

African Organic Product Standards for the African Continent? Prospects and Limitations

OJ Lim Tung*



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Author

Odile Juliette Lim Tung

Affiliation

University of the Witwatersrand
South Africa

Email ojltmru@gmail.com

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Abstract

Organic agriculture is a sustainable agricultural system with high environmental protection and animal welfare. In 2015, the world organic agriculture covered 50.9 million hectares with Oceania as the biggest regional producer with 22.8 million hectares and Africa as the least regional producer (1.7 million hectares). While organic agriculture may not be the only solution for African farming, it aligns with sustainable economic development and does not involve chemical inputs. Whereas there are different private standards, not all African countries have national organic standards and there are no pan-African organic standards. This paper discusses the need to address the proliferation of organic standards as a trade barrier through pan-African organic standards and inspire the development of harmonised domestic standards. It examines the prospects for pan-African organic standards, their limitations and makes recommendations for the making, the contents and implementation of such standards domestically and national measures to support African organic agriculture.

Keywords

Organic agriculture; certification; pan-African organic product standards; private organic standards; national organic regulation.

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1 Introduction

One of Africa's biggest challenges is to feed its 1.2 billion population with worsening effects of climate change, effects of globalisation and rising food prices.¹ Feeding Africa's rapidly growing population will require sustainable agricultural systems which provide food as well as economic value.² Conventional and high-intensity agricultural systems while being highly productive have a price tag with non-renewable external inputs associated with greenhouse gas emissions that adversely impact on climate change, soil fertility and ecosystems.³ In contrast, green agricultural practices use sustainable agricultural techniques which potentially avoid additional costs that may arise as a consequence of unsustainable practices.⁴ Adopting a sustainable agricultural system is of utmost importance for Africa which is said to have more than 500 million hectares of degraded arable land.⁵

Organic production as a green agricultural practice, targets the development of a sustainable cultivation system based on environmental protection and high standards of animal protection.⁶ Organic agriculture is a relevant tool to advance the Sustainable Development Goals (SDGs) on sustainable agriculture, sustainable consumption and production, climate change and ecosystems adopted under the aegis of the United Nations (UN) in view of the "2030 Agenda for Sustainable Development".⁷ In 2015, the world organic agriculture covered 50.9 million hectares with Oceania as the biggest regional producer (22.8 million hectares) and Africa as the least regional producer (with an estimated 1.7 million hectares).⁸ Africa as the smallest world producer of organic products has certified organic farms for national and export markets albeit a more important share of informal organic farms for subsistence and local markets.⁹ Due to consumer preferences in developed countries, there is

* Odile Juliette LIM TUNG. Licence en droit (Montpellier), Maîtrise en droit (Montpellier), DEA en droit (Montpellier), Doctorat en droit (Montpellier). This paper was submitted for publication purposes during the postdoctoral research fellowship of the author at the Mandela Institute, School of Law, WITS, South Africa. E-mail: ojltmru@gmail.com.

¹ BVAT 2015 http://www.kilimohai.org/fileadmin/02_documents/EOA/THE_EOA_STRATEGIC_PLAN_2015-2025.pdf i. Africa is the second-largest and second most populous continent on earth. World Population Review 2017 <http://worldpopulationreview.com/continents/africa-population/>.

² UNCTAD *Organic Agriculture and Food Security* iii.

³ BVAT 2015 http://www.kilimohai.org/fileadmin/02_documents/EOA/THE_EOA_STRATEGIC_PLAN_2015-2025.pdf 1.

⁴ UNEP *Building Inclusive Green Economies* 18.

⁵ UNEP *Building Inclusive Green Economies* 2.

⁶ Lim Tung 2016 *PELJ* 2.

⁷ See UNCTAD *Financing Organic Agriculture* 1.

⁸ Lernoud and Willer *Organic Agriculture Worldwide - Part 1* 15.

⁹ For instance, in South Africa, informal organic farming by small and subsistence producers is said to feed two-thirds of the population (DAFF *Draft National Policy on*

an increasing demand for organic products¹⁰ and there is potential for the growth of organic agriculture in Africa.¹¹ Organic markets nonetheless demand high quality products and farmers need to meet certification requirements.

Whereas there is no international treaty to regulate organic agriculture, the following guidelines provide guidance for standards regarding the production and marketing of organically produced foods. The Codex Alimentarius Commission Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods¹² (hereafter the "Codex Alimentarius Guidelines") were developed to facilitate the harmonisation of requirements for such products at the international level and assist in drafting national organic standards.¹³ The United Nations Conference on Trade and Development (UNCTAD)-United Nations Environment Programme (UNEP) Best Practices for Organic Policy¹⁴ and the Organic Equivalence Tools¹⁵ also serve as international guidelines. Apart from such voluntary international guidelines regarding organically produced foods, there are private organic standards drafted by private certification agencies¹⁶ worldwide as well as organic standards in more than 60 countries.¹⁷

The main regional organic standards are currently the European Union (EU) organic standards,¹⁸ the East African Organic Product Standards¹⁹ (EAOPS), the Pacific Organic Standard²⁰ (POS) and the Asia Regional Organic

Organic Production 4) and in Nigeria, 60 to 70 per cent of farmers are traditional rural farmers producing uncertified organic foods without synthetic inputs (GAIN 2014 https://gain.fas.usda.gov/Recent%20GAIN%20Publications/Organic%20Agriculture%20in%20Nigeria_Lagos_Nigeria_6-5-2014.pdf 10).

¹⁰ Novy *et al* 2011 *AgBioForum* 142.

¹¹ UNCTAD *Financing Organic Agriculture* 1, 3.

¹² Plant production guidelines were approved in 1999 and animal production guidelines in 2001. See Codex Alimentarius Commission *Guidelines for the production, processing, labelling and marketing of organically produced foods*.

¹³ See Codex Alimentarius Commission *Guidelines*.

¹⁴ UNEP-UNCTAD 2008 http://unctad.org/en/Docs/ditcted20073_en.pdf.

¹⁵ The Organic Equivalence Tools include the International Requirements for Organic Certification (IROCB) and Guide for Assessing Equivalence of Organic Standards and Technical Regulations (EquiTool). See ITF and GOMA 2012 <http://www.fao.org/docrep/015/an905e/an905e00.pdf>.

¹⁶ Eg the International Federation of Organic Agriculture Movement (IFOAM) has more than 800 affiliates in 100 countries. IFOAM Organics International 2014 <http://www.ifoam.bio/en/ifoam-family-standards-0>.

¹⁷ Willer and Lernoud 2015 *World of Organic Agriculture* 127-129.

¹⁸ See EC Regulation 834/2007 (28 June 2007) and EC Regulation 889/2008 (5 September 2008).

¹⁹ UNEP 2010 <https://www.oecd.org/aidfortrade/47719232.pdf> 3.

²⁰ The Pacific standards were adopted by ten Pacific Island countries and territories, Australia and New Zealand in 2008. See SPC 2008 http://www.ifoam.bio/sites/default/files/page/files/pacific_organic_standard.pdf.

Standard²¹ (AROS). The EAOPS represent the first multi-country organic standards in Africa harmonising existing organic standards and practices for five African States.²² An African Organic Agriculture Training manual developed by the International Federation of Organic Agriculture Movement (IFOAM) and African Organic Agriculture Movements²³ aims at delivery of best farming practices to farmers and related workers. Pan-African organic standards are yet to be developed. Since not all African countries have national organic standards, there is inadequate regulation of organic products in the African continent.²⁴

Available literature discusses potential routes of development for African agriculture,²⁵ organic agriculture and its impacts on the environment²⁶ and food

²¹ GOMA 2012 <http://www.fao.org/docrep/015/an765e/an765e00.pdf>.

²² Burundi, Kenya, Rwanda, Tanzania and Uganda. UNEP 2010 <https://www.oecd.org/aidfortrade/47719232.pdf> 3.

²³ See Organic Africa 2011 <http://www.organic-africa.net/training-manual.html>.

