



**Methodologies and Guidelines for
Training/ Orientation on Standards to
Non-Standards Experts and Cross-Border
Trade Compliance**

**Compliance Assessment for Cross-
Border Trade**

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Introduction

Trade in fish products in Africa presents a picture of great potential with a number of the big producing countries also being among the major importers. Current data indicates that countries like Nigeria, Egypt, Côte d'Ivoire, Cameroon, Mauritius, Ghana, South Africa, Morocco, Angola, Democratic Republic of the Congo and many other African countries are major importers of fish products as well as being big producers (Ndiaye, 2013; Tall, 2015). The main suppliers of imported fish to Africa include USA, Chile, Albania, Spain, Netherlands, Thailand, Vietnam, France, South Korea, India and China with Algeria, Mauritania, Mauritius, Morocco and Namibia being the notable suppliers of fish to other African countries (Tall, 2015).

Fresh, chilled and frozen fish account for the largest share of import values, although prepared and preserved fish tend to attract a high value (14 per cent in 2006-2008) relative to their share in import volume (5 per cent) (Tall, 2015). Imports of dried, salted and smoked fish remain low, even though they are widely consumed in Africa. The demand is likely met through domestic production which is processed and consumed locally, and/or fresh fish which is imported for processing into dried, salted or smoked products.

IOC (2012) reiterates that fish trade across borders or frontiers is an old profession in Africa, which was done to facilitate distant communities to access fish, which was mainly in smoked and sundried/salted form. The trade has continued to increase, providing the population with access to fish preserved and processed through industrial and artisanal methods. The range of products has also expanded to include chilled, frozen, and canned fishery products in addition to fresh, salted, sundried, smoked and deep-fried products. The market outlets have also grown from the solitary fish monger to specialised agents, specialised fish shops, retail stores and supermarkets, restaurants and hotels.

The consumers' demand for better quality products brings on board the quality and safety issue prompting the countries to establish Sanitary and Phytosanitary standards for fish and fishery products. More often these trade measures are not harmonized and have been cited as constituting fish trade barriers among African countries. IOC (2012) reports that the conditions under which regional fish trade operates vary from countries with moderate infrastructure, established measures, well packaged and labelled consignments to those with rudimentary facilities, inadequate measures, and poorly transacted business with high Illegal, Unreported and Unregulated fish trade.

This Compliance Assessment for Cross-Border Trade (CACBT) in fish products has been prepared as a joint effort between WorldFish and ARSO to address the existing barriers in fish trade among African countries, and specifically the regional blocks of the East African Community (EAC) and the Common Market for Eastern and Southern Africa (COMESA) both of which have established the Simplified Trade Regime (STR) as legal instruments to facilitate and mainstream small scale cross-border trade among their Member States. The CACBT seeks to utilize the internationally recognized standards from the Codex Alimentarius Commission (CAC) to establish a simplified certification system for fish products intended for marketing nationally and across the borders. This CACBT is intended to form the basis for rapid official certification of the products to access markets across borders and hence forms part of the official documentation complying with the simplified trade regimes currently existing in the EAC and COMESA.

The CACBT is expected to promote better understanding, increased active participation and improved business decisions, resulting into increased fish supply, incomes, food security, fish consumption, nutrition and livelihoods.

Abbreviations and Acronyms

ABC	Allowable Biological Catch
AEM	African Eco-Labeling Mechanism
AES	African Eco-Labeling Standard
ARS	African (Regional) Standard
ARSO	African Organization for Standardization
AU	African Union
AUC	African Union Commission
CAADP	Comprehensive Africa Agriculture Development Programme
CABI	Centre for Agriculture and Biosciences International
COFI	FAO Committee on Fisheries
COMESA	Common Market for Eastern and Southern Africa
CPUE	Catch per unit Effort
EAC	East African Community
EAF	Ecosystem Approach to Fisheries
ECOWAS	Economic Community of West African States
IOTC	Indian Ocean Tuna Commission
IPOA	International Plans of Action
IPOA- CAPACITY	International Plan of Action for the Management of Fishing Capacity
IPOA-IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
IQF	Individually Quick Frozen
IUU	Illegal, Unreported and Unregulated Fishing
LVFO	Lake Victoria Fisheries Organization
STR	Simplified Trade Regime
PFRS	Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa
UNCTAD	United Nations Conference on Trade and Development

Methodologies and Guidelines for Training/ Orientation on Standards to Non-Standards Experts and Cross-Border Trade Compliance

Compliance Assessment for Cross-Border Trade

1. Scope and Purpose

This Compliance Assessment for Cross-Border Trade (CACBT) provides guidelines for facilitating and mainstreaming cross-border fish trade within the existing simplified trade regimes in the EAC and COMESA.

