



**agriculture,
forestry & fisheries**

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**National Agricultural
Marketing Council**

Promoting market access for South African agriculture

Markets and Economic Research Centre and Directorate of International Trade



TRADEPROBE

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This issue of *TradeProbe* covers the following topics:

- **Market Profile: Apricots**
- **South African Agriculture, Forestry and Fisheries Trade with ECOWAS and CEMAC**
- **Export of poultry products from Mozambique – tricky business because of WTO SPS Agreement: on-the-ground mitigation measures**
- **A summary of the African Union (AU) Agenda 2063**
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- **SACU's Agricultural Trade Revolution and the Politics of Genetically Modified Organisms (GMOs)**

1. MARKET PROFILES: APRICOTS

Product description

Apricot is a stone fruit that belongs to the family Rosaceae (same family as garden rose) also known botanically as *Prunus armeniaca*. Apricot is golden with velvet skin; not too juicy fruit but sweet and smooth. It can be eaten fresh or processed. Processed apricot can be in a form of jams, canned fruit, dry fruit and fruit juice. An apricot tree can grow up to a height of 3.6 to 4 metres and produces fruit for approximately 20 to 25 years. The fruit is a source of nutrients such as carbohydrates, fibre, copper and potassium and vitamin C. It has health benefits which contribute to digestive health and control of blood cholesterol levels.

FAO (2013) reported that a total volume of 3.9 million tons were produced in the global market. In 2012 Turkey was the leading producer, with global share of 19.7 %, followed by Iran, Uzbekistan, Algeria and Italy, with shares of 11.3 %, 9 %, 6.7 % and 6.1 %, respectively. In the list of the leading (top five) global producers in 2012, South Africa did not feature. In 2013 South Africa produced a total of 60 thousand tons of Apricots, with Western Cape Province being the largest producer of apricots within the country. This is attributed to its Mediterranean climate that is suitable for apricot production.

Global Trade overview of Apricot

Table 1 indicates the main importers and exporters of apricots, which contributed a total of \$577 million and \$538 million, respectively, in 2013. The growth of apricot imports was recorded at 11 % between 2009 and 2013. This shows that the demand for apricots has been increasing over the last period of five years. In 2013, the top three importers of this product were Germany, Russia and Kazakhstan, accounting for 23.1 %, 12.3 % and 9.1 % shares of world exports,

respectively. Meanwhile, the top three exporters of apricots were Spain, France, and Uzbekistan, accounting for 22.8 %, 20.9 %, and 11.9 %, respectively (see **Table 1**).

Table 1: List of importers and exporters of Apricots

Imports			Exports		
	\$ million	Share (%)		\$ millions	Share (%)
2013			2013		
World imports	577	100	World exports	539	100
Germany	133	23.1	Spain	123	22.8
Russia	71	12.3	France	112	20.9
Kazakhstan	53	9.1	Uzbekistan	61	11.3
Italy	46	8	Turkey	42	7.9
France	45	7.7	Italy	36	6.8

Source: Trade map, 2014

South Africa's apricot export performance

In 2013, South Africa was ranked number 6 among the top world exporting countries, with a share of 1.06 % of world exports. A rather concerning observation is that South Africa's growth of world exports of apricot has been declining. South Africa's apricot exports showed a decline of 9 % between 2009 and 2013. This can be attributed to a significant decline in demand for South Africa's apricot exports by the German market, which was among the top three destinations in 2009. In 2013, the Netherlands, the UK, the UAE, Denmark and Namibia were the top five main destinations for apricots exported by South Africa, accounting for 34.2 %, 30.9 %, 16.8 %, 3.3 % and 2.9 % shares of total value of SA exports of this product, respectively. It is important to note that South African exports of apricots face no (0) tariff rates in all the reviewed markets, except in Canada and Angola. (See **Table 2**)

Table 2: Main destination of South Africa's apricot exports in 2013, expressed in value terms

Importers	Exports value in 2013 (\$ thousand s)	Share in South Africa's exports (%)	Share of partner countries in world imports (%)	Tariff face SA
World	5 698	100	100	
Netherlands	1 946	34.2	4	0
UK	1 763	30.9	3.4	0
UAE	957	16.8	0.6	0
Denmark	189	3.3	0.3	0
Namibia	167	2.9	0	0
Angola	110	1.9	0	10
Canada	101	1.8	2.2	3.3
Saudi Arabia	91	1.6	1.6	0
Germany	73	1.3	23.1	0

Source: Trade map, 2014

Potential Market for South Africa's Apricot exports

This section highlights markets that South Africa is currently not yet exporting apricots to. These markets are showing increases in the demand for the product. The strategy of selecting the new markets was based on growth demand of imports for each country, tariff advantage, and minimal exports to the mentioned markets. **Table 3** (see **Appendix A**) indicates potential markets for South African apricots. Among

the observed markets, Kazakhstan shows the highest potential for apricot exports due to a growth demand of 260 % on imports between 2009 and 2013. However, it might be ideal to focus on both traditional and new markets, including Germany, the United Arab of Emirates (UAE), Kazakhstan and Russia growth demands (**See Table 3 in Appendix A**).

Traditional markets, such as the UK and the Netherlands, will remain important to South Africa owing to historical trading ties and tariff advantages. On the new markets, South Africa seems to also enjoy tariff advantages in Italy and Austria. Noteworthy, Russia and Kazakhstan are fast-growing markets, but impose a tariff of 3.8% on South African apricot imports.

Competition in the selected markets

Table 4 indicates the main competitors in the selected markets. All the selected market source their apricots from neighbouring countries. Furthermore, the main competitors to South African apricots in the selected markets enjoy zero tariff advantages and are northern hemisphere countries, mostly. South Africa could benefit in the selected markets, based on the fact that all these countries are located in the northern hemisphere. Thus, production will counter seasonality issues in all the selected markets that are located in the northern hemisphere.

Table 4: Competition in the selected markets

Selected markets	Competitors	Share (%)	Tariff advantage (%)
Austria	Turkey	34.9	0
	Italy	29.7	0
	Germany	14.5	0
Italy	France	51.7	0
	Spain	40	0
	Germany	4.3	0
Kazakhstan	Uzbekistan	80.6	0
	Kyrgyzstan	16.6	0
	Tajikistan	2.1	0
Russia	Turkey	34.7	3.8
	Uzbekistan	25.2	0
	Armenia	21.1	0

Source: ITC, 2014

Conclusion

The growth demand for South Africa's apricot exports (terms of values) has been declining in the global market. South Africa's exports amounted to \$9 million in 2009, declining to \$5.6 million in 2013. The decline was mainly attributable to dependence on the EU countries, of which Germany decreased their demand by 57 % between 2009 and 2013. The declining trend in traditional markets located in Europe suggests a need to explore alternative markets outside the Eurozone. This article has identified alternate markets that possess great trade opportunities for South African apricot exporters.

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2. SOUTH AFRICAN AGRICULTURE, FORESTRY AND FISHERIES TRADE WITH ECOWAS¹ AND CEMAC²

Introduction

South Africa's engagement with African countries is well pronounced in the National Industrial Policy Framework of the Department of Trade and Industry³. The policy framework places great emphasis on building trade and investment relations with countries across the African continent. The policy objective is to strengthen those continental processes that seek to diversify and build industrial capabilities in African economies, and to rationalise integration processes.

Since the post-1994 democratic transition in South Africa, trade and investment linkages with the rest of the continent have increased significantly as African countries are no longer concerned about being seen to enforce economic sanctions against South Africa. Trade relations with the rest of Africa, excluding countries in the Southern African region⁴ are taking place through Bilateral Cooperation with individual countries.

The purpose of this article is to undertake a trade policy analysis using the current trade flows between South Africa and the two regional blocs – the Economic Community of Western African States (ECOWAS) and the Central African Economic and Monetary Community (CEMAC). With the Continental Free Trade Area in the pipeline, it is important to undertake this kind of analysis to inform stakeholders in the sector.

Trade Relations between South Africa, ECOWAS and CEMAC

There is no free trade agreement (FTA) between South Africa and ECOWAS, or between South Africa

1 The Economic Community of West African States consist of the 15 member states of Ghana, Benin, Togo, [Gambia](#), [Guinea-Bissau](#), [Liberia](#), [Mali](#), [Niger](#), [Nigeria](#), [Senegal](#), [Sierra Leone](#), [Togolese Republic](#), Gambia, Cape Verde, Ivory Coast & Burkina Faso.

2 The Economic Community of Central African States consist of the 10 member states of [Angola](#), [Burundi](#), [Cameroon](#), [Central African Republic](#), [Chad](#), [Republic of the Congo](#), [DR Congo](#), [Equatorial Guinea](#), [Gabon](#) & [São Tomé and Príncipe](#).

3 See South Africa's National Industrial Policy Framework for SA Approach to Africa' Trade Agenda.

4 This refers to countries in Southern African Development Community.

and CEMAC. Trade takes place under the most-favoured-nation (MFN) conditions. The absence of trade agreements limits the scope for increasing trade between South Africa and the two regional blocs. The only arrangement is with the individual countries in the form of Bilateral Cooperation Agreements that are aimed at strengthening trade and investment.