²⁴ See the Moroccan 2013 Law on Organic Agricultural and Aquatic Products (*Loi 39-12 relative à la production biologique des produits agricoles et aquatiques promulguée par le dahir n°1-12-66 du 4 rabii/1434 (16 janvier 2013) (Bulletin Officiel n° 6128 du 21 février 2013)*). See Tunisia's legislation on organic agriculture (*Loi n°99-30 du 5 avril 1999 relative à l'agriculture biologique and décret n°2000-409 du 14 février 2000, fixant les conditions d'agrément des organismes de contrôle et de certification et les procédures de contrôle et de certification dans l'agriculture biologique*). See the South African Agricultural Product Standards Act 119 of 1990 which provides for the Biodynamic and Organic Certification Authority (BDOCA) and draft SA Standards on Organic Agricultural Products and Processing (OAPP), South African National Standards (SANS) 1369 issued by the South African Bureau of Standards (SABS). Lim Tung 2016 *PELJ* 4. In 2017, the South African Organic Sector Organisation (SAOSO) Standard for Organic Production and Processing was finalised after long negotiations and was included in the IFOAM Family of Standards. SAOSO 2017 https://docs.wixstatic.com/ugd/573628_936f443e556846ceab02c85084cc6a0f.pdf. See Uganda Organic Standards (UOCL Uganda Organic Standard); the Tanzanian Organic Standards (TanCert *Organic Standards for Agriculture Production*); Kenya, Rwanda, Burundi, Nigeria, Mali, Senegal and Ghana do not have national organic standards but mainly national umbrella organisations (see the Rwanda Organic Agricultural Movement (ROAM), the Burundi Organic Agricultural Movement (BOAM), the Kenya Organic Agricultural Network (KOAN), the Nigerian Organic Agriculture Network (NOAN), the Organic Movement of Mali, the National Federation of Organic Producers of Senegal (FENAB), and the Ghana Organic Agriculture Network (GOAN)). In Central Africa (Angola, Cameroon, Central African Republic, Democratic Republic of Congo, Equatorial Guinea, Gabon, Sao Tomé et Príncipe, Chad), regulation on organic products is yet to improve (Energies, Environnement 2016 <http://energienvironnement.com/lagriculture-bio-afrique-enjeux-dune-pratique-aux-imperatifs-de-reglementation/>). In Burkina Faso, Malawi, Zambia and Zimbabwe, national standards are in the process of being developed. Bouagnimbeck "Organic Farming in Africa" 108.

²⁵ Olusegun and Olubiyi 2017 *J Afr L* 253-271; Kelly and Metelerkamp *Smallholder Farmers* 142; Bakewell-Stone, Lieblein and Francis 2008 *Int J Agr Sustain* 22-36; Thamaga-Chitja and Hendriks 2008 *Development Southern Africa* 317-326.

²⁶ Bandanaa, Egyir and Asante 2016 *Agriculture and Food Security* 1-9; Glin, Oosterveer and Mol 2015 *Journal of Agrarian Change* 43-64; Takahashi and Todo 2013 *J Environ*

security,²⁷ and the development of African standards for biotechnological products²⁸ but no literature is available on the development of pan-African organic standards. After a brief overview of organic agriculture in Africa, this paper discusses the need to address the proliferation of organic standards as a trade barrier through pan-African organic standards which may inspire the development of harmonised organic standards in African States. It examines the prospects of developing such organic standards drawing inspiration from the EAOPS and other regional organic standards as an African Union (AU)-led initiative in collaboration with international partners. It identifies the limitations of such organic standards and makes recommendations regarding the making, the contents and implementation of pan-African organic standards as well as national measures to support organic agriculture in African States.

2 Background on organic agriculture in Africa

Africa currently produces organic food and non-food organic products²⁹ focusing mainly on the cultivation of olives (Northern Africa), coffee, cotton, cocoa and palm oil (sub-Saharan Africa) with the EU as the main destination for certified organic products.³⁰ Although Africa is the least regional producer of certified organic products, it has a more important share of informal or non-certified organic farms which are mainly for subsistence and local markets.³¹ Due to the lack of an official organic agriculture data collection in many African countries, certified organic production in Africa can only be approximately estimated.³² In 2011, Africa's certified organic agricultural land area was estimated at over one million hectares while 16.4 million hectares of land were organic beekeeping, forest and wild collection areas.³³ Africa had an estimated 1.7 million hectares³⁴ under organic agriculture in 2015 with Tunisia (400,000

Manage 48-54.

²⁷ UNCTAD *Organic Agriculture and Food Security*; Pretty 1999 *Environment, Development and Sustainability* 253-274; Taheri, Azadi and D'Haese 2017 *Sustainability* 581-582; Kunene-Ngubane, Chimonyo and Kolanisi 2014 *Indilinga* 153-163; Azadi and Ho 2010 *Biotechnology Advances* 160-168; Bouagnimbeck "Organic Farming in Africa" 104-105.

²⁸ The first version of the Draft Revised African Model Law on Biosafety (DRAMLB) was based on the proposal of the African Group for a biosafety protocol. See Chambers *Biosafety of GM Crops* 10. The 2008 DRAMLB is no longer publicly available. A copy is available with the author. See AU 2017 <https://au.int/en/memberstates>.

²⁹ Such as cotton and medicinal plants. Oladapo and Opeoluwa "Indigenous Nigerian Ethno-Veterinary Practices" 68-78.

³⁰ Bouagnimbeck "Organic Farming in Africa" 106.

³¹ DAFF *Draft National Policy on Organic Production* 4; GAIN 2014 https://gain.fas.usda.gov/Recent%20GAIN%20Publications/Organic%20Agriculture%20in%20Nigeria_Lagos_Nigeria_6-5-2014.pdf 10.

³² Bouagnimbeck "Organic Farming in Africa" 105.

³³ Bouagnimbeck "Organic Farming in Africa" 106.

³⁴ Lernoud and Willer *Organic Agriculture Worldwide – Part 1* 15.

hectares), Tanzania (268,729 hectares), Uganda (241,150 hectares) and Ethiopia (186,155 hectares)³⁵ as the biggest African organic producers. Informal organic farms represent an important part of African farming. For instance, in South Africa, informal organic farming by small and subsistence producers is said to feed two-thirds of the population.³⁶ In Nigeria, 60 to 70 per cent of farmers are traditional rural farmers producing uncertified organic foods without synthetic inputs.³⁷ The following viewpoints regarding organic agriculture are prevalent in Africa. Much of African agricultural production is perceived as *de facto* organic since African farmers are often unable to purchase synthetic inputs.³⁸ Organic product standards tend to be considered as designed for the developed world and may not necessarily be appropriate for the developing world.³⁹ Applying foreign organic standards and certification to Africa's organic agriculture is considered by some as a form of "colonisation" of trade.⁴⁰ Yet it is necessary for farmers from the developing world to comply with high-value market rules if they wish to access international organic markets with a price premium.⁴¹

Although the price premium on certified organic products may vary depending on the commodity or the market,⁴² there are opportunities for African farmers to produce organic fruits and vegetables that cannot be grown (or are out of season) in Europe or North America. In 2002 the world organic agricultural land area covered 24 million hectares with a total sale of US\$23 billion, reaching 50.9 million hectares in 2015 with a total sale value of \$81.6 billion.⁴³ The potential for Africa to invest in organic agriculture with better access to

³⁵ Lernoud and Willer *Organic Agriculture Worldwide – Part 3* 9. For Tunisia, see Energies Environnement 2016 <http://energienvironnement.com/lagriculture-bio-afrique-enjeux-dune-pratique-aux-imperatifs-de-reglementation/>.

³⁶ DAFF *Draft National Policy on Organic Production* 4.

³⁷ GAIN 2014 https://gain.fas.usda.gov/Recent%20GAIN%20Publications/Organic%20Agriculture%20in%20Nigeria_Lagos_Nigeria_6-5-2014.pdf 10.

³⁸ See INR 2008 http://www.ifoam.bio/sites/default/files/page/files/study_to_develop_a_value_chain_strategy_for_sustainable_development_and_growth_of_organic_agriculture.pdf 62; GAIN 2014 https://gain.fas.usda.gov/Recent%20GAIN%20Publications/Organic%20Agriculture%20in%20Nigeria_Lagos_Nigeria_6-5-2014.pdf; KOAN 2017 <http://www.koan.co.ke/services/index.php>.

³⁹ See INR 2008 http://www.ifoam.bio/sites/default/files/page/files/study_to_develop_a_value_chain_strategy_for_sustainable_development_and_growth_of_organic_agriculture.pdf 62.

⁴⁰ See INR 2008 http://www.ifoam.bio/sites/default/files/page/files/study_to_develop_a_value_chain_strategy_for_sustainable_development_and_growth_of_organic_agriculture.pdf 62.

⁴¹ See INR 2008 http://www.ifoam.bio/sites/default/files/page/files/study_to_develop_a_value_chain_strategy_for_sustainable_development_and_growth_of_organic_agriculture.pdf 62.

⁴² Lim Tung 2016 *PELJ* 4.

⁴³ Willer and Lernoud 2015 *World of Organic Agriculture* 13, 23-24; Willer and Lernoud 2017 *World of Organic Agriculture* 23.

export markets can be illustrated by the Ugandan experience⁴⁴ which transformed some of its conventional agricultural production into organic farming between 2002 and 2007. Empirical literature on the economic sustainability of certified export crops in Africa found that organic certification standards that enhance yields are important for improving farm revenues and household welfare.⁴⁵ The export potential of African organic agriculture can also be illustrated by the increase of regional trade for organic products for the East African Community (EAC) through the East Africa Export Programme (EAEP) from \$4.6 million in 2002/2003 to \$35 million in 2009/2010.⁴⁶ Export markets are currently regarded as the main destination of most certified African organic production.⁴⁷

While organic agriculture may not be the only solution for African farming, it arguably brings potential environmental benefits,⁴⁸ health benefits,⁴⁹ improved food security⁵⁰ and is closer to African traditional farming than intensive

⁴⁴ The number of certified organic farmers increased by 359 per cent and acreage under organic agricultural production increased 60 per cent between 2002 and 2007. In 2006, the farm-gate prices of organic pineapple, ginger and vanilla were 300 per cent, 185 per cent and 150 per cent higher, respectively than conventional products. Certified organic exports increased from \$3.7 million in 2003-2004 to \$22.8 million in 2007-2008. See UNSDKP 2017

<https://sustainabledevelopment.un.org/index.php?page=view&type=99&nr=34&menu=1449>. Technical and financial assistance under the project Export Promotion of Organic Products from Africa (EPOPA) was provided to 87,000 Ugandan smallholder farms to be certified as organic from 2004-2008 with an export value of organic products estimated at over \$25 million in 2006-2007. Novy *et al* 2011 *AgBioForum* 143.

