

Regulatory Challenges in West Africa: Instituting Regional Pesticide Regulations during a Period of Rapid Market Growth

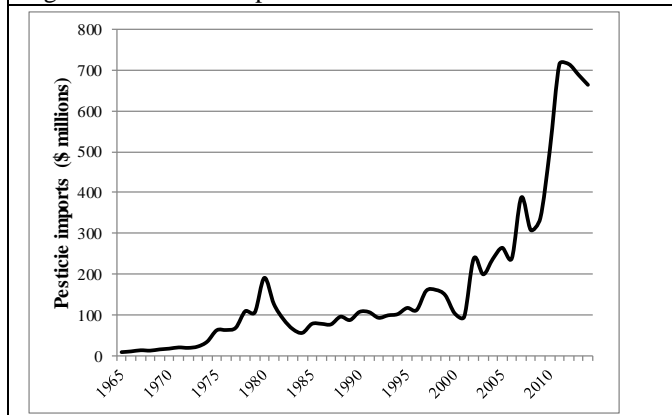
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Twin transitions

Since 1994, the Sahelian countries have registered pesticides jointly through a common regional regulator, the Comité Sahélien des Pesticides (CSP). Established under the Comité Permanent Inter-états de Lutte contre la Sécheresse au Sahel (CILSS) treaty, the CSP operates its permanent secretariat at the CILSS's Institut du Sahel (INSAH) based in Bamako, Mali.

Over two decades later, in the 2010s, the Economic Community of West African States (ECOWAS) is attempting to expand this regional regulatory model to include the coastal countries. Unlike the Sahelian countries, which launched their regional regulator during a period of market calm, the coastal ECOWAS countries have begun during a period of extremely rapid pesticide market growth (Figure 1).

Figure 1. Pesticide import trends in West Africa



Key Findings

- Sahelian countries successfully launched their regional pesticide regulator, the Comité Sahélien des Pesticides (CSP), in the early 1990s.
- Repeated large-scale pest invasions motivated strong interest among the nine Sahelian countries to pool their scarce technical resources to combat pests and monitor pesticide use collectively.
- Despite collective good will and effective early collaboration by phytosanitary technicians, political leaders required two rounds of legislative action, over ten years, to produce a consistent, enforceable umbrella legal framework.
- Two decades later, ECOWAS is trying to introduce a similar harmonized regional pesticide registration system in the humid coastal zone countries.
- Because of their later start, the coastal countries face two difficult new challenges not faced by the Sahelian countries: a) rapidly growing pesticide markets and b) well-established but differing national regulatory structures that now need to be harmonized.
- Lessons from the CILSS experience suggest that the coastal countries will need to focus on four key issues in order to successfully implement regional pesticide regulations:
 1. Securing sufficient financing for national and regional regulators
 2. Technical harmonization, building on existing HIP protocols
 3. Legal harmonization, by enlisting a trained legal draftsmen to assist the technicians
 4. Launching a sub-regional technical secretariat for the coastal countries.

Market size	CILSS CSP Countries	Coastal ECOWAS Countries
Large		Cote d'Ivoire* , Ghana* , Nigeria**
Medium	Burkina Faso, Mali* , Senegal*	Guinea*
Small	Cape Verde, Chad, Gambia* , Guinea Bissau, Niger, Mauritania	Benin, Liberia, Sierra Leone, Togo

* Case study countries; **Rapid appraisal only.

Early experience of the CILSS member countries offers insights that may help the coastal countries to navigate this difficult twin transition. This policy brief summarizes key lessons emerging from a series of seven country studies examining progress as well as difficulties experienced in national implementation of regional pesticide regulations in West Africa (Table 1).

Sahelian experience

Regional pesticide regulations

Following devastating regional droughts in the 1970s, a series of large-scale pest infestations emerged throughout the Sahel. Because locusts, grain-eating birds and other pests move rapidly and easily across national borders, the need to combat these collective threats motivated strong interest in regional pest control and in regional pesticide regulation. CILSS, the inter-governmental organization created in 1973 to combat the drought, became the obvious institutional vehicle for coordinating a regional response to the ensuing pest attacks. Following a series of CILSS-coordinated regional pest control projects during the 1980s, the CILSS Council of Ministers of Agriculture adopted common regional phytosanitary and pesticide regulations in 1992 and a formal implementing structure for pesticides: the CSP in 1994.

Under the CILSS regional regulations, any pesticide reviewed and approved by the CSP can

be legally sold in all member countries. As a result, the CSP serves as a one-stop-shop for companies wishing to sell pesticides in any of the member countries. Since its inception in March 1994, the CSP has functioned effectively as the regional pesticide regulator due to a strong sense of trust and common purpose among the national phytosanitary services and the perceived benefits of pooling scarce human, financial and laboratory resources. Private traders and national regulators throughout the region now recognize the authority of the CSP to review and authorize pesticides for sale within the CILSS member countries. To date, the CSP had authorized 426 pesticide products for sale throughout the nine original CILSS member states.