Agriculture, Forestry and Fisheries Trade

SA trade with CEMAC

South African trade with CEMAC Member States is reflected in **Table 5 in Appendix A**. It can be seen that South Africa has a huge trade balance (see **Figure 1**). The major export markets for South African products are Cameroon, Congo Brazzaville and Gabon. Cameroon accounts for 53 % of South Africa's exports to the region. Gabon and Congo are key suppliers of imports from CEMAC. The major export products are cigarettes, fish, fresh apples and maize, while top imports include tobacco, veneer sheets and sheets of plywood, and railway or tramway sleepers of wood.

Figure 1 illustrates the trade balance between South Africa and the CEMAC region. Trade data indicates significantly low trade values for Equatorial Guinea, Chad and the Central African Republic. Trade balance data in **Figure 1** shows a surplus of nearly R600 million in favour of South Africa in 2013.

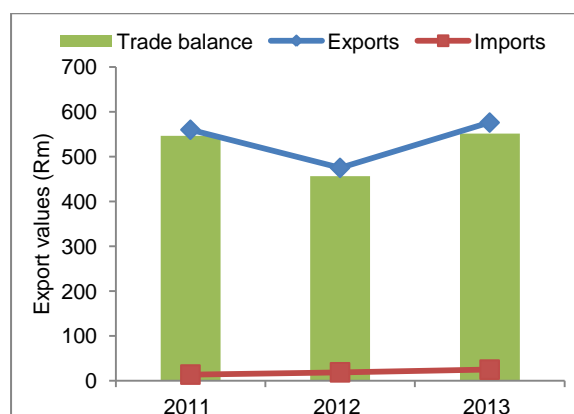


Figure 1: SA – CEMAC agriculture, forestry and fish trade balance

Source: Global Trade Atlas 2014

South Africa's trade with ECOWAS

South Africa maintains strong trade links with the West African States, in particular Ghana and Nigeria, as conduits for trade and investment in the West Africa region. However, trade remains significantly low, with average exports and imports of R2.2 billion and R583 million, respectively, in 2013. South Africa's major trading partners in the region are Nigeria, Ghana, Benin and Mali. Trade with the rest of the region is significantly low (see **Table 6 in Appendix A**).

Figure 2 below illustrates a trade balance which remains largely in favour of South Africa. The major export products to ECOWAS are fresh apples, food

preparations, and cigarettes, while top imports comprise cocoa paste, cotton and cocoa butter.



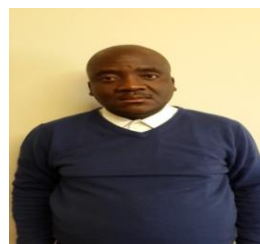
Figure 2: SA-ECOWAS agriculture, forestry and fish trade balance

Source: Global Trade Atlas 2014

Conclusion

The scenario painted by agriculture, forestry and fisheries trade between South Africa, CEMAC and ECOWAS indicates large trade imbalances in favour of South Africa. South Africa exports a diverse range of value added products, while imports remain concentrated on commodities, which has resulted in the significant trade imbalances. The low level of trade between South Africa, ECOWAS and CEMAC is not surprising; it is a reflection of fragmentation in African countries, preventing enormous opportunities for cross-border trade from being exploited⁵.

To reverse these imbalances, it is important for South Africa to engage, both on the bilateral and regional fronts, in a systematic methodology that includes strategic and technical missions to identify precise areas of cooperation with partner countries and regions⁶. These should include cooperation to promote infrastructure development, trade and investment, along with technical assistance, particularly for institutional and policy building.



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⁵ World Bank, 2008. Trade and Economic Performance: Does Africa's Fragmentation Matter?

⁶ See South Africa's National Industrial Policy Framework for SA Approach to Africa' Trade Agenda.

3. EXPORT OF POULTRY PRODUCTS FROM MOZAMBIQUE – TRICKY BUSINESS BECAUSE OF WTO SPS AGREEMENT: ON THE GROUND MITIGATION MEASURES

Introduction

Mozambique is a net importer of poultry and poultry products. This is the result of higher demand (increasing) that far exceeds domestic production (increasing as well). The biggest threat to the survival and future growth prospects of the poultry sector in Mozambique is the outbreaks of diseases. Government and industry stakeholders have put together an impressive interventions approach to the disease outbreaks. Mozambique, on the basis of World Trade Organization's (WTO) Sanitary and Phytosanitary (SPS) Agreement, instituted a pre-shipment inspection that has resulted in affected poultry products not being allowed to leave the country. In other words, exports of affected products are not allowed on the basis of SPS measures. This article outlines the government plan to mitigate the effects of disease outbreaks in Mozambique that can also improve the sanitary conditions in that country.

WTO SPS Agreement – important facts for this article

According to the WTO SPS Agreement, the application of SPS measures need to be aligned with the general provisions of that agreement, as outlined in **Article 1**. The general provisions in terms of **Article 1** stipulate:

- The use of an SPS measure for protection of human, plant or animal life or health that is consistent with the provisions of this agreement,
- That the use of an SPS measure should be based on scientific principles and cannot be maintained without scientific evidence (except as provided by Article 5, Paragraph 7) and only be applied for the purpose of protection of life and/or health,
- That the use of SPS measures should not to be used arbitrarily or unjustifiably to discriminate between countries (members states) where similar conditions prevail – therefore, SPS should not be used in a manner in which they would constitute a non-tariff barrier to entry or exit⁷.

In many instances a specially of related disputes on the transparency and application of SPS measures are based on exporting countries reporting their unhappiness about the importing countries treatment (inspections) to the Dispute Settlement Body of the WTO, following the prescripts of Article 11 of the SPS Agreement.

Mozambique is one of the countries that are unable to export poultry or poultry meat because of the SPS Agreement. A proactive stance was taken by Mozambican Authorities to institute a mandatory pre-shipment inspection, introduced in 1998, (that is conducted by private sector partner on behalf

government) for a number of products (Ministerial Diploma No. 19/2003 of 19 February 2003). Under this publication, The Ministerial Diploma No. 19/2003 of 19 February 2003, the products "positive list" includes frozen poultry; flour (bags over 20 kg); cooking oil and raw cooking oil (containers over 10 litres); sugar; cement (bags over 100 kg); chemical products (chapter 28 and 29); medicinal products (except those destined for personal use); soaps; matches and lighters; new and used tyres (over five units); silk, cotton, and synthetic fabrics; used clothing consignments over 45 kg); air conditioning, fridges, and freezers; batteries; and used vehicles.

Guidelines specify that the exporter of a product subject to PSI must contact the local office, which will send a request for information (RFI) letter, containing the information required for the Pre-Advice Form (PAF), which must be supplied to Mozambican Customs for all imports/export subject to inspection. Upon satisfactory inspection, which takes place in the country of origin, the authorities issue a Certified Simple Document to the importer/exporter; it requires a clean invoice, including all particulars required to determine the customs value. The poultry sector in Mozambique is faced with frequent outbreaks of poultry diseases, especially Newcastle disease.

Mozambique's livestock disease outlook (poultry sector)

Among Mozambican livestock, there are a number of diseases that are likely to strike at any given point in time (inclusive of other sectors) and poultry diseases are prevalent. In the poultry sector, it is argued that Newcastle is the most problematic disease (because of its high negative impact once it breaks out) and many of government programmes are aimed at mitigating it.

In the early 1990s and early 2000s, studies conducted in the Mozambican poultry industry confirmed that Newcastle is indeed the most problematic disease and outbreaks are commonly reported between January–February; May–June; and August–October. Presented in **Table 7** are the most common diseases in Mozambique which keep the National Directorate of Veterinary Services wide-awake at all times. This does not exclude concern for other diseases that are not listed in the Table.

Table 7: Common diseases outbreaks in Mozambique

Livestock in general	Poultry
1. Rabies	- Newcastle
2. Trypanosomiasis and Tsetse Fly	- Respiratory distress
3. Tick and Tick-born-diseases	- Marek
4. Blood Black or blood legs	- Gumboro
5. African Swine Fever	
6. Pastarella	
7. Lumpy Skin Disease	
Disease not reported in the past two year	
- Foot-and-Mouth Disease	
- Bluetongue	
- Rift Valley Fever	
Diseases never reported in Mozambique	
- PPR	HPAI
- CBPP	

Source: NDVS (2014)

⁷ http://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm

Disease control programme

According to the NDVS (2014), the prevalence of poultry disease outbreaks can be classified into three periods and the vaccination scheduling for smallholder farmers is to ensure that, during the time when outbreaks are most likely to occur, there is a certain level of protection of available chicken stock being vaccinated three times per year (March, July and November). The commercial bio-security is well developed and according to the norms and standards, the commercial flock (Broilers) is supposed to be vaccinated three times during its commercial cycle (for more details refer to **Table 8**). The commercial sector is argued to have strong bio-security measures in place that include availability of veterinarians, as well as animal technicians, together with infrastructure that is well suited to protect the birds.