⁴⁵ A study of the economics of smallholder organic contract farming in Uganda provides evidence of positive revenue effects arising from both participation in an organic coffee smallholder contract farming scheme and the application of recognised organic farming techniques. Bolwig, Gibbon and Jones 2009 *World Development* 1094-1104. Findings were that certified producers were less likely to be multidimensional poor compared to their counterfactual case of not participating in organic certification schemes. Ayuya *et al* 2015 *World Development* 27-37. Certification standards that enhance yields are important for improving farm revenues and household welfare. Kleemann and Abdula 2013 *Ecological Economics* 330-341.

⁴⁶ UNCTAD *Financing Organic Agriculture* 4.

⁴⁷ UNCTAD *Financing Organic Agriculture* 4.

⁴⁸ Lower energy consumption (Fließbach *et al* 2007 *Ecosystems and Environment* 273-284; Mäder *et al* 2002 *Science* 1694-1697), reduced greenhouse gas emissions (Venkat 2012 *J Sustain Agr* 620-649), improved soils (Lori *et al* 2017 *PLoS One* 1-25; Hartmann *et al* 2015 *ISMEJ* 1177-1194), higher levels of biodiversity (Hole *et al* 2005 *Biological Conservation* 113-130). Organic farming also promotes the well-being of farm animals with high welfare standards (such as free-range, open-air systems, organic feed) and no growth regulators and antibiotics. IFOAM Organics International 2014 <http://www.ifoam.bio/en/ifoam-family-standards-0>.

⁴⁹ Organic agriculture potentially contributes to farmers' and consumers' health with no use of chemical fertilisers or pesticides but organic fertilizers and integrated pest management. Alemanno 2009 *ECLJ* 85.

⁵⁰ Taheri, Azadi and D'Haese 2017 *Sustainability* 581-582; Azadi and Ho 2010 *Biotechnology Advances* 160-168; UNCTAD *Organic Agriculture and Food Security* 11; Bouagnimbeck "Organic Farming in Africa" 104-105.

industrialised agricultural systems.⁵¹ Boosting organic agriculture in Africa together with better regulation of organic food production may arguably help Africa to confront its agricultural challenges and benefit farmers with better access to premium markets for certified organic products.⁵² Whereas there are different private standards,⁵³ not all African countries have national organic standards and there are currently no pan-African organic standards. The certified organic product sector in Africa being currently driven by private standards,⁵⁴ the following section discusses the need for pan-African organic standards to address the proliferation of different private standards and inspire national organic standards in African States with harmonised standards.

3 The need for African organic product standards

While the certification of organic products with a price premium is based on organic standards, not all African countries have national organic standards⁵⁵ and there are currently no regional organic standards⁵⁶ at a pan-African level. In practice, most of the certified organic production in Africa is certified according to the EU regulatory framework for organic products whereas other producers are certified according to the United States (US) standards or the Japan Agriculture Standards (JAS).⁵⁷ There are nonetheless different voluntary private standards for sustainable agricultural systems and it is mainly the private sector which undertakes the certification of organic claims in Africa.⁵⁸ Consequently African farmers wishing to start organic agriculture strive to comply with different requirements to access regional or international markets. Complying with one standard may lead to exclusion from other markets and this constrains the organic market development in Africa.

⁵¹ See Pretty 1999 *Environment, Development and Sustainability* 253-274.

⁵² Novy *et al* 2011 *AgBioForum* 142; Girma and Gardebroek 2015 *Forest Policy and Economics* 259-268.

⁵³ Private sector standards include the IFOAM Standard (see IFOAM Organics International 2017 <http://www.ifoam.bio/en/ifoam-standard>); Naturland (see Naturland 2017 <http://www.naturland.de/en/producers/steps-to-naturland-certification.html>); permaculture standards (see Permacultureprinciples.com 2017 <https://permacultureprinciples.com/>); Biodynamic standards (Biodynamic Association 2017 <https://www.biodynamics.com/what-is-biodynamics>); Bio Suisse standards (see Biosuisse 2017 <https://www.bio-suisse.ch/en/home.php>).

⁵⁴ Eg in Uganda, Tanzania, Kenya, South Africa. UNEP-UNCTAD 2008 http://unctad.org/en/Docs/ditcted20073_en.pdf 9.

⁵⁵ See above note 24 organic standards and legislation in African countries.

⁵⁶ The EAOPS are applicable only to the East African Community (EAC). EAC 2007 <https://www.organic-standards.info/en/documents/East-African-Organic-Product-standard> 25.

⁵⁷ Bouagnimbeck "Organic Farming in Africa" 107.

⁵⁸ For instance in the EAC (UNEP 2010 <https://www.oecd.org/aidfortrade/47719232.pdf> 4) and in South Africa (Lim Tung 2016 *PELJ* 3-4).

Given the existence of different private standards and current lack of regulation of organic products in Africa, would it suffice to only encourage the development of domestic organic regulation in African countries? Encouraging African States to enact organic standards may give rise to different standards across the continent.⁵⁹ In contrast, developing pan-African organic standards and then encouraging national organic standards aligned with African standards appears to be a better solution for the current inadequate organic regulation. The need for pan-African organic standards seems justified considering the following. First, pan-African organic standards that are consistent with international standards would be useful in inspiring harmonised African national organic standards. Second, pan-African organic standards would allow African countries to define organic standards that are more relevant to specific climatic, agroecological and developing country conditions.⁶⁰ Third, pan-African organic standards would allow Africa to have a unified negotiating position in regional and international organic markets.⁶¹

While organic agriculture may not be the only solution for African farming, it aligns with sustainable economic development and may be a trade corridor for African communities for better market access for certified organic products. Developing pan-African organic standards and then encouraging national organic standards aligned with African standards appears to be a better solution for the current inadequate organic regulation. It is necessary to examine the prospects for African organic standards.

4 Prospects for African organic product standards

This sub-section analyses the prospects of developing African organic standards drawing inspiration from the EAOPS in particular and other regional organic standards to some extent, to make recommendations for African organic standards. It argues for the development of pan-African organic standards as an AU-led initiative in collaboration with international partners.

⁵⁹ Kelly and Metelerkamp *Smallholder Farmers* 9; UNEP 2010 <https://www.oecd.org/aidfortrade/47719232.pdf> 2.

⁶⁰ See INR 2008 http://www.ifoam.bio/sites/default/files/page/files/study_to_develop_a_value_chain_strategy_for_sustainable_development_and_growth_of_organic_agriculture.pdf 63.

⁶¹ See INR 2008 http://www.ifoam.bio/sites/default/files/page/files/study_to_develop_a_value_chain_strategy_for_sustainable_development_and_growth_of_organic_agriculture.pdf 63. A unified set of organic standards would also facilitate trade in free trade areas, for instance the Tripartite Free Trade Area bringing States from the Common Market for Eastern and Southern Africa (COMESA), EAC, Southern African Development Community (SADC), in these three economic blocks. See Tralac 2015 <https://www.tralac.org/resources/by-region/comesa-eac-sadc-tripartite-fta.html>.

4.1 *Mirroring the East African organic product standards experience*

The 2007 EAOPS as the first multi-country organic standards in Africa represents efforts to develop standards for five East African countries while harmonising existing organic standards and practices.⁶² When the initiative for East African organic standards was launched in 2005, Kenya, Tanzania and Uganda already had different organic standards while several other private organic standards were applicable in the region.⁶³ These different standards posed significant problems for local organic farmers having to meet different requirements to access regional or international markets.⁶⁴ The EAOPS as harmonised organic standards for East African countries could inspire the development of pan-African organic standards in their making and their contents.⁶⁵

Similar to the making of the EAOPS, African organic standards would need a multi-stakeholder process involving consultations with governments, the private sector and international partners.⁶⁶ Like the EAOPS' development process, a comparison of existing national standards in Africa and an assessment of their main similarities and differences would be necessary for the African organic standards' development process.⁶⁷ A pan-African public-private sector working group would also be required to work on technical aspects of the organic standards.⁶⁸ While the EAOPS were developed for five East African States in two years (2005-2007), pan-African organic standards for 54 African States would take more time and more regional workshops as well as national consultations.⁶⁹ Similar to the EAOPS needing the approval of the main regional authority (the EAC Council) to be applicable in the region, pan-African organic standards would need the approval of the main pan-African organisation (the AU) to be applicable in the African region.⁷⁰ The African continent would also need to set up a regional working group or entity

⁶² Burundi, Kenya, Rwanda, Tanzania, and Uganda. UNEP 2010 <https://www.oecd.org/aidfortrade/47719232.pdf> 3.

