



6. MARKETS

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Huy, a farmer in Vietnam’s Mekong River Delta region, suspects a virus outbreak on his farm. If Huy reports the threat to the local plant protection authority, he can receive the necessary treatments to contain the outbreak and minimize the impact on his crop. So when the harvest comes he can fulfill his obligations as a member of an agricultural cooperative, pooling his production with other farms to sell to a local rice trader. Huy and his fellow farmers in the cooperative are interested in exporting to more profitable foreign markets, but they face several obstacles in the process. Besides preparing export documents and conducting expensive quality testing in order to sell in destination markets with more stringent product standards, they must first obtain a Certificate of Eligibility for the Rice Export Business issued by the Ministry of Industry and Trade—principally to state-owned enterprises and for a limited time only.

EBA markets indicators measure regulatory obstacles agribusinesses face in producing, marketing and exporting agricultural products, as well as the strength of plant protection measures.

Regulations on producers, buyers and exporters of agricultural goods can affect business growth and, in turn, the growth of the agricultural sector as a whole. Plant protection regulation, the first indicator for *EBA* markets, was selected for study because reliable pest management and robust pest control at the border go hand-in-hand with strong agricultural sectors.¹ Unmanaged and undocumented pest populations lead to crop failures, smaller harvests and contaminated products, hindering

market access at home and abroad.² But where governments require pest surveillance activities by plant protection authorities and impose reporting obligations on the private sector, pest outbreaks can be dealt with promptly and crop damage minimized. Using this information to prepare pest lists and conduct pest risk analyses enables governments to regulate cross-border agricultural trade in a cost-effective manner, negotiate access to foreign markets for their producers and issue valid and reliable phytosanitary certificates for exports.³ Producers and exporters rely on the guarantees of phytosanitary certificates to show that their products comply with the plant health requirements in destination markets.

Production and sales, the second *EBA* markets indicator, is comprised of three components. The first component looks at the regulation of agricultural sales and purchases. Such regulations can take the form of licensing and registration requirements for the sale or purchase of certain agricultural products, or may involve special registration requirements for agricultural production contracts.⁴ Such licenses can impose an additional regulatory hurdle and hinder market access opportunities for smallholder farmers. A second component analyzes the regulation of farmers’ cooperatives. Farmers’ cooperatives help producers overcome regulatory hurdles and achieve economies of scale.⁵ Cooperatives allow members to

access inputs at a lower cost through aggregate purchases of seeds and fertilizers and to use collectively owned equipment, such as tractors, harvesters and storage facilities. Farmers' cooperatives can also offer members services to facilitate sales, negotiate long-term agricultural contracts and enter lucrative and reliable value chains.⁶ A final component of this second indicator addresses the enforceability of mediated settlement agreements and the ease of resolving contractual disputes outside traditional courts.

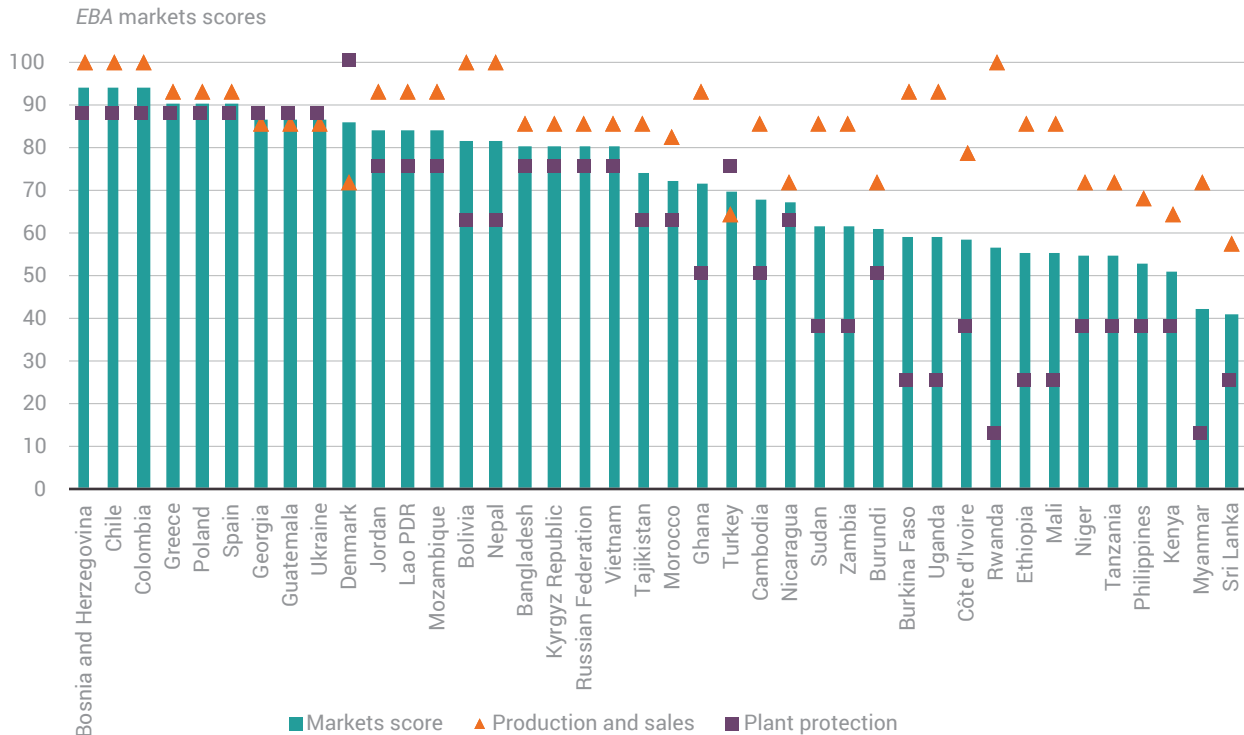
The third indicator for *EBA* markets addresses the requirements for exporting agricultural products. Regulatory bottlenecks—such as special licenses, registration and export documentation—can raise transaction costs associated specifically with exports and discourage private investment in marketing and storage capacity.⁷ Delays in obtaining mandatory export documents can reduce overall export volumes due to damage or deterioration, especially for time-sensitive agricultural products.⁸