National implementation

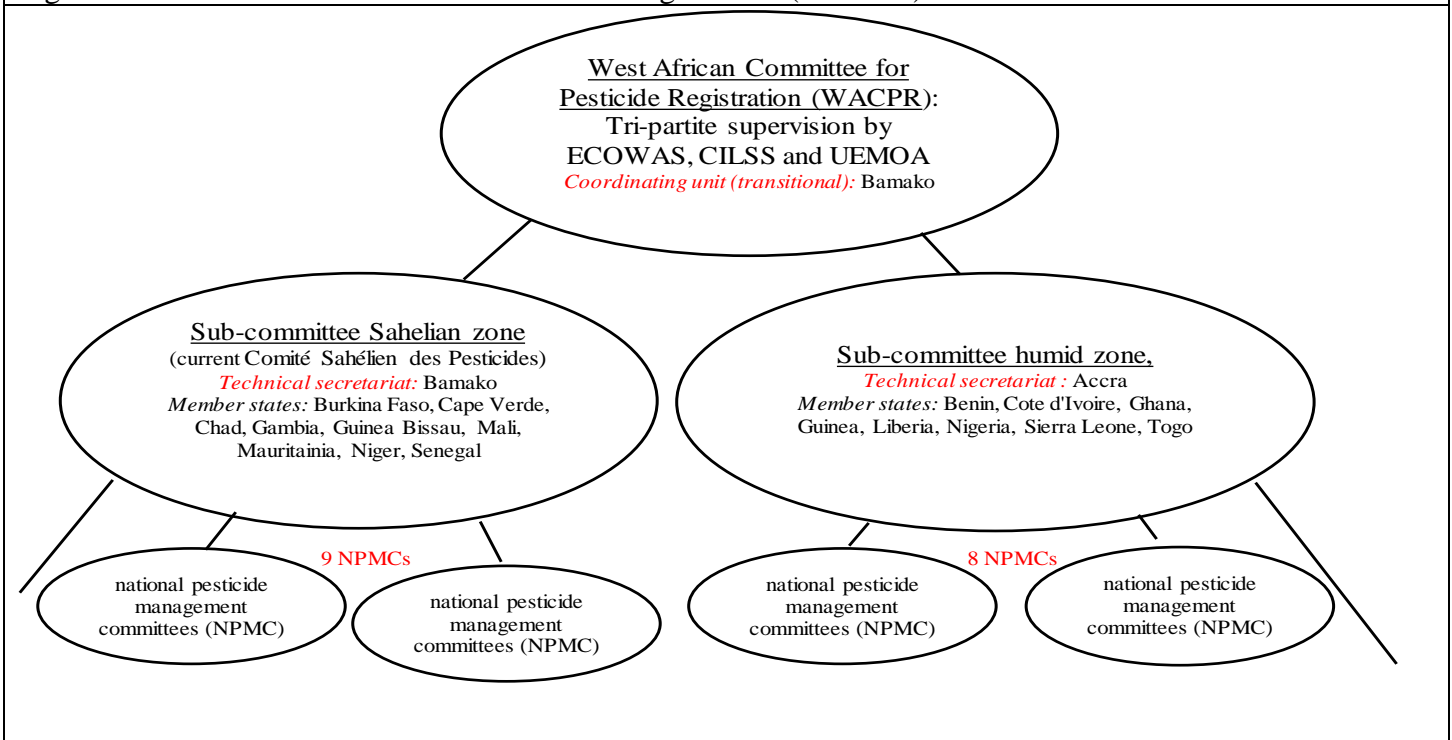
At the national level, colonial laws regulating pesticides in West Africa lapsed following independence in the early 1960s. As a result, most Sahelian countries entered several decades of legal ambiguity without any explicit national legislation governing pesticides. In most countries, with the single exception of Senegal, national regulatory efforts began during the 1990s, after and in response to the 1992 CILSS regulations. As a result of this sequencing, the Sahelian countries designed their national pesticide laws and regulations to conform with and thereby “domesticate” the CILSS regional regulations by embedding them in national law.

Full legal harmonization required two rounds of legislation over roughly a decade of concerted effort (Table 2). Initial regulatory efforts, driven primarily by national phytosanitary services, resulted in inconsistent national regulations, with differing terminology and pesticide definitions. Ultimately, CILSS engaged a legal consultant to help national parliaments and the CILSS council of minister to develop a second set of fully consistent regional pesticide legislation. The CILSS Council of Ministers issued revised regional pesticide regulations in 1999, while member countries introduced conforming national legislation from 2001 through 2005.