Table 8: Disease outbreaks and control measures (by government and commercial sector)

Disease outbreak prevalence	Commercial farmers	Smallholder farmers vaccinations
January – February	1 day old chick	November
April – May	14 day vaccination	March
August – September	28 days vaccination	July

Source: NDVS (2014)

Persisting challenges

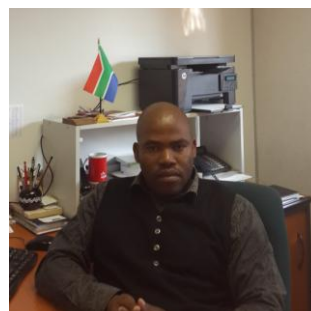
The smallholder farmers are sparsely spread across Mozambique, making it impossible for the NDVS to cover all of them (resources limitations and distribution challenges). The expansion possibilities are dependent on funding availabilities. The disease monitoring mechanism of passive surveillance only detects what has happened and is not able to detect real time outbreaks. Importation of chicks that are either disease-infected or that are of questionable genetics as their growth rates at times do not match the expectations.

On importation, the continued dependence of the Mozambique feed manufacturing sector on the importation of either maize or soybean as raw materials for feed remains a big challenge. The challenge posed by the importation of poultry products from Brazil is one of the crucial challenges. The importation of poultry products into Mozambique from third party countries has been the case with poultry meat originating from Mozambique that goes through the Netherlands or through South Africa.

Measures put in place

An intensive government drive to attract funding to implement the long-term programme has been under way, and the World Bank is said to have been warm towards the application. The National Working Group was formed to look at the threats of imports to the domestic industry and comprises the following stakeholders (with varying interests): Department of Trade and Industry, Department of Agriculture, Department of Customs, Mozambique Poultry Associations, Importer/Exporters, and NGOs.

The Mozambique Poultry Association provides information regarding its production projections for a year, then the Department of Trade and Industry provides the anticipated consumption growth, then an estimation of what may have to be imported is identified, and the import permits for this volume are allocated on the basis of the times when the domestic industry will not be able to service the market. Regarding the imports through third parties, Mozambican authorities have instituted a measure to ensure that meat importers only buy meat from abattoirs in the country of origin (not from supermarkets/retailers).



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4. A SUMMARY OF THE AFRICAN UNION (AU) AGENDA 2063^{8 9}

African collective action has a potential to act as a catalyst for development and, to this end, Africa has adopted developmental frameworks which have called for integration to enjoy the benefits of economic development. Africa has over the years adopted and implemented some of the following policy frameworks:

- The Monrovia Declaration of 1979, which paid much attention to African social and economic development,
- Lagos Plan of Action in 1980, which focused on economic development with much focus on food and agriculture, human resource capital,
- The Abuja Treaty which aimed to have an African Common Market by 2000,
- New Partnership for Africa's Development (NEPAD), which is the last framework, aimed at accelerating Africa's economic development.

The Agenda 2063 was formulated by the African Union in collaboration with the NEPAD coordination Agency (NPCA), with support granted by the African Development Bank (AfDB) and the United Nations Economic Commissions for Africa (UNECA). It was also formulated through benchmark studies, analysis of national development plan, scenarios, and trend analysis.

⁸ The African Union Commission (2014). Agenda 2063, The Future We Want for Africa: Zero Draft Document.

⁹ African Union (2014). <http://agenda2063.au.int/en/about> accessed 14 July 2014-07-14.

The Agenda 2063 is an African vision and action plan for the continent's transformation for the next 50 years. The framework focuses on social, economic and political renaissance that links the past, present and future. At the 50th anniversary of the founding of AOU/AU, member states celebrated Africa's successes and challenges and further pledged to pursue:

- *African Identity and Renaissance*
- *A continued struggle against colonialism*
- *An integrated agenda* (Implementation of the Tri-Partite Free Trade Area)
- *An agenda for Social and Economic development*
- *Democratic Governance*
- *Determining Africa's destiny and*
- *Africa's place in the world.*

The above-mentioned goals were adopted to inform a regional and national development plan. From this, the framework will filter down to inform African States' policy directions for economic development.

The African population stood at approximately 1 billion people in 2013, with a GDP of \$2 trillion (equal to that of Brazil/Russia). By 2063, the African population is projected to account for 30 % of the global population, with GDP accounting for 10 % of world GDP (which is relatively low against population growth). The continent has a heavy reliance on primary commodities. The Agenda 2063 thus seeks to strengthen industrialisation, linked with agriculture and food security, to drive for a higher global GDP share. Notably, Africa's growth performance has significantly improved since 2000. Africa has made progress regarding, inter alia:

- The institutional organisation of the African Union
- Vision of an intergraded and prosperous Africa secured on the RECs and NEPAD
- Improved and rising economic growth.

These milestones provide a hope for the continent, although Africa is still faced with challenges of:

- Poverty, unemployment, gaps in income (inequality)
- Optimally utilising arable land to relieve hunger and food insecurities
- Accelerating economic integration at regional and continental level, to meet sustained growth, trade and exchange of services, capital and free movement of people.

The 2063 Agenda aims to respond to some of these challenges by:

- Building on the NEPAD experiences
- Building a more united and strong Africa
- Establishing strong and well-functioning regional institutions, and
- Enhancing new development and investment opportunities.

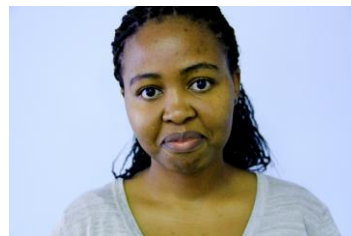
The framework aims to enhance the continent's comparative advantages, such as its human capacity capital, natural resources and position, and reposition in the globe. To this end, the framework will allow for

policy space for individual and integrated actors to realise a prosperous and integrated continent.

The agenda further outlines that, among other aspirations for 2063, Africa strives towards being a strong and influential global player and partner. The framework further foresees Africa deepening its South-South cooperation, based on a common African Union Foreign Policy. Trade was also identified as a key strategic initiative for providing momentum to the Agenda 2063.

Conclusion

The framework will thus have an immense influence on the policy direction for African countries. The objectives of the framework will also form a great part of African countries' national development strategies and frameworks for REC integration. To this, the Agenda 2063 presents a picture of continued economic growth, industrialisation, and much participation in the global arena and reduced dependence on primary products.



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5. A REVIEW OF ENVIRONMENTAL POLICY AND TRADE LIBERALISATION

Trade theory can be traced back to the 16th century which was dominated by a mercantilism philosophy of restricting imports and encouraging exports through a high level of government interventions. Adam Smith opposed the mercantilists' views in 1776 when he advocated free trade, based on absolute advantage theory. Smith proved that when nations specialise in industries (labours) where they have absolute factor advantages, gains from trade come to every nation (Dima, 2010).

In 1817 David Ricardo strengthened Smith's theory by developing the theory of comparative advantages which showed that mutually beneficial trade could be attained even when one nation was absolutely efficient in the production of all goods, because nations specialise in industries where they have lower opportunity costs (Sen, 2010; Dima, 2010; Patrick & Lattimore, 2009). Adam Smith and David Ricardo, later joined by Heckscher and Ohlin in 1933, can be regarded as pioneers of trade liberalisation theories. These scholars advocated free trade, although nations continued to restrict trade development through high tariff rates. The high rates and poor coordination of international trade laws led to development of the General Agreement on Tariffs and Trade (GATT) in 1947.

GATT was developed as a tool to coordinate and enforce international trade rules and it was very successful in lowering the tariff rates. The first six multinational trade negotiations of GATT reduced the world average tariffs from over 50 % in 1950 to 12 % in 2000 (Smith, 2014; Patrick & Lattimore, 2009). The free trade benefits derived from declining tariff barriers have been diminishing in the last three decades, largely because of emerging non-tariff barriers. The eighth round of GATT negotiations held in Uruguay in 1994 recognised the emerging challenge of non-tariff barriers on international trade. In response to this challenge, the Uruguay round expanded the GATT Agreement on Trade to cover non-tariff barriers. The Uruguay negotiations resulted in the establishment of two agreements intended to control and administer non-tariff barriers. The two were (i) the Agreement on Application of Sanitary and Phytosanitary Measures (SPS) and, (ii) Agreement on Technical Barriers to Trade (TBT).

The SPS Agreement aims to protect consumer, animal and plant health against known dangers and potential hazards. It also aims to avoid the use of health and safety regulations as protectionism to limit free trade. The TBT Agreement relates to trade restrictive effects arising from the application of technical regulations or standards, such as testing requirements, environmental labelling requirements and marketing standards. The TBT Agreement attempts to ensure that regulations, standards and certification procedures, which vary from country to country, do not create unnecessary obstacles to trade (Khatun, 2009).