⁶³ UNEP 2010 <https://www.oecd.org/aidfortrade/47719232.pdf> 2.

⁶⁴ UNEP 2010 <https://www.oecd.org/aidfortrade/47719232.pdf> 2.

⁶⁵ UNEP 2010 <https://www.oecd.org/aidfortrade/47719232.pdf> 3.

⁶⁶ UNEP 2010 <https://www.oecd.org/aidfortrade/47719232.pdf> 2.

⁶⁷ UNEP 2010 <https://www.oecd.org/aidfortrade/47719232.pdf> 4. See above note 24 on organic standards and legislation in African countries.

⁶⁸ Including national standards bureaus, national organic movements and organic certifying bodies. UNEP 2010 <https://www.oecd.org/aidfortrade/47719232.pdf> 4.

⁶⁹ With six regional public-private sector working group meetings, two regional workshops and two national consultations. UNEP 2010 <https://www.oecd.org/aidfortrade/47719232.pdf> 4. See AU <https://au.int/en/au-nutshell>.

⁷⁰ The EAOPS became the official standard (EAS 456) for the EAC. UNEP 2010 <https://www.oecd.org/aidfortrade/47719232.pdf> 4.

to ensure the implementation of pan-African organic standards in African States.⁷¹

Similar to the contents of the EAOPS, it is important for African organic standards to include organic rules of production regarding plants, animal husbandry, beekeeping, wild products collection but also aquaculture.⁷² Conversion requirements for land,⁷³ crops,⁷⁴ animals⁷⁵ and beekeeping⁷⁶ are necessary so that the integrity of an organic farm is not compromised by non-organic operations undertaken on the same farm. Like the EAOPS, pan-African organic standards would need to prescribe a duty of care for organic operators with respect to biodiversity throughout the farm holding.⁷⁷ Culturally or legally protected primary ecosystems should not be cleared to establish agriculture including organic agriculture.⁷⁸ As in the EAOPS, the regulation of wild harvested organic products should be included in pan-African organic standards considering that Africa has an important share of wild collection areas.⁷⁹ Genetically modified organisms (GMOs) or their derivatives should not be used or introduced through negligence or oversight.⁸⁰ Similar to the EAOPS, the setting up of buffer zones as a clearly defined and identifiable boundary area bordering an organic production site and adjacent areas need to be established to avoid contact with prohibited substances.⁸¹ It is important that pan-African organic standards such as the EAOPS require that animals be fed with 100 per cent organic feed and no use of synthetic growth promoters and antibiotics.⁸² Social justice provisions are also important in African organic standards similar to the EAOPS.⁸³ Common labelling requirements for African

⁷¹ The EAOPS did not have any follow-up mechanism for implementation and are not yet fully reflected in the laws of the EAC Member States. The EAOPS are mainly carried out by various private certification companies and export outlets. UNEP 2010 <https://www.oecd.org/aidfortrade/47719232.pdf> 6.

⁷² Aquaculture is not covered under the EAOPS. EAC 2007 <https://www.organic-standards.info/en/documents/East-African-Organic-Product-standard> (hereafter EAOPS) 25; UNEP 2010 <https://www.oecd.org/aidfortrade/47719232.pdf> 3.

⁷³ Section 5.1 EAOPS.

⁷⁴ Section 5.1 EAOPS.

⁷⁵ Section 6.1.1 EAOPS.

⁷⁶ Section 7.1 EAOPS.

⁷⁷ Section 5.3.1 EAOPS.

⁷⁸ Section 5.3.2 EAOPS.

⁷⁹ Wild harvested organic products shall originate from a stable and sustainable growing environment. Section 8.1 EAOPS.

⁸⁰ Section 4.4.1 EAOPS. Ingredients, additives or processing aids derived from GMOs shall not be used in organic processing. Section 4.4.2 EAOPS.

⁸¹ Such substances would need to be listed out in the African organic standards. Section 3.3 EAOPS.

⁸² Where the quantity or quality of commercially available organic feed is inadequate, the daily maximum percentage of non-organic feed shall be 40 per cent, calculated on a dry-matter basis. Section 6.6.1 EAOPS.

⁸³ Eg the respect of human rights. Sections 4.5.1 and 4.5.2 EAOPS.

organic products should be required with a common African organic label and a non-organic ingredients' threshold.⁸⁴ Similar to the EAOPS, African organic standards should have duties for operators regarding relevant precautionary measures to avoid the contamination of organic sites and products.⁸⁵ The integrity of organic products should be maintained throughout the phases of post-harvest handling, storage, processing and transport. Like the EAOPS, African organic standards should target the establishment of national and regional markets with standards suited for developing world conditions.⁸⁶ Together with the EAEP, the EAOPS has been pivotal in promoting organic agriculture in national trade strategies and raising regional organic exports.⁸⁷ African organic standards could mirror the EAOPS experience as discussed above with a wider African scope while drawing inspiration from other regional organic standards.

4.2 Inspiration from other regional organic product standards

At the regional level, the EU organic standards,⁸⁸ the POS and the AROS⁸⁹ could also inspire African organic standards to some extent. The following sub-sections provide a summary of different aspects of the above regional organic standards which African organic standards could draw on.

4.2.1 The European Union organic food and farming standards

Organic food and farming in the EU is regulated mainly by the Council Regulation (EC) 834/2007 on organic production and labelling (thereafter the "EC Regulation 834/2007") which represents a simplified and improved version of the first European organic standards.⁹⁰ Currently, Tunisia is the only African State which the EU recognises as having organic production rules and control systems as equivalent under EU respective rules.⁹¹ Other African

⁸⁴ See the common label (*kilimohai*) for the EAC and other labelling rules (a threshold of 95 per cent of organic ingredients). Section 10 EAOPS.

⁸⁵ With appropriate actions to be taken where there is a reasonable suspicion of substantial contamination. Section 4.3.2 EAOPS.

⁸⁶ See INR 2008 http://www.ifoam.bio/sites/default/files/page/files/study_to_develop_a_value_chain_strategy_for_sustainable_development_and_growth_of_organic_agriculture.pdf 64.

⁸⁷ UNCTAD *Financing Organic Agriculture* 4.

⁸⁸ See EC Regulation 834/2007 (28 June 2007); EC Regulation 889/2008 (5 September 2008); EU Regulation 1267/2011 (6 December 2011).

⁸⁹ For the POS, see SPC 2008 http://www.ifoam.bio/sites/default/files/page/files/pacific_organic_standard.pdf and for the AROS, see GOMA 2012 <http://www.fao.org/docrep/015/an765e/an765e00.pdf>.

⁹⁰ EC *Organic Agriculture* 6. The first regulation by the European Economic Community (EEC) Regulation 2092/91 on organic production (EEC Regulation 2092/91 (24 June 1991)) was repealed by EC Regulation 834/2007 (28 June 2007). See other EU regulations above.

⁹¹ As an equivalent third country. See EC 2017

States have individual control bodies or organic certifiers that are EU-listed,⁹² provided such control bodies or certifiers demonstrate that their standards and control procedures are accredited as equivalent to the EU system.

African organic standards would gain by being aligned with the EU organic standards since the EU remains the leading export partner for African countries. In addition to the EAOPS rules of production,⁹³ pan-African organic standards could cover EU rules of production for organic feed and processed organic feed,⁹⁴ collection of seaweeds,⁹⁵ aquaculture.⁹⁶ Importantly, in order to maintain access to the EU organic market, African organic standards should prohibit the use of GMOs, products produced from or by GMOs⁹⁷ as well as growth promoters.⁹⁸ Pan-African organic standards could also adopt a common African logo for organic products similar to the EU⁹⁹ while allowing established logos used by African countries.¹⁰⁰ Moreover, the EU organic framework requires enforcement of its standards by its Member States including an inspection process supervised by national competent authorities.¹⁰¹ However pan-African organic standards would be expected to be voluntary in Africa with each African State setting up its own national competent authority with an inspection system for organic products.¹⁰² Even with African organic standards, African States would still have the choice to become an EU-listed equivalent third country for organic products or support

https://ec.europa.eu/agriculture/organic/eu-policy/eu-rules-on-trade/non-eu-trading-partners_en.

⁹² For instance, the "Uganda Organic Certification Limited" and the "Center of Organic Agriculture in Egypt" were listed as EU approved control bodies for organic certification until 30 June 2015. See the list of control bodies approved under EU Regulation 1267/2011 (6 December 2011).

⁹³ See the sub-section on "Mirroring the EAOPS experience" above.

⁹⁴ Articles 7 and 18 EC Regulation 834/2007 (28 June 2007).