2. Related International Guidelines

This CACBT is derived from the Codex Alimentarius Guidelines for food trade certification, food hygiene and food labelling as listed below:

CAC GL 20-1995, *Principles for Food Import and Export Inspection and Certification*

CAC GL 34-1999, *Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems*

CAC GL 38-2001(2009), *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates*

CAC GL 48-2004, *Model Certificate for Fish and Fishery Products*

CAC GL 53-2003(2008), *Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems*

CAC GL 60-2006, *Principles for Traceability-Product Tracing as a Tool within a Food Inspection and Certification System*

CAC GL 62-2007, *Working Principles for Risk Analysis for Food Safety for Application by Governments*

CAC GL 69-2008(2013), *Guidelines for the Validation of Food Safety Control Measures*

CAC GL 82-2013, *Principles and Guidelines for National Food Control Systems*

CAC GL 83-2013(2015), *Principles for the Use of Sampling and Testing in International Food Trade*

CAC RCP 1-1969(2003), *General Principles of Food Hygiene*

CAC RCP 52-2003(2013), *Code of Practice for Fish and Fishery Products*

CAC RCP 20:1979(2010), *Code of Ethics for International Trade in Food Including Concessional and Food Aid Transactions*

3. Terms and Definitions

Appropriate level of sanitary protection (ALOP) is the level of protection deemed appropriate by the country establishing a sanitary measure to protect human life or health within its territory. (This concept may otherwise be referred to as the “acceptable level of risk”.)

Audit is a systematic and functionally independent examination to determine whether activities and related results comply with planned objectives.

Certificates are those paper or electronic documents, which describe and attest to attributes of consignments of food destined for international trade.

Certification is the procedure by which official certification bodies or officially recognized certification bodies provide written or equivalent assurance that foods or food control systems conform to requirements. Certification of food may be, as appropriate, based on a range of inspection activities which may include continuous on-line inspection, auditing of quality assurance systems, and examination of finished products.

Certification system means official and officially recognized certification systems.

Certifying bodies are official certification bodies and officially recognized certification bodies.

Certifying officers are officers authorized or recognized, by the exporting country’s competent authority, to complete and issue official certificates.

Consignment means a defined collection of food products normally covered by a single certificate.

Equivalence is the capability of different inspection and certification systems to meet the same objectives.

Equivalence of sanitary measures: Equivalence is the state wherein sanitary measures applied in an exporting country, though different from the measures applied in an importing country, achieve, as demonstrated by the exporting country, the importing country’s appropriate level of sanitary protection.

Hazard is a biological, chemical or physical agent in, or condition of, food with the potential to cause an adverse health effect.

Inspection is the examination of food or systems for control of food, raw materials, processing, and distribution including in-process and finished product testing, in order to verify that they conform to requirements.

Inspection system means official and officially recognized inspection systems.

Official certificates are certificates issued by, or under the control of the exporting country’s competent authority, including by a certifying body recognized by the competent authority to issue such certificates.

Officially recognized certificates are certificates issued by an officially recognized certification body of an exporting country, in accordance with the conditions of that recognition and in accordance with the requirements of the importing or exporting country.

Official inspection systems and official certification systems are systems administered by a government agency having jurisdiction empowered to perform a regulatory or enforcement function or both.

Officially recognized inspection systems and officially recognized certification systems are systems which have been formally approved or recognized by a government agency having jurisdiction.

Requirements are the criteria set down by the competent authorities relating to trade in foodstuffs covering the protection of public health, the protection of consumers and conditions of fair trading.

Risk is a function of the probability of an adverse health effect and the severity of that effect, consequential to a hazard(s) in food.

Risk assessment is the evaluation of the likelihood and severity of adverse effects on public health arising, for example, from the presence in foodstuffs of additives, contaminants, residues, toxins or disease-causing organisms. Risk assessment consisting of the following steps: (i) hazard identification; (ii) hazard characterization; (iii) exposure assessment; and (iv) risk characterisation.

Sanitary measure is any measure applied to protect human life or health within the territory of the country from risks arising from additives, contaminants, toxins or disease-causing organisms in food or feedstuffs, or from risks arising from diseases carried by foods which are animals, plants or products thereof or from risks arising from any other hazards in foods.