Table 2. Implementation chronology for regional pesticide regulations in West Africa

Regional pesticide regulations	National implementation	Regional implementing institutions
CILSS		
<i>Round 1. Regional regulations implemented but not legally "domesticated" by member countries (1992-98)</i>		
Resolution No 7/27/CM/92 issuing regional pesticide regulations for CILSS member countries	• countries issue non-conforming new legislation and regulations	
Resolution No. 10/29/CM/94 establishes CSP	• countries participate in annual CSP review meetings	• CSP established April 1994, meeting twice annually thereafter
<i>Round 2. National adoption of regional regulations (1999 to present)</i>		
Resolution N° 8/34/CM/99 issuing revised regional pesticide regulations for CILSS members	• 8 countries issue national legislation fully conforming to the new CILSS regulations (2001-2005)	• CSP continues to register pesticides for all member countries
ECOWAS		
<i>Round 1. Uneven, mostly negligible implementation (2008-2013)</i>		
C/REG.3/5/2008 harmonizing pesticide registration in ECOWAS countries	• Sahelian countries continue to participate in CSP • Coastal countries move slowly in the absence of a sub-regional regulator for the coastal countries	• CSP continues to function as the regulatory body (WACPR) for the Sahelian countries (Bamako)
<i>Round 2. ECOWAS enlists CSP to jump-start implementation (2013 to present)</i>		
C/REG/02/06/12 implementing regulations establishing the WACPR	• CSP begins technical consultations with coastal countries	• no WACPR-Humid Zone secretariat is yet established for coastal countries
Tripartite agreement: ECOWAS, CILSS, UEMOA September 2017	• UEMOA to support national pesticide committees in coastal countries	• CSP to serve in transitional role as Coordinating Unit for WACPR

Figure 2. West Africa Committee for Pesticide Registration (WACPR)



Challenges in the coastal countries

In 2008, ECOWAS issued regional pesticide regulations aimed at expanding the Sahelian CSP model to coastal countries. It called for setting up a parallel sub-regional pesticide regulator for the humid coastal countries (Figure 2).

Despite formal agreement by the ECOWAS Council of Ministers, little concrete actions occurred in the coastal countries to implement these mutually agreed upon regional pesticide regulations. According to stakeholders interviewed during our field studies, neither the ECOWAS Commission nor the national regulators moved decisively to implement the ECOWAS pesticide regulations in the coastal countries during the early years following approval of the 2008 ECOWAS regulations. Absent a functioning sub-regional regulator for the coastal countries, well-established national regulators saw few incentives to modify their national regulatory systems. In 2013, after five years of inactivity, ECOWAS formally enlisted the CSP to assist in jump-starting regional pesticide registration in the coastal countries (Table 2).

Table 3. Number of pesticides registered by national regulators in the coastal countries, 2015

	Herbicides	Insecticides	Other	Total pesticides
Côte d'Ivoire	432	607	271	1,310
Ghana	212	205	91	508
Guinea	94	54	14	162

A series of significant challenges have contributed to sluggish implementation of regional pesticide regulations in the coastal countries. Unlike the Sahel, which started two decades earlier, well-established national pesticide regulations already existed in the coastal countries by the 2010s (Table 3). The resulting diversity of national institutional structures has contributed to a similarly broad set of conflicting existing regulatory decisions that will need to be harmonized (Table 4). For example, Ghana's national pesticide regulator has approved the herbicides paraquat and atrazine for sale, while Côte d'Ivoire and the CSP have banned both. Which position will a newly constituted

regional regulator adopt? Agro-ecological conditions likewise differ within the coastal countries, more so than in the Sahel, with many coastal countries transitioning from dry weather in the north to high-rainfall, humid conditions in the south. Conflicting constitutional and legal interpretations of the authority of regional regulations on national implementing agencies has similarly hampered national regulatory efforts in the coastal countries. On financial grounds, national regulators currently face serious problems funding their over-stretched national regulatory services, as markets grow much faster than regulatory capacity. National regulators, many of whom depend on registration application fees, fear the loss of a key revenue source to a regional regulator.