⁹⁵ Article 13 EC Regulation 834/2007 (28 June 2007).

⁹⁶ Article 15 EC Regulation 834/2007 (28 June 2007).

⁹⁷ Articles 4(a)(iii) and 9 EC Regulation 834/2007 (28 June 2007).

⁹⁸ Article 14(1)(d)(v) EC Regulation 834/2007 (28 June 2007).

⁹⁹ Only products with a threshold of 95 per cent of its ingredients of agricultural origin is organic can bear the "organic" label. Article 25 (on Organic Production logos) EC Regulation 834/2007 (28 June 2007).

¹⁰⁰ For instance, the EAOPS logo for the EAC. See the sub-section on "Mirroring the EAOPS experience" above.

¹⁰¹ See the applicable control system (Title V Controls of EC Regulation 834/2007 (28 June 2007)). See EC Regulation 882/2004 (29 April 2004) on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules. INR 2008 http://www.ifoam.bio/sites/default/files/page/files/study_to_develop_a_value_chain_strategy_for_sustainable_development_and_growth_of_organic_agriculture.pdf 63.

¹⁰² The EAOPS, the POS and the AROS are also voluntary regional standards without a verification and inspection system (see the sub-sections above on the EAOPS, the POS and the AROS respectively). Although pan-African organic standards would be expected to be voluntary in Africa, it is important that national standards in African countries be accredited according to ISO 17065 to ensure certifiers manage organic production and process correctly.

the development of EU-listed individual control bodies or organic certifiers as indicated above. In the longer term with pan-African organic standards implemented domestically, African States would need to enable any certified organic product with documented evidence in line with the African organic standards to circulate freely within the AU as a certified organic product.¹⁰³

4.2.2 *The Pacific organic standard*

Oceania as indicated earlier is the biggest regional organic producer with its regional organic standards (POS) adapted to the local conditions of Oceania and aligned with international guidelines on organic products.¹⁰⁴ In 2008, such standards were developed for this region by a multi-stakeholder partnership with government agencies, the private sector and the IFOAM.¹⁰⁵ Importantly the main regional organisation for this region, the Secretariat of the Pacific Community (SPC) had an active role in assisting the development of the Pacific standards with funds provided by the International Fund for Agricultural Development (IFAD).¹⁰⁶ The involvement of the main regional organisation of a region in the development process of regional organic standards arguably facilitates the adoption or endorsement of such standards in their final state. While the Pacific organic standards are similar to the EAOPS in their making and contents,¹⁰⁷ their provisions on the protection on soil and water resources,¹⁰⁸ as well as freshwater and seawater aquaculture¹⁰⁹ could inspire African organic standards, particularly for African coastal States. Similar to the Pacific standards, African organic standards would be expected not to cover

¹⁰³ Or imported from a third country and produced in accordance with African organic standards with documented evidence. See INR 2008 http://www.ifoam.bio/sites/default/files/page/files/study_to_develop_a_value_chain_strategy_for_sustainable_development_and_growth_of_organic_agriculture.pdf 63-64. However, enabling free circulation of certified organic products with documented evidence would need strong domestic inspection systems in African States.

¹⁰⁴ Lernoud and Willer *Organic Agriculture Worldwide Part 1* 15. The POS align with the Codex Alimentarius Guidelines (Codex Alimentarius Commission *Guidelines*) and IFOAM basic standards. See SPC 2008 http://www.ifoam.bio/sites/default/files/page/files/pacific_organic_standard.pdf vii.

¹⁰⁵ See SPC 2008 http://www.ifoam.bio/sites/default/files/page/files/pacific_organic_standard.pdf vii.

¹⁰⁶ SPC 2008 http://www.ifoam.bio/sites/default/files/page/files/pacific_organic_standard.pdf vii.

¹⁰⁷ The POS cover plant production, animal husbandry, beekeeping, collection of wild products and aquaculture, the processing and labelling of such products. They also include social justice provisions. These standards aim at increasing organic production and exports while countering standards proliferation. SPC 2008 http://www.ifoam.bio/sites/default/files/page/files/pacific_organic_standard.pdf 3, 55.

¹⁰⁸ SPC 2008 http://www.ifoam.bio/sites/default/files/page/files/pacific_organic_standard.pdf 12-13.

¹⁰⁹ SPC 2008 http://www.ifoam.bio/sites/default/files/page/files/pacific_organic_standard.pdf 39-42.

conformity assessment procedures with locally appropriate organic guarantee systems for national markets.¹¹⁰

4.2.3 *The Asia regional organic standards*

In Asia, the AROS represent more recent regional organic standards which could inspire African organic standards in their making and their purposes. Content-wise, the AROS may not be as inspiring as the EAOPS for African organic standards since they cover mainly plant production, collection of wild products and the processing and labelling of products derived therefrom.¹¹¹ Unlike Africa, the Asian region is home to ten per cent of the world organic agricultural land and hosts a range of organic sector development scenarios from early development to highly regulated.¹¹² The AROS were birthed through a public-private partnership of stakeholders in East, South-East and South Asia under the auspices of the Global Organic Market Access project and international partners (FAO, UNCTAD and IFOAM).¹¹³ An International Task Force (ITF) on Harmonization and Equivalence in Organic Agriculture was set up by the FAO, IFOAM and UNCTAD drawing together 28 governments, intergovernmental organisations and the private sector from 2002 to 2008.¹¹⁴ Likewise, Africa would need a regional task force with a highly inclusive public-private partnership of stakeholders to assess the situation and explore solutions regarding organic agriculture development in this region.¹¹⁵ Similar to the AROS, the main purpose of African organic standards would be to address barriers to organic trade arising from the proliferation of organic standards.¹¹⁶ African organic standards would also not be expected to cover procedures for verification of products similar to the AROS.¹¹⁷ A follow-up of the implementation of African organic standards would be necessary as undertaken by the international partners (FAO, UNCTAD and IFOAM) for the AROS from 2009-2012 to continue the aims of harmonisation and equivalence.¹¹⁸ Like the AROS, African organic standards would gain by facilitating equivalence among organic standards in the region and certification

¹¹⁰ SPC 2008 http://www.ifoam.bio/sites/default/files/page/files/pacific_organic_standard.pdf 3.

¹¹¹ In contrast the EAOPS cover a wider range of products, a common logo and labelling requirements and social justice provisions and may be more appropriate for African organic standards. See the sub-section above on "Mirroring the EAOPS experience".

¹¹² GOMA 2012 <http://www.fao.org/docrep/015/an765e/an765e00.pdf> 3. Africa had 1.7 million hectares of organic agricultural land in 2015. Lernoud and Willer *Organic Agriculture Worldwide – Part 1* 15.

¹¹³ GOMA 2012 <http://www.fao.org/docrep/015/an765e/an765e00.pdf>.

¹¹⁴ GOMA 2012 <http://www.fao.org/docrep/015/an765e/an765e00.pdf> i. See ITF and GOMA 2012 <http://www.fao.org/docrep/015/an905e/an905e00.pdf>.

¹¹⁵ GOMA 2012 <http://www.fao.org/docrep/015/an765e/an765e00.pdf> i.

¹¹⁶ GOMA 2012 <http://www.fao.org/docrep/015/an765e/an765e00.pdf> i.

¹¹⁷ GOMA 2012 <http://www.fao.org/docrep/015/an765e/an765e00.pdf> 2.

¹¹⁸ GOMA 2012 <http://www.fao.org/docrep/015/an765e/an765e00.pdf> 2.

programmes within and beyond the African region¹¹⁹ and being aligned with international guidelines.¹²⁰

Both the EAOPS¹²¹ and the AROS¹²² were developed as voluntary regional standards by international partners whereas the EU organic standards were developed by the EU authorities as regulations with binding effect for States Members.¹²³ The EAOPS were adopted at the regional level by the EAC Council¹²⁴ however there is no regional organisation representing all the countries of the East, South and South-East of Asia.¹²⁵ The development of the Pacific standards as voluntary regional standards with the assistance of the main regional organisation (the SPC) and international partners (IFOAM and IFAD) facilitated its adoption by the SPC in its final state.¹²⁶ Involving the main regional organisation in the development of regional organic standards may facilitate the adoption or endorsement of such standards in their final state by such an organisation.¹²⁷

¹¹⁹ From 2009 to 2012, the GOMA project promoted equivalence and harmonisation of organic standards in Asia. GOMA 2012 <http://www.fao.org/docrep/015/an765e/an765e00.pdf> 1.

¹²⁰ See the Codex Alimentarius Guidelines (Codex Alimentarius Commission *Guidelines*); IFOAM 2005 https://www.ifoam.bio/sites/default/files/page/files/norms_eng_v4_20090113.pdf; ITF and GOMA 2012 <http://www.fao.org/docrep/015/an905e/an905e00.pdf>.

¹²¹ A joint UNEP and UNCTAD "Capacity Building Task Force on Trade, Environment and Development" (UNEP-UNCTAD CBTF) initiative. UNEP 2010 <https://www.oecd.org/aidfortrade/47719232.pdf> 1.