The data cover the following areas:

- **Plant protection.** This indicator measures key aspects of domestic plant protection regulations, including surveillance and pest reporting obligations, the existence and availability of quarantine pest lists, provision for pest risk analysis and risk-based border inspections, domestic containment and border quarantine procedures.
 - **Production and sales.** This indicator addresses issues that can have an effect on the enabling environment for producers and other agribusinesses in a country. It considers (i) product-specific licenses to sell or purchase agricultural products, (ii) the ability of farmers cooperatives to establish, merge and take out loans and (iii) the enforceability of mediated settlement agreements, which is a preferred method of resolving disputes stemming from agricultural production contracts.
 - **Agricultural export.** This indicator, which is not scored, measures requirements on agricultural exports, including mandatory memberships, trader-level licenses and per-shipment documentary requirements, including the time and cost to obtain these documents.
- Bosnia and Herzegovina, Chile, Colombia, Greece, Poland and Spain have the highest scores on markets indicators overall, with only minor differences observed with respect to regulations impacting agricultural production and sales (figure 6.1). Countries lagging behind on the overall score tend to have more divergent results with respect to each indicator, with the majority of countries receiving higher scores for the indicator on production and sales than for plant protection. For example, Burkina Faso, Ethiopia, Mali, Myanmar, Rwanda and Uganda all have scores for production and sales that are 50 or more points higher than their scores for plant protection. Countries in Sub-Saharan Africa and East Asia and the Pacific have the lowest scores for plant protection. In Sub-Saharan Africa most countries do not have a list of regulated quarantine pests, which is a key element when negotiating with trading partners and for managing pests domestically. Countries in East Asia and the Pacific tend not to allow risk-based phytosanitary inspections on import consignments.

The strength of plant protection regulation varies greatly across countries. Denmark and Chile have robust plant protection regulations, including pest surveillance and

FIGURE 6.1 EBA markets scores overall and by indicator



Source: EBA database.

reporting obligations, as well as pest containment and quarantine procedures in relevant laws. These countries carry out pest risk analyses and make pest lists publicly available.

Although the scores for production and sales do not vary as much across countries as for plant protection, differences exist. In Nepal there are no licensing requirements for potato production or purchase, while Sri Lanka requires coconut producers and buyers to register annually with the Coconut Development Authority. Some