Table 4. Differing ministerial homes for pesticide regulators in the case study countries

	Ministry of Agriculture	Ministry of Health	Ministry of Environment
Côte d'Ivoire	✓		
Gambia			✓
Ghana			✓
Guinea	✓		
Mali	✓		
Nigeria		✓	
Senegal			✓

Despite these challenges, the coastal countries enjoy several compensating advantages that favor efforts to harmonize regional pesticide policy. The first revolves around longstanding experience at the CSP. Because CILSS expanded its membership to include four coastal countries in 2011, national pesticide regulators from Côte d'Ivoire, Guinea, Benin and Togo have participated as observers in the CSP technical deliberations in recent years, enabling them to see first-hand how a regional regulator works. Secondly, a group of five coastal countries – including these same four francophone countries plus Ghana – participated in a regional pesticide project, the “Projet d'Homologation Inter-africaine Phytosanitaire” (HIP) from 1993 to 1999, during which time they developed standardized pesticide testing procedures and protocols for reviewing new

pesticide applications. Today, all five use standard HIP registration application forms and pesticide registration review procedures. This common protocol serves as a valuable point of departure for harmonizing procedures with the non-HIP coastal countries of Liberia, Nigeria and Sierra Leone. Finally, the francophone regional central banking zone for West Africa, the Union Economique et Monétaire Ouest Africaine (UEMOA), has proven willing to financially support the launch of national pesticide management committees (NPMC) among its coastal member states. Well-financed, the UEMOA provides a valuable local funding source willing to support regional regulatory harmonization.

Lessons for the coastal countries

The CILSS experience in launching the CSP as regional pesticide regulator for the Sahelian countries suggests that coastal countries will need to tackle the following key issues in order to successfully implement regional pesticide regulations:

1. Mobilize financial resources for national and regional regulators.

Stakeholders throughout our case study countries uniformly expressed concern about the daunting task of monitoring rapidly growing pesticide markets with stagnant manpower and financial resources. A constructive first step towards addressing their concerns would involve launching high-level review of financing needs for national and regional pesticide regulators together with a review potential funding sources. In addition to the already significant testing and application fees paid by private sector importers when they submit new products for registration, several additional opportunities exist for expanding resources necessary to support national regulatory monitoring and oversight. These include special pesticide import fees earmarked for regulatory agencies and testing laboratories, increased national government allocations, ECOWAS budgetary support or start-up financing from UEMOA or donor agencies.

2. Technical harmonization

Continued technical consultations, building on those initiated by CSP and using HIP agreements as a starting point, offer the clearest route to achieving regional consensus on key definitions of agro-ecological zones, major pests, testing protocols and resolving inconsistencies in current national registration decisions and pesticide bans.

3. Legal harmonization

To harmonize national and regional pesticide regulations in the Sahel, the CSP ultimately engaged a legal consultant to study national and regional legal texts, identify areas of legal inconsistency and recommend revisions. The ECOWAS coastal countries may require similar legal support in preparing a set of consistent and enforceable regional and national legal framework for regulating pesticides, particularly in the Anglophone countries of Nigeria and Sierra Leone.

4. Launching the sub-regional technical secretariat for the coastal countries

Under the new ECOWAS pesticide regulations, the CSP will continue to function as the regional body coordinating pesticide regulations among the Sahelian countries (Figure 2). However, the umbrella WACPR secretariat and the sub-regional technical committee for the humid zone do not yet exist. Our country case studies suggest that national regulators will not be likely to move forward with confidence until these regional bodies begin to take shape and clear financing mechanisms have been set in place.

References

- Diallo, Boubacar and Tasie, Oyinkan. 2017. National implementation of regional pesticide policies in West Africa: Case Study Report from the Gambia. *Food Security Innovation Lab Research Paper 69*. East Lansing : Michigan State University.
- Diarra, A. and Haggblade, S.,2017. National implementation of Regional Pesticide Policies in West Africa. *FSP Research Paper No. 81*. Michigan State University.
- Diarra, Amadou and Diallo, Boubacar. 2017. Mise en œuvre des politiques régionales sur les pesticides en Afrique de l'Ouest: Rapport de l'étude de cas au Sénégal. *Food Security Innovation Lab Research Paper 71*. East Lansing : Michigan State University.
- Diarra, Amadou and Tasie, Oyinkan. 2017. National implementation of regional pesticide policies in West Africa: Ghana case study report. *FSP Innovation Lab Research Paper 70*. East Lansing, MI: Michigan State University.
- Haggblade, S., Diallo, B., Diarra, A., Keita, N., Tasie, O. and Traoré, A. 2017. Mise en œuvre des politiques régionales sur les pesticides en Afrique de l'Ouest: Rapport de l'étude de cas au Mali. *FSP Research Paper 47*. East Lansing: Michigan State University.
- Traoré, A. and Haggblade, S. 2017a. Mise en œuvre des politiques régionales sur les pesticides en Afrique de l'Ouest: Rapport de l'étude de cas en Côte d'Ivoire. *Food Security Innovation Lab Research Paper 67*. East Lansing : Michigan State University.
- Traoré, A. and Haggblade, S. 2017b. Mise en œuvre des politiques régionales sur les pesticides en Afrique de l'Ouest: Rapport de l'étude de cas en Guinée. *Food Security Innovation Lab Research Paper 68*. East Lansing : Michigan State University.

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