¹²² A joint initiative of the FAO, IFOAM and UNCTAD. GOMA 2012 <http://www.fao.org/docrep/015/an765e/an765e00.pdf> i.

¹²³ See EC Regulation 834/2007 (28 June 2007) and EC Regulation 889/2008 (5 September 2008).

¹²⁴ The EAOPS is not fully implemented in all EAC countries. UNEP 2010 <https://www.oecd.org/aidfortrade/47719232.pdf> 1.

¹²⁵ The ITF drew together 28 countries in the Asian region. GOMA 2012 <http://www.fao.org/docrep/015/an765e/an765e00.pdf> i; The Association of Southeast Asian Nations (ASEAN) which represents ten Asian Member States developed the ASEAN Standard for Organic Agriculture (ASOA) which may possibly have been inspired by the AROS. See Organic World 2014 <http://www.organic-world.net/country-info/asia/overviews/asia-2014.html>. Information is not available on the implementation of AROS in all Asian countries, but nine Asian States from the ASEAN have fully implemented organic regulations. UNFSS 2013 https://unfss.files.wordpress.com/2013/04/unfss_goma_philippines.pdf.

¹²⁶ See SPC 2008 http://www.ifoam.bio/sites/default/files/page/files/pacific_organic_standard.pdf.

¹²⁷ In contrast, not involving the main regional organisation or involving mainly sub-regional organisations in the development process of wider regional organic standards may arguably result in a lack of consensus on the adoption or endorsement of the final regional organic standards. For instance, the ASEAN Member States developed the ASOA instead of fully endorsing the AROS for the ASEAN. See Organic World 2014 <http://www.organic-world.net/country-info/asia/overviews/asia-2014.html>.

4.3 *An African Union-led initiative with international partners*

Since pan-African organic standards will be required to be adopted or endorsed by the main regional organisation (the AU) to be applicable on the continent once they are developed, it is arguably better to involve the AU in the development of such standards since the beginning. Perhaps the AU as the main African regional organisation representing 54 African States in view of better regional cooperation¹²⁸ could take the leadership for the development of African organic standards. The AU Department for Rural Economy and Agriculture (DREA) provides leadership to agriculture in Africa and has already taken the following major steps in promoting sustainable farming systems in Africa. The 2003 Comprehensive Africa Agriculture Development Programme¹²⁹ (CAADP) has been Africa's major policy framework for agricultural transformation supporting sustainable agricultural systems as an AU initiative and the New Partnership for Africa's Development (NEPAD). African Heads of State also took several important decisions regarding agriculture under the "Maputo Declaration on Agriculture and Food Security" with the commitment to allocate at least ten per cent of national budgets to agricultural development.¹³⁰ In 2010, the AU Agriculture Ministers decided to promote sustainable organic farming systems in their respective countries while the AU Executive Council endorsed the objective to promote organic agriculture in Africa in 2011.¹³¹ The AU Commission and its NEPAD Planning and Coordinating Agency were requested to initiate and provide guidance for an AU-led coalition of international partners on the development of an African organic farming platform and sustainable organic farming systems.¹³² The above decisions by African States supporting organic farming also led to the birthing of the Ecological Organic Agriculture (EOA) Action Plan 2011-2025

¹²⁸ See AU 2017 <https://au.int/en/au-nutshell>.

¹²⁹ See NEPAD 2017 <http://www.nepad.org/programme/comprehensive-africa-agriculture-development-programme-caadp>.

¹³⁰ African Heads of State endorsed the "Maputo Declaration on Agriculture and Food Security in Africa" (Assembly/AU/Decl. 7(II)) at the AU Second Ordinary Assembly in 2003. See NEPAD and AU 2003 <http://www.nepad.org/resource/au-2003-maputo-declaration-agriculture-and-food-security>. This commitment was renewed by African States under the 2014 "Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods in Africa" (hereafter the "Malabo Declaration"). BVAT 2015 http://www.kilimohai.org/fileadmin/02_documents/EOA/THE_EOA_STRATEGIC_PLAN_2015-2025.pdf 6.

¹³¹ See the AU Agriculture Ministers decision to promote sustainable organic farming systems in 2010 and the African Heads' of State Decision EX.CL/Dec.621(XVIII) on organic farming - Concept and Initiative on Organic Agriculture in Africa (Kenya, 2011). BVAT 2015 http://www.kilimohai.org/fileadmin/02_documents/EOA/THE_EOA_STRATEGIC_PLAN_20Z_15-2025.pdf 1.

¹³² Organic World 2011 <http://www.organic-world.net/index/news-organic-world/article/501.html>.

and EOA Initiative (2015-2025) under the aegis of the AU.¹³³ The EOA Initiative (2015-2025) takes into account ongoing agroecological initiatives in Africa to address food insecurity and environmental issues complementing the continental efforts spearheaded by the DREA and the CAADP of the AU Commission.¹³⁴ Four countries in Eastern Africa (Ethiopia, Kenya, Uganda, and Tanzania) and four in West Africa (Mali, Nigeria, Benin and Senegal) are currently implementing this initiative with the efforts of National Organic Agriculture Movements (NOAMs).¹³⁵ African leaders committed themselves to promote agriculture including ecological organic agriculture which will bolster the AU Commission's targets for the next decade.¹³⁶ Apart from the above AU-led initiatives for the promotion of organic agriculture, there are other such initiatives by private sector organisations and international organisations.¹³⁷ However the AU as the main pan-African organisation already engaged in providing leadership to sustainable agriculture in Africa could arguably lead the African continent to develop regional organic standards in collaboration with African sub-regional organisations and international partners.¹³⁸

As discussed above, African organic standards could be inspired in their development process, their contents and their implementation by the EAOPS in particular and other regional organic standards (to some extent) in line with international guidelines.¹³⁹ After having examined the prospects of developing African organic standards, the following sub-section analyses the potential limitations to such regional standards.

¹³³ BVAT 2015 http://www.kilimohai.org/fileadmin/02_documents/EOA/THE_EOA_STRATEGIC_PLAN_2015-2025.pdf.

¹³⁴ BVAT 2015 http://www.kilimohai.org/fileadmin/02_documents/EOA/THE_EOA_STRATEGIC_PLAN_2015-2025.pdf.

¹³⁵ BVAT 2015 http://www.kilimohai.org/fileadmin/02_documents/EOA/THE_EOA_STRATEGIC_PLAN_2015-2025.pdf 7.

BVAT 2015 http://www.kilimohai.org/fileadmin/02_documents/EOA/THE_EOA_STRATEGIC_PLAN_2015-2025.pdf i.

¹³⁷ For instance, a specific platform for development and growth was set up for the IFOAM South African Network to improve coordination within the Southern African Organic Sector. IFOAM Organics International 2017 <https://www.ifoam.bio/en/regional-bodies/isan-ifoam-southern-african-network>. An African Organic Network (AfroNet) also came into existence as the umbrella organisation for African ecological/organic stakeholders as well as the Network for Organic Agriculture Research in Africa (NOARA). See Simpson 2015 <http://www.africanorganicconference.com/>.

¹³⁸ For instance, the Economic Community of West African States (ECOWAS), COMESA, SADC and international partners such as UNEP, UNCTAD, FAO, IFOAM.

¹³⁹ See the Codex Alimentarius Guidelines (Codex Alimentarius Commission *Guidelines*); UNEP-UNCTAD 2008 http://unctad.org/en/Docs/ditcted20073_en.pdf; the Organic Equivalence Tools (ITF and GOMA 2012 <http://www.fao.org/docrep/015/an905e/an905e00.pdf>).

5 Limitations of African organic product standards

The regulation of organic agriculture in African States is necessary to harmonise national organic standards and ensure the credibility of organic products brought to the market. As discussed in the previous sections, African organic standards would be an important step for the African organic sector bringing harmonised standards across Africa while inspiring national organic standards. However there would likely be limitations to overcome, such as implementation issues regarding African organic standards, high certification costs and low domestic certification capacities.

5.1 Implementation issues regarding African organic product standards

African organic standards would set harmonised standards across Africa provided African States take necessary measures to implement such standards domestically. Main implementation issues that could be identified are political will by African Heads of State to engage with a timely implementation process, adequate financial resources to domesticate African organic standards and necessary institutional support.

The development of African organic standards targeting 54 African States¹⁴⁰ would require well over a decade to come into existence and its implementation in respective African States, another decade or so. The EU organic regulation dates back to 1991 with several amendments over the past four decades currently fully implemented in its 28 States whereas the AROS targeting 28 Asian States were developed within a decade.¹⁴¹ Not only would the political will and cooperation of African leaders to implement such standards domestically be needed but also the cooperation of national organic movements and the private sector. As stated earlier, organic agriculture is driven by the private sector and the drafting of national organic standards would require private sector cooperation.¹⁴² A close follow-up regarding the implementation of the African organic standards in African States would also be necessary.¹⁴³ African leaders are resolved to revitalize the agricultural sector, however adequate financial resources are necessary to ensure such

¹⁴⁰ See AU 2017 <https://au.int/en/memberstates>.