The environmental issues have been noted as being main technical barriers to trade (WTO & UNEP, 2009; Khatun, 2009). Environmental policies are formulated to achieve sustainable developments by maintaining a balance between economic growth and resource exploitation (Khatun, 2009). However, a growing number of developing countries have raised concerns that environmental policy measures are often implemented in a protectionist manner and are increasingly becoming a technical barrier to trade (WTO & UNEP, 2009; Khatun, 2009; Copeland & Taylor, 2004). The popular environmental measures found in literature include standards, taxes, subsidies and labelling.

Trade and environment nexus

Trade is considered to be beneficial for the economic growth of the nations since it makes more resources available for manufacturing and production. Trade is also instrumental in sourcing resources and technology that can be used to protect the environment (Khatun, 2009). Trade liberalisation may also precipitate changes in product composition, entailing less resource-intensive and less environmentally damaging production processes (WTO & UNEP, 2009).

Some environmental issues, such as climate change, have been found to reduce the productivity of

agricultural products, subsequently enhancing the incidence of food insecurity in certain regions of the world (IFPRI, 2009). In such situations, trade becomes pivotal because it can move products from regions experiencing production surplus to regions that are experiencing production declines, thereby reducing the effects of climate change. As such, trade policy can be considered to be a platform that can be used to encourage participation in international environmental agreements that can deal with trans-boundary environmental problems, such as climate change.

The trade and environmental nexus debate first made its way into multinational negotiations in 1972 at the Stockholm conference. Since then, this debate has developed into a key political and economic issue in the world. The trade–environment debates attempt to address a relationship between environmental protection and trade development. The aim is to encourage free trade and simultaneously avoid the exploitation and damaging of the environment. Furthermore, the debate seeks to avoid trade restriction and market distortion on environmental grounds (Patrick & Lattimore, 2009).

Generally, environmental activists are concerned with protection and regulation of five environmental issues: (i) biodiversity; (ii) land; (iii) seas; (iv) chemical and hazardous waste; and (v) atmosphere (Vickers, 2012; Khatun, 2009). The protection of biodiversity refers to conservation of an ecosystem to maintain its natural form. Land protection refers to management of land against erosion and degradation caused by excessive use in agriculture, mining and forestry industries. Seas are protected from contamination with chemicals, such as oil, and the exploitation of sea life. The management of chemical and hazardous waste that affects the environment are also important to environmental activists. For example, chemicals that deplete the ozone layer are controlled through the Montreal Protocol (WTO & UNEP, 2009). The management of the atmosphere is concerned with controlling the greenhouse gas (GHG) emissions that accumulate in the atmosphere. The IPCC (2001) finds that the accumulation of GHG emissions in the atmosphere is the major cause of climate change. According to IPCC (2001), there is an urgent need to mitigate the accumulation of GHG emissions in the atmosphere in order to avoid severe changes in the climate.

Types of environmental barriers to trade

Policies or measures that aim to address environmental issues tend to create both direct and indirect opportunities for introducing TBTs. It has been reported that the share of environmental-related notifications under the WTO agreements on TBT increased from 9.7 % in 1991 to 11 % in 2001 (Greenhalgh, 2004). These policy measures are considered as TBTs if they are applied in a manner that restricts trade liberalisation and causes market distortions. The popular environmental, related to trade policy, measures that are found in literature include (i) environmental regulations and standards;

(ii) environmental labelling; and (iii) border tax adjustments.

The environmental regulations and standards refer to characteristics that goods must possess. These include the performance requirements, minimum nutrient content and maximum toxicity of a product (Khatun, 2009; Patrick & Lattimore, 2009). Environmental labelling refers to providing information to producers and consumers about the health and environmental impact of products. It is meant to inform the consumers about a product's characteristics and/or its conditions of production. The Border Tax Adjustments (BTAs) policy measure entails charging a carbon tariff on imported goods or providing export subsidies to domestic firms to level the playing fields in countries that have strong environmental policies that affect trade. BTAs focus mainly on commodities that are carbon intensive. Such commodities include agriculture produce, minerals and manufactures (Vickers, 2012).

South Africa, in particular, has one of the highest per capita carbon dioxide emissions in the world (RSA, 2008). This is because of its heavy reliance on coal-generated electricity. South Africa exports large quantities of soft and hard primary products to the European Union and US markets. The considered BTAs and carbon standard policy measures in the EU and the USA have the potential to adversely affect South Africa's exports because of their high carbon intensity. Cosbey and Wooders (2011) and Vickers (2012) find that about 30 % to 40 % of South Africa's exports to the EU and USA may attract taxation under proposed BTAs policy measures. They find that the main sectors likely to suffer from the considered carbon tariffs include mining, agriculture and manufacturing products.

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6. AQUACULTURE IN SOUTH AFRICA: OVERVIEW OF THE REGULATORY AND INSTITUTIONAL ENVIRONMENT

Introduction

Aquaculture is defined as "the farming of aquatic organisms including fish, molluscs, crustaceans and plants in controlled or selected aquatic environments, with some form of intervention in the rearing process to enhance production, such as regular stocking, feeding, protection from predators, etc."¹⁰ Farming also implies individual or corporate ownership of the stock being cultivated.¹¹

Effective governance of modern aquaculture must reconcile ecological and human well-being to ensure that the industry remains sustainable over time. Without effective governance, there will be misallocation of resources, and perhaps stagnation of the industry, as well as irreversible damage to the environment.¹² There is widespread agreement that modern aquaculture has a business orientation similar to that of small- or medium-sized enterprises, in general.¹³ For resources to be invested, there must be

10 NDA: Agriculture, Chief Directorate Aquaculture and Economic Development
<<http://www.nda.agric.za/daaDev/sideMenu/fisheries/Aquaculture.htm>> accessed 1 June 2014.

11 ibid.

12 Nathanael Hishamunda, Neil Ridler and Elisabetta Martone, *Policy and governance in aquaculture: Lessons learned and way forward* (FAO 2014, Rome) 1–2.

13 ibid.

an enabling economic environment and secure property rights.¹⁴

However, there must also be incentives to promote socially and environmentally responsible practices, buttressed by controls to curb short-sighted business behaviour that could prove damaging to the ecology or society. This requires that aquaculture must not only be profitable, but also “environmentally neutral, technically feasible and socially acceptable.”¹⁵

The purpose of this article is to provide a brief synopsis of the regulatory and institutional environment applicable to aquaculture in South Africa, as well as to highlight pertinent developments and processes underway to advance the growth of the sector.

Aquaculture in South Africa

Aquaculture in South Africa is divided into two categories, i.e. freshwater and marine.¹⁶ The most important production areas for the cultivation of fresh water species are the Limpopo province, the Mpumalanga Lowveld, and Northern KwaZulu–Natal.¹⁷ Trout is farmed along the mountainous areas of Lydenburg, KwaZulu-Natal Drakensberg and the Western Cape.¹⁸ Other freshwater species cultivated on a small scale include catfish, freshwater crayfish and tilapia species.¹⁹ Marine aquaculture is a fast-developing sector, with a focus on mussels, oysters, abalone, seaweeds and prawns.²⁰ Of these, mussel farming is the best established. Abalone culture is also reasonably well established, with the main hubs situated in the Hermanus area of the Cape’s south coast.²¹ There is also an experimental cage culture salmon initiative operating offshore from Gansbaai in the Western Cape.²²

The industry in South Africa is still in its infancy. **Table 10** illustrates production volumes as being quite low. This remains true even when measured against other African producers, such as Egypt and Nigeria, with South Africa currently contributing less than one per cent of Africa’s aquaculture production:²³

Table 10: General economic data – South Africa

2008	Billion USD
GDP at purchaser’s value	782.7
GDP per head	USD 4 247 at market value
Agricultural GDP	7.4
Fisheries GDP	0.322

Source: FAO, 2014

14 *ibid.*

15 *ibid.*

16 *Aquaculture Yearbook 2012* (DAFF, Chief Directorate: Aquaculture and Economic Development, 2012, Pretoria); *Coastal livelihoods in the Republic of South Africa* (South Africa Annex XI CLA, 2011, Pretoria).

17 FAO Geographic profiles: Fishery and aquaculture, Country profile: South Africa <<http://www.fao.org/fishery/facp/ZAF/en>> accessed 3 June 2014.