NOTE Sanitary measures include all relevant laws, decrees, regulations, requirements and procedures including, *inter alia*, end product criteria; processes and production methods; testing, inspection, certification and approval procedures; provisions on relevant statistical methods, sampling procedures and methods of risk assessment; and packaging and labelling requirements directly related to food safety.

4. Fundamental Principles for Cross-Border Fish Trade

4.1 This CACBT subscribes to the principles outlined in CAC RCP 20:1979(2010) with respect to code of ethics for international trade in food. These principles have been adapted in this CACBT with respect to cross-border fish trade in the identified regions of Africa.

4.2 Cross-border trade in fish shall be conducted on the principle that all consumers are entitled to safe, sound and wholesome food and to protection from unfair trade practices.

4.3 No fish (including re-exported fish) shall be in cross-border trade which:

- (a) has in or upon it any hazard in an amount which renders it poisonous, harmful or otherwise injurious to health, taking into account the application of risk analysis principles; or
- (b) consists in whole or in part of any filthy, putrid, rotten, decomposed or other substance or foreign matter which renders it unfit for human consumption; or
- (c) is adulterated; or
- (d) is labelled or presented in a manner that is false, misleading or deceptive; or
- (e) is prepared, processed, packaged, stored, transported or marketed under unsanitary conditions ; or

- (f) has an expiration date, where applicable, which does not leave sufficient time for distribution in the importing country.

5. Obligations of National Authorities in Cross-Border Fish Trade

5.1 National fisheries authorities in Member States shall observe the requirements of CAC RCP 20:1979(2010) and this CACBT while approving fish consignments destined for cross-border trade in other Member States.

5.2 Member States shall not allow export or re-export of fish which does not comply with the requirements imposed by the legislation of their country, unless otherwise established by the legislation as may be in force in the importing country or explicitly accepted by the competent authorities of the importing country.

5.3 Fish shall not be permitted for cross-border trade as a means of disposing of unsafe or unsuitable fish as described in 4.3.

5.4 National authorities shall be sensitized on their obligations under the International Health Regulations (2005) (WHO, 2008) with regard to food safety events, including notification, reporting or verification of events to the World Health Organisation (WHO).

6. Establishing Equivalence Arrangements for Pilot Cross-Border Trade

6.1 Purpose of Equivalence Arrangements

6.1.1 This CACBT urges Member States involved in the pilot phase to establish equivalence arrangements for fish import and export inspection and certification systems as a means to:

- (a) provide an enhanced means of assuring that exported products conform to importing country requirements;
- (b) eliminate duplication of activities and use collective resources more efficiently and effectively;
- (c) provide a mechanism for the cooperative exchange of expertise, assistance and information to help assure and enhance conformity with requirements.
- (d) ensuring that importing country requirements are met with minimal trade impediments by reducing the importing country's rate of physical checks or sampling to test against standards or to avoid additional certification in the country of origin.

6.1.2 It is expected that the initial implementation of these arrangements could form the basis for establishing long-term Equivalence Agreements.

6.2 Legal Leverage

Member States in the EAC and COMESA shall be guided by the list of products contained in the simplified trade regimes which they have ratified in their respective regional economic communities. This CACBT serves to actualize those aspects of the STRs which are concerned with cross-border trade in fish products.

6.3 Consultative Process

6.3.1 The consultative process to establish Equivalence Arrangements shall be guided by the provisions of CAC GL 34:1999. In this respect, Member States need to identify:

- (i) their national legislative framework and how it places the competent authorities in facilitating fish trade and whether the fisheries authorities form the sole enablers for market access in technical terms other than customs;
- (ii) their national standards for the sector and their alignment to Codex, REC, ARSO or other standards for the fisheries products;
- (iii) the possibility of harmonizing pertinent standards through RECs or ARSO;
- (iv) the possibility of common utilization of conformity assessment services;
- (v) any divergences in their sanitary measures and use the guidance in CAC GL 53:2003(2008) to harmonize them, noting that EAC has already harmonized such measures and hence no national divergences are anticipated;
- (vi) the areas of information dissemination which need to be strengthened in order to sustain the program; and
- (vii) the level of resources required to maintain the program given that there are mutual benefits for the countries involved and as a duty for their own national development.

6.3.2 This CACBT proposes that the countries selected for this pilot phase shall identify the capacity building needs which should be fast-tracked for purposes of starting the cross-border trade under the mutual equivalence arrangements in order to build experience and data.