¹⁴¹ See EU 2017 https://europa.eu/european-union/about-eu/eu-in-brief_en. Nine Asian States from the ASEAN have fully implemented organic regulations. See UNFSS 2013 https://unfss.files.wordpress.com/2013/04/unfss_goma_philippines.pdf.

¹⁴² During the implementation of the EAOPS, there was some resistance by one of the national standards bodies to the private sector-led initiative. UNEP 2010 <https://www.oecd.org/aidfortrade/47719232.pdf> 5.

¹⁴³ For the AROS, the three international partners (FAO, UNCTAD and IFOAM) followed up implementation from 2009-2012 to continue the aims of harmonisation and equivalence. GOMA 2012 <http://www.fao.org/docrep/015/an765e/an765e00.pdf> 2.

progress.¹⁴⁴ Despite African leaders reaffirming their strong political commitment to promote agricultural development under the 2014 "Malabo Declaration", Africa faces major challenges in terms of investment and access to finance.¹⁴⁵

5.2 High certification costs and low domestic certification capacity

Even if African organic standards should come into existence and harmonised domestic organic standards be implemented in African States, there would still be high certification costs for organic products. Third-party certification, considered as the most authentic and internationally recognized means of organic quality assurance is essential for export to the EU and the US.¹⁴⁶ Organic product certifications may require considerable transition costs, recordkeeping and traceability that may elicit a price premium.¹⁴⁷ The transition to organic production may take time before costs can be recouped.¹⁴⁸ The high costs involved in the certification of organic products by the private sector are a major barrier for the development of the African organic sector.¹⁴⁹

Not only is it costly to certify organic products by foreign certification agencies, there are also insufficient domestic certification capacities for such products in Africa.¹⁵⁰ The absence of local certification and inspection capacity is a critical bottleneck that needs to be overcome to develop the potential of African organic exports. The control of organic production will remain driven by the private sector unless African States provide State support in collaboration with the private sector to enable the development of domestic certification capacity.¹⁵¹

After having examined the prospects and limitations regarding African organic standards, the following sub-section makes recommendations for the making, the contents and implementation of pan-African organic standards. Recommendations also address limitations identified with respect to pan-

¹⁴⁴ UNCTAD *Financing Organic Agriculture* 1.

¹⁴⁵ UNCTAD *Financing Organic Agriculture* 1. See AU 2017 https://au.int/sites/default/files/documents/32377-doc-technical_guidelines_for_reporting_on_malabo_rev2_eng.pdf.

¹⁴⁶ UNCTAD *Organic Agriculture and Food Security* 8.

¹⁴⁷ Giovannucci and Purcell *Standards and Agricultural Trade* 20.

¹⁴⁸ Giovannucci and Purcell *Standards and Agricultural Trade* 20.

¹⁴⁹ Munteanu 2015 *Network Intelligence Studies* 147.

¹⁵⁰ UNEP 2010 <https://www.oecd.org/aidfortrade/47719232.pdf> 4; Willer and Kilcher 2010 *World of Organic Agriculture* 82; Willer and Lernoud 2017 *World of Organic Agriculture* 164.

¹⁵¹ See the section on recommendations.

African organic standards as well as the domestic regulation and support of organic agriculture in African States.

6 Recommendations

Pan-African organic standards are necessary to address barriers to organic trade arising from a proliferation of organic standards in the region¹⁵² and funding opportunities for the development of pan-African organic standards needs to be sought through international partners. Main recommendations in this paper target the development process, the contents and the implementation of pan-African organic standards as well as other steps to be taken by African States domestically to support organic agriculture.

Regarding the development process of pan-African organic standards, the AU as the main pan-African regional organisation could either initiate this process in collaboration with sub-regional organisations and international partners or could be involved in this process as discussed earlier.¹⁵³ The setting up of a regional task force is necessary to take stock of existing regulation of organic agriculture and main issues regarding organic agriculture in the African region. A highly inclusive public-private consultation and participation is required for the development process of pan-African organic standards so that local practices aligned with organic agriculture may be included in such standards.¹⁵⁴ Existing standards such as the EAOPS and the national standards of the biggest African organic producers must be taken into consideration in drafting pan-African organic standards.¹⁵⁵ Main issues identified and recommendations made by the regional task force need to be discussed at sub-regional workshops with a view to compiling a draft of the pan-African organic standards. This draft needs to be finalised at regional workshops with multi-stakeholder participation involved at the development process level.

Regarding the contents of African organic standards, the contents of the EAOPS could serve as a basis while additional aspects covered in other regional standards as discussed in this paper could be included.¹⁵⁶ African organic standards need to cover main organic rules for crops, animal husbandry, beekeeping, the collection of wild products, freshwater and seawater aquaculture, processing and labelling of such products. Common requirements to employ long-term, ecological, systems-based organic management and ensure long-term biologically-based soil fertility are

¹⁵² As discussed in this paper, the EAOPS, the POS and the AROS all had these aims for their respective regions.

¹⁵³ For instance, ECOWAS, COMESA, SADC and international partners such as UNEP, UNCTAD, FAO, IFOAM.

¹⁵⁴ See the sub-sections above on the EAOPS, the POS and the AROS.

¹⁵⁵ See above note 24 on organic standards and legislation in African countries.

¹⁵⁶ See the sub-sections above on the EAOPS, the POS and the AROS.

important for the African continent. In order to respect local biodiversity, the choice of crop species and varieties would need to be based on their adaptation to local conditions as well as pests and diseases. Common labelling requirements with a common organic label and a non-organic ingredients' threshold to regulate the use of organic labels are also necessary at a pan-African level.¹⁵⁷ Organic stock farming should respect high animal welfare standards with specific behavioural needs and animal health management. Social justice provisions are also important in African organic standards.¹⁵⁸ To ensure that the integrity of an organic farm unit is not compromised by the management of non-organic operations undertaken on the same farm, conversion requirements should be included in African organic standards.¹⁵⁹ Similar to the EAOPS, the POS and the AROS, African organic product standards would need to adapt to changing knowledge, production and market conditions.¹⁶⁰ Pan-African organic standards need to be adapted to African local practices and be consistent with international guidelines on organic products.¹⁶¹ African organic products could also be marketed in combination with fair-trade labelling¹⁶² however fair-trade labelling would add costs to the certification of such African organic products.¹⁶³

Pan-African organic standards would serve as a basis for the development of national organic standards and stimulate harmonisation where there are existing standards and practices.¹⁶⁴ Regional cooperation among African States as well as national organic movements would also be required to facilitate equivalence of African certified organic products and promote regional organic trade. National organic agriculture movements should be encouraged to interact through regular annual meetings and sharing of information through multimedia. A regular inventory of certified and informal organic farms in Africa is also recommended with information provided by African States and the private sector.

The coming into existence of pan-African organic standards would be a major step for organic agriculture in the continent but other steps would also be

¹⁵⁷ A non-organic ingredients' threshold of 95 per cent to align with EU organic standards. See article 25 EC Regulation 834/2007 (28 June 2007).

¹⁵⁸ See sections 4.5.1 and 4.5.2. EAOPS.

¹⁵⁹ See sections 5 and 6; GOMA 2012 <http://www.fao.org/docrep/015/an765e/an765e00.pdf> 9-10.

¹⁶⁰ GOMA 2012 <http://www.fao.org/docrep/015/an765e/an765e00.pdf> 2.

¹⁶¹ See the Codex Alimentarius Guidelines (Codex Alimentarius Commission *Guidelines*); IFOAM 2005 https://www.ifoam.bio/sites/default/files/page/files/norms_eng_v4_20090113.pdf; ITF and GOMA 2012 <http://www.fao.org/docrep/015/an905e/an905e00.pdf>.

¹⁶² Akinbamijo and Fay 2012 http://ec.europa.eu/agriculture/sites/agriculture/files/developing-countries/partners/au-organic/au-eu-joint-paper_en.pdf.

¹⁶³ Parvathi and Waibel 2016 *World Development* 206-220.

¹⁶⁴ See the sub-sections above on the EAOPS and other regional organic standards.

required by African States. In addition to the AU and international partners assisting in the development of African organic standards, African governments would also need to implement such standards, provide adequate institutional support and coordination to promote organic agriculture. A pan-African working group is recommended to follow up on implementation issues in different African States. Not only domestic organic standards based on African organic standards are necessary but also national organic policies and a State-supported infrastructure to implement them.