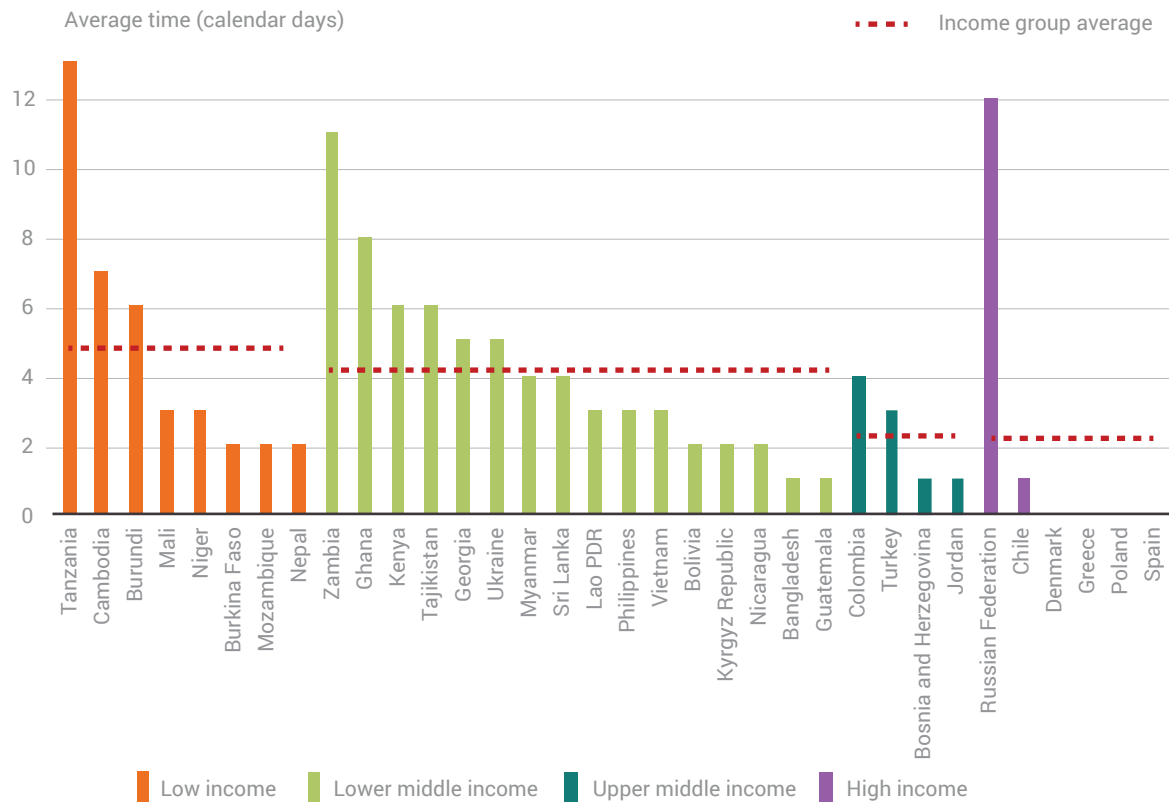
countries may impose potentially burdensome requirements on producers. Nicaragua requires coffee producers to be registered to produce and sell coffee. And in Morocco producers must meet certain minimum capital requirements to establish a farmers' cooperative. Imposing additional burdens and compliance costs can limit market access.

Roughly half of the countries surveyed impose at least one trader licensing or membership requirement on exporters and there is no significant variation among

countries across income groups. Fourteen countries require one membership or license to export the selected product, while Kenya, Morocco and Sri Lanka require two and Ghana requires three.

In low-income and lower-middle-income countries, traders also face longer delays to obtain the documents required for each export shipment (figure 6.2). On average, it takes about twice as much time to obtain per-shipment export documents in low-income and lower-middle-income countries than in upper-middle-income

FIGURE 6.2 Time to obtain per-shipment export documents is greater in low-income and lower-middle-income countries on average, and it varies greatly within income group



Source: EBA database.

Note: Data on time to obtain per-shipment export documents are not available for Côte d'Ivoire, Ethiopia, Morocco, Rwanda, Sudan and Uganda. These cases were excluded from the calculation of the averages by income group.

and high-income countries. But significant variations exist within each income group. Obtaining the documents takes over 10 days in Tanzania (low income), Zambia (lower middle income) and the Russia (high income); it only takes 2 days in Burkina Faso, Mozambique and Nepal (all low income), slightly below the average in upper-middle-income countries.

In some countries exporters face lengthy processes and high costs to obtain export documents, as in Zambia, where a cereal trader must spend roughly 11 days and 1,135 Zambian kwacha (10.8% of income per capita) to get all the required documents, including phytosanitary and fumigation certificates. Cambodian cereal traders face similar hurdles, spending about 7 days and over

350,000 Cambodian riels (8.6% of income per capita) to obtain a phytosanitary certificate, fumigation certificate and a quantity and weight certificate before they can export. But a fast process may also coincide with high costs. In Lao PDR a coffee trader has to spend more than 1,200,000 Lao kip (9.4% of income per capita) to obtain the phytosanitary and fumigation

certificates, although they are issued in just 3 days, below the average of lower-middle-income countries. Conversely, a Russian cereal trader spends only 1,190 Russian rubles (0.3% of income per capita) but waits about 12 days to obtain a phytosanitary certificate, a quality certificate, a fumigation certificate and a health certificate.