18 *ibid.*

19 *ibid.*

20 *ibid.*

21 *ibid.*

22 *ibid.*

23 *ibid.*

Governance Framework

The aquacultural industries make a relatively small contribution to the country’s Gross Domestic Product (GDP) and this has traditionally meant that the sector received a low level of prioritisation in terms of national budget and research focus. In March 2013, this status quo was changed with the launch of the Department of Trade and Industry’s (DTI) R800 million incentive scheme for the development of marine and freshwater fishing projects aimed at growing the country’s fledgling aquaculture industry.²⁴ Speaking at the launch, the Minister of Trade and Industry stated that The Aquaculture Development and Enhancement Programme (ADEP) was initiated to “stimulate investment in a relatively untapped sector.”²⁵

While this certainly makes for a promising start, consultations with industry representatives indicate that the complexity of the existing regulatory environment, and apparent conflicts between the environmental and economic aspects of aquaculture operation, present central impediments to the full utilisation of not only government incentives, but to the overall growth potential of aquaculture as an industry. A clear understanding of the regulatory environment should therefore be regarded as a first step for both policymakers and industry participants wishing to ensure maximum beneficiation of opportunities arising in the sector.²⁶

a) Treaties and Legislation

Treaties and legislation are the codified (and generally most authoritative) sources of law in international and national regulatory systems, respectively. South Africa is a signatory to several international conventions that have an impact on aquaculture production. In addition, since the environment and agriculture are both matters of concurrent legislative competence,²⁷ both national and provincial legislation are relevant to the sector.²⁸ Depending on the municipal area into which it falls, an aquaculture operation may also be affected by bylaws, such as those relating to nuisance, scheduled or offensive trades, water use and waste disposal, among others.²⁹

Two of the most directly applicable treaties with regard to aquacultural production, are the United Nations Convention on the Law of the Sea (1972) and the Convention on International Trade in Endangered

24 The DTI: Industrial development and financial assistance (incentives), ADEP

<https://www.thedti.gov.za/financial_assistance/financial_incentive.jsp?id=56&subthemeid=25> accessed 12 June 2014.

25 ‘Incentives boost for SA aquaculture’ (*SouthAfrica.info*, 2 April 2013)

<<http://www.southafrica.info/business/investing/incentives/aquaculture-020413.htm#.U7PIPi-KBdg>> accessed 12 June 2014.

26 *Legal guide for the aquaculture sector in South Africa* (DAFF, September 2013, 1st ed). This document constitutes a useful guide for anyone wishing to improve their understanding of the system of governance relevant to South African aquaculture, and is highly recommended.

27 Part A of Schedule 4 to the Constitution.

28 Mary Katerere, *Review of legislation and institutional arrangements governing aquaculture in South Africa* (EnAct International, June 2013, SD Kvalsvig/ /D027-004) 6–7.

29 *ibid.*

Species of Wild Fauna and Flora. The following table provides an alphabetised inventory of the rather extensive list of national legislation that is either directly applicable to, or highly relevant for, operations the aquacultural sector:

Table 11: Inventory of national legislation in the aquacultural sector

Animal Diseases Act, 35 of 1984
Animal Health Act, 7 of 2002
Animal Improvement Act, 62 of 1998
Draft Alien and Invasive Species Regulations, 2009
Alienation of Land Act, 68 of 1981
Agricultural Pests Act, 36 of 1983
Animals Protection Act, 71 of 1962
Agricultural Products Standards Act, 119 of 1990
Conservation of Agricultural Resources Act, 43 of 1983
Constitution of the Republic of South Africa, 1996
Consumer Protection Act, 68 of 2008
Environment Conservation Act, 73 of 1989
Animal Diseases Act (Ciskei), 21 of 1986
Land Use Regulation Act (Ciskei), 15 of 1987
Nature Conservation Act (Ciskei), 10 of 1987
Fertiliser, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 36 of 1947
Genetically Modified Organisms Act, 15 of 1997
Marine Living Resources Act, 18 of 1998
Medicines and Related Substances Act, 101 of 1965
National Environmental Management Act, 107 of 1998
National Environmental Management: Biodiversity Act, 10 of 2004
National Environmental Management: Integrated Coastal Management Act, 24 of 2008
National Environmental Management: Protected Areas Act 57 of 2003
National Environmental Management: Waste Act, 59 of 2008
National Regulator for Compulsory Specifications Act, 5 of 2008
National Water Act, 36 of 1998
Occupational Health and Safety Act, 85 of 1993
Perishable Products Export Control Act, 9 of 1983
Standards Act, 8 of 2008
Subdivision of Agricultural Land Act, 70 of 1970
South African National Biodiversity Institute
Sea Birds and Seals Protection Act, 46 of 1973
State Land Disposal Act, 48 of 1961

b) Policy

The primary policy instruments relevant to the aquaculture sector are the National Aquaculture Policy Framework for South Africa (NAPF),³⁰ published by the DAFF in October 2013, and its predecessor, the National Aquaculture Strategic Framework for South Africa (NASF). Other policies of relevance include Industrial Policy Action Plan (IPAP) 2, developed by the DTI, Delivery Agreements developed by the Presidency and the National Development Plan 2030, and the National Aquaculture Policy Framework for South Africa (NAPF), approved by Cabinet in May 2013.³¹ The aforementioned is intended to provide a unified framework for the establishment and

development of an industry that contributes towards sustainable job creation and increased investment.³²

The NAPF acknowledges the importance of the aquaculture industry and the potential opportunities it offers for promoting food security, welfare creation, import substitution and transformation.³³ The DAFF commits itself to facilitating and supporting the optimal growth of the aquaculture sector, the promotion of on-site research, and the provision of support services. A critical aspect of this policy is the recognition that this sector is currently characterised by overregulation, when compared with other food production sectors, and by fragmented policies and strategies from various tiers of government departments.³⁴

The NAPF may this be seen as a “first step in an attempt to address this fragmentation and overregulation.”³⁵ However, as commentators have pointed out,³⁶ the policy clearly intends its aims to be effected over the long-term, meaning that the needed regulatory amendments may be many years in the making. In the meantime, aquacultural producers and those wishing to enter the sector will be required to comply with the existing legislation.

In order to assist the aquaculture industry and government officials tasked with compliance and enforcement, the Department of Environmental Affairs (DEA) published its official guideline for environmental assessments required for aquaculture in South Africa on 3 October 2013.³⁷ This guide deals with the existing legislation applicable to aquaculture in South Africa. Contained in this guide is an Authorisation Checklist which sets out the various types of authorisations that are required by aquaculturists. The following is an extract therefrom:

1. Environmental Authorisation

- Authorisation in terms of the National Environmental Management Act (NEMA) and the EIA Regulations published in terms thereof.
- This environmental authorisation is required by all aquaculture types that trigger activities listed in the EIA listing notices.
- Some activities, if triggered, require prospective aquaculturists to submit a basic assessment, whilst other activities are subject to full scoping and environmental impact reporting.

2. Threatened and Protected Areas

- Authorisation for the use of threatened or protected species in terms of the National Environmental Management: Biodiversity Act,

³² *ibid.*

³³ n 21.

³⁴ *ibid.*

³⁵ *ibid.*

³⁶ *ibid.*

³⁷ Department of Environmental Affairs, Notice 994 of 2013, Publication of the environmental assessment guideline for South Africa.

³⁰ ‘Authorisation requirements for aquaculturists’ (Dawson, Edwards & Associates, November 2013)

<<http://www.dawsons.co.za/newsflash-national-aquaculture-framework-for-south-africa/>> accessed 16 May 2014.

³¹ n 19, 6; n 17, 14–16.

Threatened and Protected Species Regulations and Provincial Ordinances.

- This authorisation is required if the proposed aquaculture activity concerns any species listed as threatened or protected, such as abalone, white steenbras or Nile crocodile.

3. Alien and Invasive Species

- Authorisation for the use of alien or invasive species in terms of the National Environmental Management: Biodiversity Act, the Alien and Invasive Species Regulations and Provincial Ordinances.
- This authorisation is required if the proposed aquaculture activity concerns any alien or invasive species (the species lists are currently being amended).

4. Protected Areas

- Authorisation for aquaculture activities in or adjacent to protected areas in terms of the National Environmental Management: Protected Areas Act.

5. Waste Licensing

- Waste licensing in terms of the National Environmental Management: Waste Act if the aquaculture activity triggers any of the listed waste management activities.

6. Coastal Zone Operators

- Authorisation in terms of the National Environmental Management: Integrated Coastal Management Act if aquaculture activities are to be conducted in the coastal zone, specifically if there is to be discharge of aquaculture effluent into the coastal zone.
- Marine aquaculture is often wholly or at least partially practised within this zone.

7. Water Use

- Water use authorisation in terms of the National Water Act.
- As the primary resource on which aquaculture depends, the lawful use of water is of the utmost importance.

8. Marine Aquaculture Right

- A marine aquaculture right in terms of the Marine Living Resources Act.
- In addition to a right, which is valid for up to 15 years, annual permits are required in order to utilise the right. There is a vast array of permits, depending on the marine aquaculture activity to be carried out.

c) Institutions

The aquaculture sector is mainly administered by DAFF. However, since the aquaculture sector encompasses issues relating to food security, food safety and human health, environmental protection, trade, labour, health and safety and animal health, different aspects of aquaculture operations are administered by several other organs of state, including in the national sphere DEA, Department of Water Affairs (DWA), Department of Health (DoH), Department of Transport (DoT), Department of Science and Technology (DST), the DTI and the Department of Labour, as well as provincial departments and agencies responsible for the environment, health and agriculture.³⁸ In addition, the Department of Rural Development and Land Reform (DRDLR) is a stakeholder and, because mariculture operations often involve leases of state land, the cooperation of the Department of Public Works is also currently necessary for the establishment and continued operation of an aquaculture facility.³⁹

Table 11 (see Appendix A) summarises the responsibilities of the different national organs of state in terms of existing national legislation.⁴⁰

Provincial Acts and ordinances relevant to freshwater aquaculture are administered by the different provincial government departments responsible for the environment and for agriculture.