6.4 Piloting the Compliance Program

6.4.1 The pilot phase shall be designed to include, among other things, provisions in relation to:

- (a) description and time frame of the trial program: this shall take into account the implementation duration of the Fish Trade Program in order to ensure that results are generated and sustainability assessed within the timeframe of the Fish Trade Program;
- (b) roles and capabilities of involved government and officially recognized private organizations;
- (c) procedures for inspection and certification;
- (d) audit procedures and frequency;
- (e) description of training or information needs.

6.4.2 The national authorities of the participating Member States shall be contacted in good time to prepare their stakeholders and relevant officials involved in trade facilitation, sanitary measures and conformity assessment in order for them to be inducted into the program.

6.4.3 Where standards for traded products are not in place in the participating countries, ARSO and the National Standards Bodies shall formulate the harmonization of such standards

within credible mechanisms and taking into account the existing program of standards in the sector which is already underway.

7. Training of Processors and Traders Involved in Cross-Border Trade

7.1 Training of the real participants in cross-border trade shall be a prerequisite to the success of the pilot phase. ARSO proposes to use of the *Methodologies and Guidelines for Training/ Orientation on Standards to Non-Standards Experts and Cross-Border Trade Compliance: Fish Processors and Traders Training Module* for this training. The topics covered in this module include those aimed at imparting the necessary knowledge for facilitating standards-based value addition which ensures conformity with market requirements and thus ease of access to markets and establishing a strong foundation for sustainable industrialization in the sector. Fish traders of all categories are addressed through content which makes the products access markets and eliminate hardships from possible trade barriers.

7.2 The module includes the following topics:

- (i) Fisheries and aquaculture resource endowments of Africa: A review of opportunities and challenges
- (ii) The rules-based nature of fish trade: Implications of the WTO TBT and SPS Agreements — The national obligations under the OIE and WTO fish trade facilitation regimes
- (iii) Exploration of standards and regulations applicable to fisheries and aquaculture
- (iv) The central concern of standards and regulations
- (v) Value addition: Product development and innovation in fisheries and aquaculture
- (vi) Preview of processing technologies and innovation of fish products
- (vii) Packaging and labelling as the weak link in fisheries marketing
- (viii) Eco-labelling and sustainability standards for fisheries
- (ix) Code of ethics in food trade and the International Health Regulations
- (x) Regional trade arrangements and mutual recognition of standards and conformity assessment
- (xi) Hygiene and food safety in fisheries and aquaculture
- (xii) Compliance with standards and certification as a tool for market access

7.3 Specific considerations shall be given to *Hygiene and food safety in fisheries and aquaculture* and *Packaging and labelling as the weak link in fisheries marketing* due to perceived weaknesses in these areas across many African countries, being subjects of export bans in the past (Henson *et al.*, 2004; Asche *et al.*, 2009; Jaffee *et al.*, 2004; Kareem, 2014). The use of the training module shall be complemented with CAC RCP 1-1969(2003), CAC RCP 52-2003(2013) and CODEX STAN 1:1985(2010).

8. Simplified Model Certificate for Fish and Fishery Products

8.1 Need for Simplified Model Certificate

8.1.1 This CACBT recognizes the existing disparate formats of fisheries certificates as an impediment to cross-border fish trade. In this respect, this CACBT provides a simplified model certificate modelled on the principles of CAC GL 38-2001(2009) to be used in the pilot phase to facilitate fish trade.

8.1.2 The model certificate proposed in this CACBT shall be used in conjunction with the simplified trade regime customs form for products traded among Member States fulfilling the requirements of the EAC and COMESA STR respectively.

8.1.3 Competent authorities of participating Member States shall consider the essential information required in the facilitation of cross-border fish trade in order to ensure that the form simplifies and expedites the clearance process while meeting the importing country requirements.

8.2 Simplified Model Sanitary Certificate: Format

8.2.1 The format of the model sanitary certificate shall be based on Codex guidelines CAC GL 48:2004 and detailed enough as per the laws and requirements of the participating Member States or under conditions cited in equivalence or compliance agreements outlined in this CACBT.

The format proposed by this CACBT is provided in Annex A and the format of the EAC and COMESA STR customs forms are provided in Annex B.

8.2.2 The selection of the appropriate language(s) of certificates should be based on adequacy for the importing country's purpose, comprehension by the certifying officer and minimizing unnecessary burden on the exporting country.