Strong plant protection frameworks correspond with low time and cost to obtain a phytosanitary certificate

Plant protection frameworks consist primarily of “phytosanitary measures,” which refer to any legislation, regulation or official⁹ procedure to protect plant health and prevent the introduction and spread of pests, diseases, or disease-carrying or disease-causing organisms and limit their economic impact.¹⁰ Pest lists allow exporting countries to issue phytosanitary certificates tailored to foreign market requirements and facilitate trade negotiations by indicating whether specific pests are present in each country.¹¹ The list of regulated pests is publicly available for more than half the countries measured. Chile, Denmark and Spain have more advanced pest databases available online that list the status and geographic distribution of

pests in the country.

Phytosanitary measures applied to imports of agricultural and other plant products at the border—such as inspections, sampling and laboratory testing and quarantine procedures—safeguard the domestic agricultural sector against the entry, establishment and spread of pests and diseases across borders. But since border agencies have limited resources to inspect and control every import consignment, pest risk analysis (PRA) can be used to differentiate between consignments based on

risk and impose border controls accordingly at a higher or lower rate (box 6.1).¹² PRA evaluates biological or other scientific and economic evidence, often specific to a commodity or country of origin, to determine whether a pest should be regulated and the strength of any phytosanitary measures to be taken against it.¹³ Of the 40 countries studied, 31 provide for a PRA procedure in legislation, or have a designated unit to carry out PRA. Seventeen countries allow phytosanitary import inspections to be carried out at a reduced frequency based on PRA: Bolivia,

BOX 6.1 Good practices for phytosanitary regulation

- Should require plant protection agencies to conduct pest surveillance.
- Should require producers and land users to report outbreaks of pests.
- Should establish a publicly available pest database that lists pests present in the country and their current distribution and status to help land users to monitor and treat pests.
- Should establish a list of regulated quarantine pests and make available on the website of the International Plant Protection Convention.
- Should mandate pest risk analysis by law or officially task a unit to conduct it.
- Should allow phytosanitary import inspections on a risk-management basis.
- Should address both domestic containment and border quarantine procedures in relevant legislation.

Bosnia and Herzegovina, Colombia, Denmark, Ethiopia, Georgia, Greece, Guatemala, Jordan, the Kyrgyz Republic, Mozambique, Poland, Russia, Spain, Tanzania, Turkey and Ukraine.

The strength of phytosanitary protection regulations can also affect whether agribusinesses meet phytosanitary requirements in destination markets, as they enable producers to meet certain minimum standards and demonstrate compliance.¹⁴ Strong plant protection in high-income countries also corresponds with lower costs to obtain a phytosanitary certificate for export,

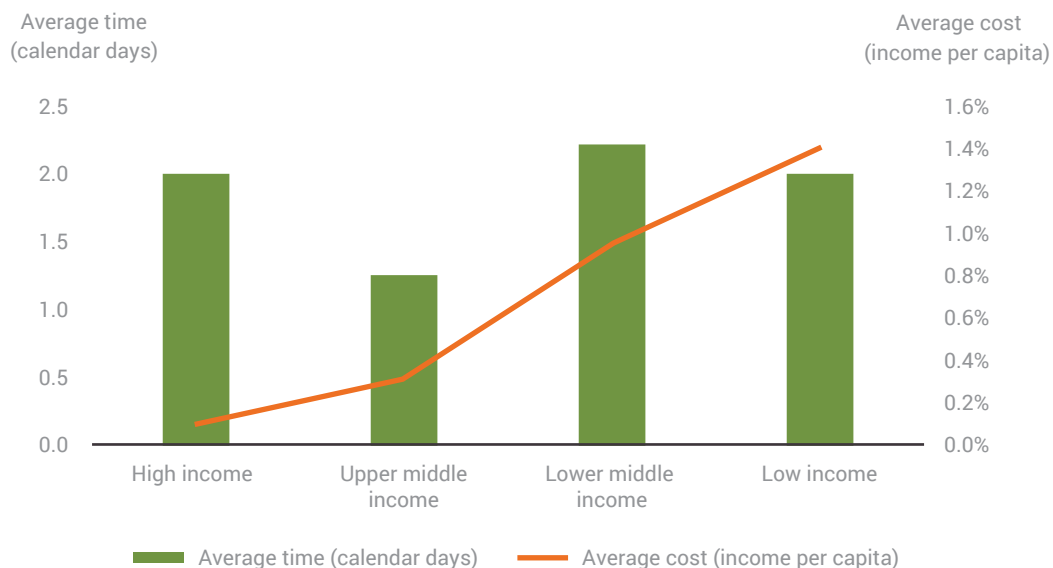
while the certification process takes the least time to complete in upper-middle-income countries (figure 6.3).