African States need to set national benchmarks for organic rules of production based on African organic standards to bring official recognition to local organic production and credibility to African producers for the export market. National organic standards enacted as legislation are recommended to regulate the coexistence between non-organic agriculture and organic agriculture, the setting up of a non-organic threshold as well as the control of organic products.¹⁶⁵ It is important that African States set up a domestic inspection system for organic production with sanctions in the case of an infringement, misrepresentation or misuse of the "organic" claim. It is highly recommended that African States regulate organic agriculture based on pan-African organic standards in collaboration with the private sector.¹⁶⁶

To address the challenge of high certification costs for organic products and low domestic certification capacities, the following recommendations are important for African States. First, affordable types of guarantee systems (such as the network guarantee system¹⁶⁷ and the participatory guarantee system¹⁶⁸ (PGS)) should be allowed for local markets in African States. However such alternative guarantee systems for organic products do not necessarily bring "organic certification" and the same price premiums as products certified by third-party certification. Second, African States need to strengthen domestic certification capacities for organic products. To that effect, a State accreditation system for local certification bodies in partnership with private certification bodies is recommended.¹⁶⁹ East African States are considering

¹⁶⁵ Lim Tung 2016 *PELJ* 20.

¹⁶⁶ *Energies Environnement* 2016 <http://energienvironnement.com/lagriculture-bio-afrique-enjeux-dune-pratique-aux-imperatifs-de-reglementation/>.

¹⁶⁷ Eg In South Africa, local farmers, suppliers and retailers may group together as a network and use a network label as a form of group certification for products with high environmental standards or health claims at affordable costs. Lim Tung 2016 *PELJ* 5, 9. See Organic Farms Group 2017 <http://www.organicfarmsgroup.com/>.

¹⁶⁸ It is a quality assurance system catering for small-scale production based on an agreed set of standards monitored by the respective farmers which is supported by the IFOAM. IFOAM Organics International 2017 <http://www.ifoam.bio/en/organic-policy-guarantee/participatory-guarantee-systems-pgs>; for instance see the South African Bryanston Organic and Natural Market 2017 <http://www.bryanstonorganicmarket.co.za/>.

¹⁶⁹ State accreditation for local certification bodies refers to the setting up of national

accessible solutions for local organic markets, e.g. direct sales based on trust, local certification bodies and participatory systems.¹⁷⁰

National organic policies for African countries in collaboration with the private sector will also be useful to grow domestic capacity for such farming and achieve long-term sustainability of organic production systems in Africa.¹⁷¹ With many smallholders in Africa, the typical supply chain is often made up by a private enterprise organising smallholders as outgrowers to secure sufficient quantities for export or farmers working together on one supply project.¹⁷² Small farmers require long-term intensive support to succeed, organic farming training, business and managerial training, contract farming and institution-building support.¹⁷³ Smallholder participation could be facilitated by training producer groups¹⁷⁴ organised according to commodity lines such as cocoa, cassava, fruits and so forth. State support could comprise export facilitation (eg trade fairs), State-backed loans, subsidies for the conversion of farmland and research grants.¹⁷⁵ Organic agriculture could be promoted by small-scale intervention within village communities or large-scale intervention including model pilot projects organised in strategic locations in different African States.¹⁷⁶ African States also need to find solutions to help the sourcing of appropriate inputs such as organic seeds, bio-fertilizers and bio-pesticides which represent a main challenge in the promotion of organic agriculture.¹⁷⁷

7 Conclusion

Along with potential environmental, health and socio-economic benefits, better access to premium markets for the export of organic products are the main drivers for the development of organic agriculture in Africa.¹⁷⁸ As discussed in this paper, there are different private organic standards and a lack of regulation at African States' level with no pan-African organic standards. African farmers wishing to start organic agriculture currently strive to comply with different

accreditation bodies recognised by the respective government which may accredit local certification bodies. Lim Tung 2016 *PELJ* 33.

¹⁷⁰ UNCTAD *Organic Agriculture and Food Security* 8.

¹⁷¹ Bouagnimbeck "Organic Farming in Africa" 107. See the Ecological Organic Agriculture (EOA) Action Plan 2011-2025 and EOA Initiative (2015-2025) under the aegis of the AU. BVAT 2015 http://www.kilimohai.org/fileadmin/02_documents/EOA/THE_EOA_STRATEGIC_PLAN_2015-2025.pdf; Williams *African Success Story* 1-47.

¹⁷² Bouagnimbeck "Organic Farming in Africa" 106.

¹⁷³ Kelly and Metelerkamp *Smallholder Farmers* 1; Bolwig, Gibbon and Jones 2009 *World Development* 1094-1104.

¹⁷⁴ Akinbamijo and Fay 2012 http://ec.europa.eu/agriculture/sites/agriculture/files/developing-countries/partners/au-organic/au-eu-joint-paper_en.pdf 5.

¹⁷⁵ UNCTAD *Financing Organic Agriculture* 2.

¹⁷⁶ Novy *et al* 2011 *AgBioForum* 154.

¹⁷⁷ BVAT 2015 http://www.kilimohai.org/fileadmin/02_documents/EOA/THE_EOA_STRATEGIC_PLAN_2015-2025.pdf 5.

¹⁷⁸ UNCTAD *Financing Organic Agriculture* 3-4.

requirements based on private standards to access regional or international markets. This paper discusses the need to address the proliferation of different standards through pan-African organic standards which may inspire national organic standards with harmonised standards.

African organic standards would constitute a major step to bring harmonised organic standards and inspire national organic standards in African States. Such pan-African standards could be developed through an AU-led initiative with international partners, inspired by other regional organic standards as discussed in this paper and in line with international standards. However even if African organic standards were to come into existence, there would likely be limitations such as a timely implementation of such standards in African States, high certification costs and low domestic certification capacities. African governments would not only need to implement such regional standards but also provide adequate institutional support to promote organic agriculture. Besides third-party certification for the export of organic products, other affordable guarantee systems such as the network guarantee system and the participatory guarantee system should be allowed for local markets. State regulation of organic agriculture in African States with a public-private partnership approach for certification practices in collaboration with international certification bodies is also highly recommended.¹⁷⁹

Whereas organic farming may not be the only solution for African farming, it is recommended to give an edge to African farming without heavy industrialisation of agriculture and external inputs. Certified organic production is a trade corridor with better premium market access yet to be fully exploited by African communities. African organic standards would arguably address the proliferation of private standards as a trade barrier while bringing harmonised standards across Africa and provide a unified negotiating position in regional and international organic markets.

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List of Abbreviations

AfroNet	African Organic Network
AROS	Asia Regional Organic Standard
ASEAN	Association of South East Asian Nations
ASOA	ASEAN Standard for Organic Agriculture
AU	African Union
BVAT	Bio Vision Africa Trust
BDOCA	Biodynamic and Organic Certification Authority
BOAM	Burundi Organic Agricultural Movement
CAADP	Comprehensive Africa Agriculture Development Programme
COMESA	Common Market for Eastern and Southern Africa
DAFF	Department of Agriculture, Forestry and Fisheries (South Africa)
DRAMLB	Draft Revised African Model Law on Biosafety
DREA	Department for Rural Economy and Agriculture
EAC	East African Community
EAEP	East Africa Export Programme
EAOPS	East African Organic Product Standards
EC	European Commission
ECLJ	European Consumer Law Journal

ECOWAS	Economic Community of West African States
EEC	European Economic Community
EOA	Ecological Organic Agriculture
EPOPA	Export Promotion of Organic Products from Africa
EquiTool	Equivalence of Organic Standards and Technical Regulations
EU	European Union
FENAB	National Federation of Organic Producers of Senegal
FAO	Food and Agriculture Organization
FiBL	Research Institute of Organic Agriculture
GAIN	Global Agricultural Information Network
GMOs	Genetically Modified Organisms
GOAN	Ghana Organic Agriculture Network
GOMA	Global Organic Market Access
IFAD	International Fund for Agricultural Development
IFOAM	International Federation of Organic Agriculture Movement
Int J Agr Sustain	International Journal of Agricultural Sustainability
ISAN	IFOAM South African Network
ITF	International Task Force on Harmonization and Equivalence in Organic Agriculture
INR	Institute of Natural Resources
ISMEJ	International Society for Microbial Ecology Journal
J Afr L	Journal of African Law
J Environ Manage	Journal of Environmental Management
J Sustain Agr	Journal of Sustainable Agriculture
JAS	Japan Agriculture Standards
KOAN	Kenya Organic Agricultural Network
NOAMs	National Organic Agriculture Movements
NOARA	Network for Organic Agriculture Research in Africa
NEPAD	New Partnership for Africa's Development
NOAN	Nigerian Organic Agriculture Network
OAPP	Organic Agricultural Products and Processing
PELJ	Potchefstroom Electronic Law Journal
POS	Pacific Organic Standards
PGS	Participatory guarantee system

ROAM	Rwanda Organic Agricultural Movement
SABS	South African Bureau of Standards
SADC	South African Development Community
SAOSO	South African Organic Sector Organisation
SANS	South African National Standards
SDGs	Sustainable Development Goals
SPC	Secretariat of the Pacific Community
TanCert	Tanzania Organic Certification Association
Tralac	Trade Law Centre
UOCL	Uganda Organic Certification Limited
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNEP	United Nations Environment Programme
UNFSS	United Nations Forum on Sustainability Standards
UNSDKP	United Nations Sustainable Development Knowledge Platform
US	United States