To ensure better communication between government departments and to better manage the development of the aquaculture sector, an Aquaculture Intergovernmental Forum (AIF) was established in the national sphere in 2010. The AIF is intended to “create an enabling environment for cooperation” and “will provide a framework for effective leadership of the aquaculture industry.” Its main objective is to provide better management of implementation and reporting of all key government aquaculture programmes through joint planning, facilitation, resource mobilisation, monitoring and evaluation, recording and oversight.⁴¹

DAFF chairs the forum which also consists of other national government departments, namely, the Economic Development Department (EDD), DST, DTI, DWA, DEA, DoH and DRDLR. Provincial agriculture and environment departments are also invited, as are representatives of state-owned entities. The terms of reference for the forum require it to meet every three months, but ad hoc meetings are also provided for. The forum was responsible for the development of the NASF.

The Provincial Aquaculture Intergovernmental Forum (PAIF) was established in 2011 and is intended to improve coordination between provincial government and national government in the development of a sustainable aquaculture sector. The responsibilities of the forum are:

³⁸ n 19, 7—8.

³⁹ *ibid.*

⁴⁰ *ibid.*

⁴¹ Terms of Reference for the Aquaculture Intergovernmental Forum, 5 August 2011.

- ensuring cooperation, aligned planning, coordination and resource mobilisation for implementation of key aquaculture programmes between the national departments and the provincial departments that have a mandate in aquaculture development;
- ensuring cooperation and intergovernmental coordination amongst the provincial departments/agencies that have a mandate for aquaculture development;
- providing a platform for relevant provincial departments/agencies responsible for aquaculture development to share experiences and challenges and find solutions to ensure sustainable aquaculture development in the country and implementing the recommendations of the PAIF in their respective departments;
- monitoring and evaluating the prioritised programmes/projects; and
- implementing the recommendations of the PAIF in their respective departments.

The members of the PAIF include the provincial departments responsible for agriculture, economic development, environmental affairs and rural development and the provincial development agencies. It is intended that the forum will meet at least twice a year.⁴² It has, in fact, been meeting twice a year since its establishment.



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7. SACU'S AGRICULTURAL TRADE REVOLUTION AND THE POLITICS OF GENETICALLY MODIFIED ORGANISMS (GMOS)

About SACU

The Southern African Customs Union (SACU) is known to be the worlds' oldest customs union. SACU was formed in the year 1910. The customs union consists of five member states, comprising Botswana, Lesotho, Namibia, Swaziland and South Africa.

The objective behind the formation of SACU was for member states to engage easily in tariff matters, import and export levies, good relations, agricultural development and other innovations within the region. In the years following the formation of SACU, the

union managed to enter into many Free Trade Agreements. A good example is that of the Trade and Investment Development Corporation Agreement (TIDCA) which is a Free Trade Agreement between SACU and the United States of America.⁴³ The main objective of TIDCA was to place focus on trade facilitation, technical barriers, sanitary and phytosanitary measures, and trade and investment promotion.⁴⁴

SACU has indeed come a long way in promoting trade, not only within its perimeter, but also on an international platform. However, often little focus is placed on setting the stage for SACU's dynamic trade mechanisms and its adoption and use of "food-like substances", also known as Genetically Modified Organisms (GMOs). Emphasis needs to be placed on how agriculture is carried out in this part of the world, how enabling legislation controls and manages such a dynamic customs union, and whether such a Free Trade Agreement like SACU is in the right by adopting certain measures in carrying out agriculture, through trade to Africa and the world.

Regulation of agriculture within the SACU

1 Botswana: Trade and Agriculture

Botswana is a country in southern Africa which engages in agriculture, (but not as much as other countries within the SACU do). Botswana's contribution to the agriculture sector in terms of its annual Gross Domestic Product remains low. The country relies heavily on the export of diamonds. The mining industry of Botswana remains as the backbone of the economy in that country.⁴⁵ As much as mining and trade is of high importance within Botswana, the same does not go for its agriculture industry and its influence of trade within the said sector, not only among SACU countries but for other African countries as well.

Surprisingly enough, the most contributing agricultural commodity which Botswana uses to trade in is beef. It also remains a baffling fact that for a developing country like Botswana, with a flourishing economy, it still has to import staple food commodities, such as sorghum and maize, while its mining sector continues to generate up to 70 per cent in profits emanating directing from the sale and export of diamonds alone.⁴⁶

The agriculture sector of Botswana comprises both crop and livestock farming. Subsistence farming in Botswana has continually influenced the growing of crops such as maize, sorghum, beans, groundnuts, and cotton. Most of the above-mentioned crops which Botswana produces do not even make it for export on a large scale, but rather remain confined for consumption by people in the rural areas of

42 Second Draft Terms of Reference for the Provincial Aquaculture Intergovernmental Forum.

43 National Trade Estimate Report- Southern African Customs Union. 29 March 2009. www.ustr.gov

44 Ibid.

45 National Trade Estimate Report- Southern African Customs Union. 29 March 2009. www.ustr.gov

46 Ibid.

Botswana.⁴⁷ The Government of Botswana has in the years since 2008 put in place trade policies which enable it to ban specific imports, such as fresh pork and poultry, from other countries.⁴⁸ Perishable meat produce may only be allowed to be imported into Botswana in exceptional cases. As a semi-arid country, it remains very difficult for Botswana to expand its crop production to where it stands in the year 2014; however, that alone should not hinder this industry from participating in trade and agricultural related matters and agreements.

2. Lesotho: Trade and Agriculture

Lesotho is a land-locked southern African country with an estimated population of about 2 million people. The agriculture sector dominates in Lesotho as more than 80 per cent of the total population in that country make a living by farming.⁴⁹ The Basotho people practice mainly animal and crop farming.

Crops such as wheat, potatoes, fruits, and vegetables are planted, cultivated and sold on local markets within Lesotho. This mountainous southern African country is also actively involved in livestock farming of cattle, goat, sheep, and horses. Wool and mohair remain the only leading agriculture trade and export commodities. The majority of the Basotho people still continue to live below the poverty margin. Lesotho's poor trade and agricultural performance might, as a result of the apartheid era which existed in South Africa in the past, continue to make trading within its agricultural industry very difficult for the country.

The revision of Lesotho's agriculture policies after independence left the country with security issues, consequences of which still affect the country to this day.⁵⁰ Challenges continue to take their toll in terms of land ownership, investment and development. With all the gathered facts, it is vital to point out that Lesotho continues to be a small country involved heavily in agriculture and also that it has new innovations arising through policy review. In spite of the challenges which the government of Lesotho is facing within its agricultural industry, it continues to trade its agricultural commodities within the SACU and other countries, which strengthens trade in the long run for the growing industry.

3 Namibia: Trade and Agriculture

Namibia is a south-western African country mainly involved in commercial and communal farming. Commercial farming is undertaken by more than 4 000 farmers within Namibia alone. The agricultural industry in Namibia exports mostly beef to the European Union and South Africa.⁵¹ Namibia also produces maize, cotton and wheat. Communal farming is mostly practiced and remains a way of life

for at least 95 per cent of Namibia's farming population.

Like Botswana, beef remains a very important agricultural export commodity for Namibia. Namibia has continued to import most of its cereal and dairy products directly from South Africa. However, export levies imposed on the export of live slaughter cattle and unprocessed hides and skins have forced local agricultural farmers in Namibia to introduce a scheme which will enable the slaughter of livestock to be carried out in Namibia.⁵²

The livestock industry in Namibia is not the only industry which has implemented the local production of agricultural products. Namibia Dairies, for instance, has introduced and implemented measures such as packaging innovations, a focus which will draw attention to influence the purchasing of local dairy products, rather than imported ones.⁵³

The agricultural industry of Namibia remains a vital component of its growing economy. The industry continues to experience growth within its perimeters, all thanks to enabling legislation, Free Trade Agreements, and policies allowing for agricultural products in Namibia to be enjoyed by the local people in Namibia, Africa and the world at large.

4 Swaziland: Trade and Agriculture

Swaziland is a small, land-locked country within the southern African region which is actively involved in agriculture and trade of agriculture commodities. The Kingdom of Swaziland is mostly dualistic and its largest export commodity remains as sugar, of which it has preferential access to the European Union market and which accounts for at least 11 % of the total Gross Domestic Product.⁵⁴

It remains a challenge for Swaziland to produce other crops such as cereal because the planting, cultivating and production of cereal have not been active in Swaziland since the 1980s.⁵⁵ Agriculture remains as the anchor of the Swazi economy. It is impossible to imagine how the economy of Swaziland could grow without its agricultural industry.