8.2.3 Each field of the Model Sanitary Certificate shall be filled in or else, marked in a manner that would prevent alteration of the certificate. The Model Certificate should contain and be completed as follows:

- (1) **Identification Number** should be unique for each certificate and should be authorized by the competent authority of the exporting Member State.
- (2) **Country of Dispatch** for the purposes of the model certificate, designates the name of the country of the competent authority which has the competence to verify and certify the conformity of the production establishments.
- (3) **Competent authority** is the competent official organisation empowered to execute various functions. Its responsibility may include the management of official systems of inspection or certification at the regional or local level.
- (4) **Certifying Bodies** are official certification bodies and bodies officially recognized by the competent authority.
- (5) **State or type of processing** describes the state in which the fish and fishery product is presented (i.e. fresh, frozen, canned, etc.) and/or the processing methods used (i.e. smoked, breaded, etc.).

- (6) **Type of packaging** could be cartons, boxes, bags, cases, drums, barrels, pallets, etc.
- (7) **Lot identifier / Date code** is the lot identification system developed by a processor to account for their production of fish and fishery product thereby facilitating traceability/product tracing of the product in the event of public health investigations and recalls.
- (8) **Means of transport** should describe the flight/train/truck/container number, as appropriate and the name of the air carrier, vessel, etc.
- (9) **Attestation** is a statement confirming the product or batches of products originate from an establishment that is essentially in good regulatory standing with the Competent Authority in that country and that the products were processed and otherwise handled under a competent HACCP and sanitary programme.

NOTE There is need for competent authorities to sensitize processors and traders to utilize registered premises of facilities as a means of mainstreaming their businesses into the formal economy.

- (10) **Original Certificate** should be identifiable and this status should be displayed appropriately with the mark “ORIGINAL” or if a copy is necessary, this certificate should be marked as “COPY” or terms of this effect. The term “REPLACEMENT” is reserved for use on certificates where, for any good and sufficient reason (such as damage to the certificate in transit), a replacement certificate is issued by the certifying officer.
- (11) **Page numbering** should be used where the certificate occupies more than one sheet of paper.
- (12) **Seal and signature** should be applied in a manner that minimizes the risk of fraud

Annex A

Model Sanitary Certificate for Fish and Fishery Products

Letterhead/Logo

Cert No. _____

Country of Dispatch	
Competent Authority	
Certifying Body	

Part I. Details identifying the fishery products

Description of product	Species (scientific name)	State or type of processing	Type of packaging	Lot Identifier/ date code	Number of packages	Net weight
Sum:						

Temperature required during storage and transport: _____ °C

Applicable product standard(s): _____

Part II. Provenance of the fishery products

Address(es) and/or the Registration number(s) of production establishment(s) authorized for exports by competent authority:

Name and address of consignor: _____

Part III. Destination of the fishery products

The fishery products are to be dispatched from: _____
(Place of dispatch)

to: _____
(Country and place of destination)

by the following means of transport: _____

Name of consignee and address at place of destination: _____

IV. Attestation

The undersigned certifying officer hereby certifies that:

- (1) The products described above originate from (an) approved establishment(s) that has been approved by, or otherwise determined to be in good regulatory standing with the competent authority in the exporting country and

- (2) have been handled, prepared or processed, identified, stored and transported under a competent HACCP and sanitary programme consistently implemented and in accordance with the requirements laid down in Codex Code of Practice for Fish and Fishery Products (CAC/RCP 52:2003)

Done at: _____ on _____
(Place) (Date)

(Seal)

(Signature of certifying officer) (Name and official position)

Tel:
Fax:
E-mail

Annex B

EAC/COMESA Simplified Customs Document

For goods of a value not exceeding US\$.....

1. Name of Exporter		2. Port of clearance		
3. Name of Importer		4. Identification of transport		
5. Goods description		6. Quantity	7. Net weight (kg)	
		8. Country of origin	9. Value	
FOR OFFICIAL USE				
10. Declaration No. & Date		11. HS Code (Commodity Code)	12. Customs Value	
REVENUE INFORMATION				
13. Duty/tax type	14. Duty/tax base	15. Rate	16. Duty/Tax Due	17. Total/Duty Tax Due
i)				
ii)				
iii)				
iv)				
Totals				
18. Declaration by Exporter/Importer				19. For Official Use (Stamp)
I/We (exporter/importer) do hereby declare the information and particulars declared herein as true and complete Signature..... Date..... Place..... Tel: Email:				

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