitment to regional protocols to achieve uniform regional implementation. Trade facilitation improvement should focus not only on supporting regional efforts but should also engage at the national level where implementation occurs. The Trade Hub is using this approach to engage with ECOWAS and other regional organizations while working with countries to encourage implementation of regional protocols, making compliance a reality.
 2. The absence of an effective and consistent monitoring and dispute resolution mechanism to support implementation of regional protocols contributes to delays in implementation. The process for regularly reviewing documentary requirements and their application, and mobilizing stakeholders that was pursued by the Hub is an example of how all protocols could be tested to evaluate their implementation. Further work to institute formal systems for ECOWAS and the region's governments to monitor and devise uniform corrective actions for non-adhering member states to improve their compliance to regional protocols is needed.
 3. Lack of adequate knowledge among key stakeholders – including in the private sector - in member states on regional trade protocols also contributes to low levels of informed compliance. Bridging the information and knowledge gap through public awareness campaigns contributes to better stakeholder engagement with their respective governments and improves compliance for both the public and private sectors.
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