Swaziland has had the privilege of utilising modern farming technology in its production of sugar. It is mostly the production of sugar which is carried out on a large scale; however, subsistence farming is also carried out by the rural people of Swaziland. The only obstacle which the Swazi agricultural industry continues to face is the lack of agricultural land.⁵⁶ In the midst of all the challenges the Kingdom of Swaziland is facing, the country has come up with

47 National Trade Estimate Report- Southern African Customs Union. 29 March 2009. www.ustr.gov
48 Ibid.

49 National Trade Estimate Report- Southern African Customs Union. 29 March 2009. www.ustr.gov

50 National Trade Estimate Report- Southern African Customs Union. 29 March 2009. www.ustr.gov
51 Ibid.

52 National Trade Estimate Report- Southern African Customs Union. 29 March 2009. www.ustr.gov
53 Ibid.

54 National Trade Estimate Report- Southern African Customs Union. 29 March 2009. www.ustr.gov
55 Ibid.

56 National Trade Estimate Report- Southern African Customs Union. 29 March 2009. www.ustr.gov

Vision 2022, a national initiative, one of the goals of which is that the country should attain the enhancement of food security and also stabilise its under-developed agricultural markets as a measure to increase trade input within its agriculture industry.⁵⁷

5 South Africa: Trade and Agriculture

South Africa has a large agricultural sector which did not spring up overnight. The agricultural system of South Africa itself is dualistic and remains unique, as compared with the agricultural sectors of its SACU member states. White farmers in South Africa run mostly commercial farms, while black farmers largely practice subsistence farming. South Africa produces both animal and plant products within its agricultural industry.

Part of the reason why most commercial farms in South Africa have been run by white farmers can be attributed to racial segregation, also known as 'apartheid,' from the 1970s to the late 1980s.⁵⁸ It was only in the late 1980s that liberalisation efforts were made and, for the first time ever in South Africa, farm policies began to be changed in order to suit the needs of large- and small-scale farmers, black and white.⁵⁹

However, further policies were adopted and implemented in 1994 when South Africa gained her freedom, as the country then began to place more focus on limiting intervention within its agricultural markets. It was for the first time in a new democratic South Africa that trade was promoted and natural resources would be used in a manner that would allow all South Africans to benefit. It is, therefore, important to see how the reformation of laws and policies has helped South Africa to grow into the strong agricultural nation that it has become. The agricultural industry in South Africa has transitioned to become the world's largest producer and exporter of citrus fruit, not forgetting its very own proudly South African brand of rooibos tea. Indeed, it is imperative that other SACU members draw upon the same trend on policy reformations in agriculture which South Africa has taken.

SACU within the spectrum of the World Trade Organization

The World Trade Organization (WTO) is one of a kind in the world, comprising developed countries, developing countries and less developed countries. The WTO exists as a legal body and overseer of all its member countries' trade relations, and to ensure freeness and fairness in trade flow. The WTO is also a responsible overseer of SACU. All SACU members are also members of the WTO. SACU member countries are also members of the Southern Africa Development Community.⁶⁰

All the SACU states have participated actively in the WTO Doha Development Round of Negotiations and contributed to the recommencement of the Doha Round in 2007.⁶¹ Through the WTO, the SACU chose a representative (South Africa) to report to the WTO directly on behalf of the SACU; this was also done to ensure that other members of the WTO have a better understanding of SACU.

The WTO has on numerous occasions called for reviews on policies of the SACU. In 1998, a trade policy review board, focusing on SACU, was conducted by WTO members, and most members voiced their opinion that "SACU's smaller economies may be underserved by trade policies dominated by South Africa's economic interests."⁶² However, the Minister of Trade and Industry in South Africa at the time assured the WTO that South Africa was not benefiting unduly from the SACU as it complied with all the policies and regulations of the WTO. Istvan Major, Hungary's ambassador in Geneva, urged SACU at the third tariff review that it should continue to improve multilateral commitments and pursue reforms to enhance the transparency, predictability and credibility of their trade regimes.⁶³

From the above-mentioned facts, it is now clear to see how the WTO views SACU. It is therefore imperative, as SACU continues to grow and develop its policies and ideas how best to reform policies which may hinder agricultural development within the customs union, that the members of the SACU should adhere to the practice when they export and import agricultural products amongst themselves, and even other countries, that they carry this out within the limits of the WTO, for instance by not favouring one nation above another.

Genetically Modified Organisms: SACU and beyond

The manner in which agriculture is conducted in today's modern world has changed drastically since the introduction of Genetically Modified Organisms (GMOs). Many countries all over the world now make use of GMOs to grow food crops, and to also even enhance the DNA of animal species, expediting their growth rate and making them resistant to a whole range of things that would otherwise threaten their existence. The United States of America is widely known across the globe as a nation that uses the most GM substances in their agricultural industry, which move has helped generate tons of surplus food that the USA uses to feed many countries suffering from hunger all over the world, and especially in Africa.

Coming back to the African continent, it is only South Africa within the SACU which has managed to successfully make use of GMOs within its agricultural industry; other countries within the SACU appear to be

⁵⁷ Ibid.

⁵⁸ National Trade Estimate Report- Southern African Customs Union. 29 March 2009. www.ustr.gov

⁵⁹ Ibid.

⁶⁰ SACU website/www.dfa.gov.za/.../sacu.htm.

⁶¹ Ibid.

⁶² Trade Policy review board focuses on SACU 27 April 1998. www.ictsd.org/bridges-news/bridges

⁶³ WTO voices concern over high tariffs in SACU states, Charlotte Mathews, 10 November 2009.

too reluctant to adopt this unique method of farming.⁶⁴ The whole concept of Genetically Modified Organisms remains as a rather foreign concept within the whole of Africa itself, as only four countries in Africa have adopted and implemented the use of GMOs. The other countries making use of GMOs in Africa include Burkina Faso, Sudan, Egypt and, of course, South Africa.⁶⁵ Clearly, the GMO effect has “spilled over in Africa”. In order to improve its regulation of Genetically Modified Organisms within its agriculture sector, the Government of South Africa has begun the process of amending its Genetically Modified Organisms Act, 15 of 1997, starting on the 1st of April 2014. From a legal perspective, South Africa has recognised the need to amend its Genetically Modified Act in terms of National Policy because the current Act does not provide a biosafety regime which would otherwise give the assurance in the use of GMO that they are safe to use and do not cause harm to the environment, nor to human and animal health.⁶⁶

Currently, South Africa remains as the 8th largest producer of GMOs in the world and has helped many commercial farmers to expedite the production of plant crops, such as maize, beans and cotton, even though GMO seeds remain expensive.⁶⁷ The persistent obstacle which the use of GMOs is posing to the agriculture industry of South Africa is that the misuse of this technology has resulted in an increase in resistance by pests which has caused the amount of pesticides used to combat these pests to skyrocket.⁶⁸

Thoughts and opinions on whether more African countries should join in the use of GMO technology remains mixed. Oxford economist Paul Collier had argued that Africa needs a “the green revolution”, based on genetically modified engineered seeds, because it was not involved when GMO technology was first introduced.⁶⁹

Within the SACU, it is only South Africa which has made use of GMO technology fully; Botswana, Lesotho, Namibia and Swaziland, however, have resisted adopting the use of GMO technology. Namibia's dairy milk industry, for instance, has experienced high raw milk production costs as a result of not adopting an industry which supports GMOs.⁷⁰ The Namibian dairy milk industry prohibits the use of genetically modified organisms, hormones and antibiotics in both animal and crop agricultural products.⁷¹

Most local consumers within Namibia prefer milk from South Africa, which has a longer shelf life than the milk produced locally in Namibia.⁷² Although most African countries may be hesitant in adopting GMO technology and thus making their agricultural pains easier, not all African countries have shunned the idea. Uganda, for instance, has considered introducing the importation of the white goat breed from South Africa in a bid to draw closer trade relations to the Middle East.⁷³

The white goat breed from South Africa is said to have the capability of attaining weights of up to 70 kg, as compared with the local breed in Uganda which only attains weights of about 14–15 kg.⁷⁴ However, the Government of Uganda remains adamant in adopting this plan as the white breed of goat from South Africa is said to be too expensive and it would also take a long time for the imported breed to acclimatise to Ugandan conditions.⁷⁵

In another part of the world, the European Union has banned the use of GMOs and, furthermore, GMO imported products are not successful within these European markets. As much as the United States of America has continued making use of GMO technology in their agriculture industry, not all US citizens are keen on the continual use of this type of farming technology. Author Robin Mather has stated that most people want the right to know “what is in their food”.⁷⁶ Mather makes strong arguments against the use of GMO technology as a way of farming because the US government has gone to such extraordinary lengths with GM technology that they presently make use of a GM process known as “pharming”.⁷⁷ Pharming is a process whereby animals are genetically modified to give meat, milk or blood from which medicines are manufactured.⁷⁸ Mather also continues to argue that the manner in which food is genetically modified in the United States has become hazardous to human health.

More concerns on the safety of US GMO food poured out when it was confirmed that a Bt corn variety called “starlink”, which was certified to be fit for animal feed but not human food, was found on supermarket shelves in the United States of America.⁷⁹ On learning of the type of corn the USA was selling, many countries introduced laws and policies which banned the importation of US GM corn into their countries,

64 GMOs “A Global Debate: South Africa- Top GMO producer in Africa”, Zachery Steiber, 19 October 2013.

65 Ibid.

66 Mariam Mayet, *Analysis of South Africa's GMO Act of 1997*, www.biowatch.org.za

67 GMOs “A Global Debate: South Africa- Top GMO producer in Africa”, Zachery Steiber, 19 October 2013.

68 Ibid.

69 Twenty-Six Countries Ban GMOs – why wont the US?, Walden Bello and Foreign Policy in Focus, 29 October 2013.

70 Namibia: Quotas could rescue Dairy industry, *The Namibian* 1 March 2013.

71 Namibia: Quotas could rescue Dairy industry, *The Namibian* 1 March 2013.

72 Ibid.

73 “New Goats for New”, *Agriculturist* online; www.new-ag.info/03-3/newsbr.html

74 Ibid.

75 Ibid.

76 The Threats from Genetically Modified Foods, Robin Mather, April 2012. <http://www.motherearthnews.com/homesteading-and-livestock/genetically-modified-foods-zm0z12amzmat.aspx#ixzz36vb0NnNe>

77 Ibid.

78 The Threats from Genetically Modified Foods, Robin Mather, April 2012. <http://www.motherearthnews.com/homesteading-and-livestock/genetically-modified-foods-zm0z12amzmat.aspx#ixzz36vb0NnNe>

79 The Threats from Genetically Modified Foods, Robin Mather, April 2012. <http://www.motherearthnews.com/homesteading-and-livestock/genetically-modified-foods-zm0z12amzmat.aspx#ixzz36vb0NnNe>

resulting in serious disruptions in the US corn markets.⁸⁰

When all the above-mentioned facts about the truth of farming with GMOs are taken into consideration, it certainly raises questions and concerns, not only as to the safety of the food being produced by GMOs for human and animal health, but also as to whether most SACU countries are ready to deal with the benefits and the challenges of practising agriculture with genetically modified organisms. It remains imperative that the SACU draw up legislative provisions to target matters concerning GMOs. Presently, no such legislation exists within the SACU, which is needed, seeing that agriculture incorporating the use of GMOs may just be the future for many African agricultural industries.

Concluding remarks

SACU as a customs union has surely achieved great things and since its revision in the year 2002, all member countries have continued to benefit from this FTA agreement. All five member states continue to conduct agriculture within their various and respective industries with enacted legislation and policies to govern those industries. However, new techniques in farming have been adopted by South Africa in the use of genetically modified organisms. It is only South Africa which has managed to attain the most successful agriculture industry and has left trails for all other SACU countries to follow.

Following in South Africa's path does not necessarily mean adopting the use of GMOs, but rather observing how the country has used GMO technology positively within its agricultural industry. Reactions from the EU and the USA on GMO use, or lack thereof, have impacted on their respective agricultural industries differently. With that said, laws and policies need to be consulted for direction by SACU countries. As dynamic as the agricultural industries of all five SACU members countries have become, it remains vital that all these countries are fully aware of the new trends in agriculture which are erupting, and with that realization, laws and policies need to be set up within the SACU to deal with both benefits and challenges encountered, should the need for adoption of such farming trends by other countries ever arise.

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Appendix A

Table 3: Potential market for apricot exports

Traditional market				
	Global market share (%)	Concentration of supplying countries ⁸¹	Growth of imports (%) ⁸²	Tariff advantage (%)
Netherlands	4	Highly (0.42)	Fast (8)	0
UK	3.4	Highly (0.35)	Fast (5)	0
Germany	23.1	Concentrated (0.26)	Fast (9)	0
UAE	0.6	Concentrated (0.25)	Very fast (19)	0
New Attractive Markets				
Austria	4.9	Concentrated (0.25)	Stagnant (0)	0
Italy	8	Highly (0.43)	Slow (2)	0
Kazakhstan	9.1	Highly (0.68)	Very fast (260)	3.8
Russia	12.3	Concentrated (0.24)	Fast (6)	3.8

Source: ITC and authors

Table 5: SA's exports and imports of agriculture, forestry & fisheries from CEMAC [R' m]

CEMAC	2011		2012		2013		Average share (2011-2013)	
	Exports	Imports	Exports	Imports	Exports	Imports	Exports %	Imports %
Cameroon	338	2	267	4	246	3	53	15
CAR	0.6	0	0	0	1	0.1	0	0.2
Chad	1	0	5	0	1	0	0.4	0
Congo	78	1	94	0	154	0.4	20	2
Equatorial Guinea	54	0	25	1	32	0	7	2
Gabon	88	12	85	14	142	21	20	80
Total	560	15	476	19	576	25	100	100

Source: Global Trade Atlas 2014

Table: 6 SA's exports and imports of agriculture, forestry & fisheries from ECOWAS [R' m]

ECOWAS	2011		2012		2013		Average share % (2011-2013)	
	Exports	Imports	Exports	Imports	Exports	Imports	Exports	Imports
Benin	218	10	196	11	177	36	9	10
Cape Verde	2	0	1	0	0.3	0	0	0
Cote d'Ivoire	74	79	75	135	114	165	4	65
Gambia	24	1	30	5	27	6	1	2
Ghana	438	58	715	10	615	7	26	13
Guinea	51	0.1	26	0	26	0	2	0
Guinea-Bissau	1	0	0.4	0	0.3	0	0	0
Liberia	33	0	15	0	35	0	1	0
Mali	192	0.2	208	5	150	0.1	8	1
Niger	21	0	37	0	55	0	2	0
Nigeria	733	22	768	14	1,126	9	39	8
Senegal	96	4	109	2	167	1	5	1
Sierra Leone	25	0	37	0.3	0	0.06	1	0
Togo	37	1	35	1	81	0.9	2	0
Total	1,945	175	2,252	183	2,574	225	100	100

Source: Global Trade Atlas 2014

81 The concentration is mainly selected based on this range; highly diversified: <0.5, Diversified between 0 and 10, moderately concentrated between 0.15 and 0.20, Concentrated between 0.20 and 0.30 and highly concentrated >0.30.

82 Import growth criteria is based on this range; very fast > 10%, fast between 5% and 10%, slow between 0% and 5%, stagnant between 0% and -5%, fast decrease <-5%.

DEA	DAFF	DWA	DTI	DOH	DOT	DOL	CIPC/DOJ	DPW
<p>Department of Environmental Affairs</p> <ul style="list-style-type: none"> • National Environmental Management Act, 107 of 1988 • Environmental Impact Assessment Regulations, 2010 • National Environmental Management: Biodiversity Act, 10 of 2004 • Draft Alien and Invasive Species Regulations, GN 347 OI 3 April 2009 • Threatened or Protected Species Regulations, GNR 152 of 23 February 2007 (TOPS regulations) • National Environmental Management: Protected Areas Act, 57 of 2003 • National Environmental Management: Integrated Coastal Management Act, 24 of 2008 • Sea-Shore Act, 21 of 1935 • Sea Birds and Seals Protection Act, 46 of 1973 • National Environment Management: Waste Act, 59 of 2008 	<p>Department of Agriculture, Forestry and Fisheries</p> <ul style="list-style-type: none"> • Marine Living Resources Act, 18 of 1988 • Marine Living Resources Regulations, 1988 • Genetically Modified Organisms Act, 15 of 1997 • Subdivision of Agricultural Land Act, 70 of 1970 • Animal Diseases Act, 35 of 1984 • Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 36 of 1947 • Animal Improvement Act, 62 of 1998 • Agricultural Products Standards Act, 119 of 1990 • Agricultural Pests Act, 36 of 1983 • Animal Protection Act, 71 of 1962 	<p>Department of Water Affairs</p> <ul style="list-style-type: none"> • National Water Act, 36 of 1988 	<p>Department of Trade and Industry</p> <ul style="list-style-type: none"> • Consumer Protection Act, No.68 of 2008 • CPA Regulations (GNR 293 of 1 April 2011) • Standards Act, 8 of 2008 • National Regulator for Compulsory Specifications Act, 5 of 2008 • International Trade Administration Act, 71 of 2002 / The African Customs Union Agreement • Customs and Excise Act, 91 of 1964 • Broad-Based Black Economic Empowerment Act, 53 of 2003 	<p>Department of Health</p> <ul style="list-style-type: none"> • Medicines and Related Substances Act, 101 of 1965 • Foodstuffs, Cosmetics and Disinfectants Act, 54 of 1972 • Health Act, 61 of 2003 	<p>Department of Transport</p> <ul style="list-style-type: none"> • Perishable Products Export Control Act, 1983 	<p>Department of Labour</p> <ul style="list-style-type: none"> • Occupational Health and Safety Act, 85 of 1993 • Basic Conditions of Employment Act, 75 of 1997 • Labour Relations Act, 66 of 1995 • Employment Equity Act, 55 of 1998 	<p>Companies and Intellectual Property Commission/ Department of Justice</p> <ul style="list-style-type: none"> • Companies Act, 71 of 2008 • Trust Property Control Act, 57 of 1988 • Co-operatives Act, 14 of 2005 	<p>Department of Public Works</p> <ul style="list-style-type: none"> • State Land Disposal Act, 48 of 1961

Table 1

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