The enabling environment for production and sales varies across countries

Many governments impose special licensing regimes on the domestic marketing of certain agricultural plant products. These requirements can determine whether farmers are permitted to sell regulated crops, or if those crops can be bought only by licensed buyers. Of the 40 countries covered, 9 require registration or licensing to sell or

purchase agricultural products or enter agricultural production contracts.¹⁵ In Tanzania, sweet potato producers must be registered with the authorities to sell their produce. In the Philippines, purchasers of coconut products need a license from the Philippine Coconut Authority. In Kenya, anyone engaged in collecting, transporting, storing, buying or selling potatoes for commercial ends must register with the Agriculture, Fisheries and Food Authority. And in Turkey, producers must register with the authorities to enter an agricultural production contract.

FIGURE 6.3 Obtaining a phytosanitary certificate is less expensive in high-income countries, but takes less time in upper-middle-income countries



Source: EBA database.

Note: The EBA sample covers high-income (6), upper-middle-income (4), lower-middle-income (19) and low-income (11) countries.

Agricultural production and marketing capacity can be improved through cooperative arrangements among farmers, but excessive initial capital requirements can make it harder for smallholder farmers to establish a cooperative in the first place (box 6.2).¹⁶ Furthermore, limitations on the commercial operations of farmers' cooperatives—raising funds from third parties such as commercial banks, or merging with other farmers' cooperatives—hinder growth and marketing potential.¹⁷ Of the 40 countries studied, most do not restrict third-party loans or mergers between farmers' cooperatives. But in Morocco, the Philippines and Turkey the law establishes a minimum capital requirement for the creation of a cooperative. This requirement is highest in Turkey, where shareholders are required to form a minimum capital of 50,000 Turkish lire, equivalent to 219.2% of income per capita, just to register and establish a cooperative.¹⁸

In marketing agricultural products, disagreements may arise between farmers and buyers over prices, product quality or delays in delivery or payment. Disagreements can be potentially fatal for production contracts, which rely on long-term positive relationships and may account for all current and

projected sales for farmers. Alternative dispute resolution (ADR) mechanisms, such as mediation, conciliation, expert determination and arbitration, offer means to resolve disputes more promptly and effectively than traditional court procedures, and as a result preserve business relationships and livelihoods.¹⁹ Whereas the cost, length and complexity of traditional court procedures can heighten disagreements, ADR facilitated by a neutral third party is more consensual, collaborative and practical in nature.²⁰

The legal force of any settlement agreement reached through ADR can be an important consideration for parties seeking dispute settlement. Of the 40 countries surveyed 22 allow settlement agreements reached through

extrajudicial mediation to have the same enforceability as a court decision. In 8 of those countries a settlement agreement reached through extrajudicial mediation automatically has the same binding force as a court judgment. Four of those countries are located in Latin America and the Caribbean (Bolivia, Chile, Colombia and Nicaragua). In the remaining 14 the settlement agreement can be filed with a court or notarized to acquire the same enforceability as a court judgment and bind the parties accordingly. Six of those countries are located in Sub-Saharan Africa, 2 in East Asia and the Pacific, 2 in the Middle East and North Africa, 1 in Europe and Central Asia and the remaining 3 are OECD high-income countries. In 18 countries a successful extrajudicial mediation can result in a settlement

BOX 6.2 Good practices for regulations related to agricultural producers

- Should allow sales of plant products without product-specific licensing.
- Should allow farmers to establish cooperatives without minimum capital requirements.
- Should allow farmer' cooperatives to raise capital through loans from third-party sources.
- Should allow farmer' cooperatives to grow through mergers.
- Should enable prompt and effective dispute resolution through enforceable mediated settlement agreements.

agreement with the binding value of a contract between the parties. In case of a breach, enforcement would thus require civil litigation first to establish the validity of the agreement (or contract) and then to establish a breach. Thirty-eight countries offer the opportunity to seek mediation during the course of judicial proceedings upon a referral by the court or at the parties' own initiative.

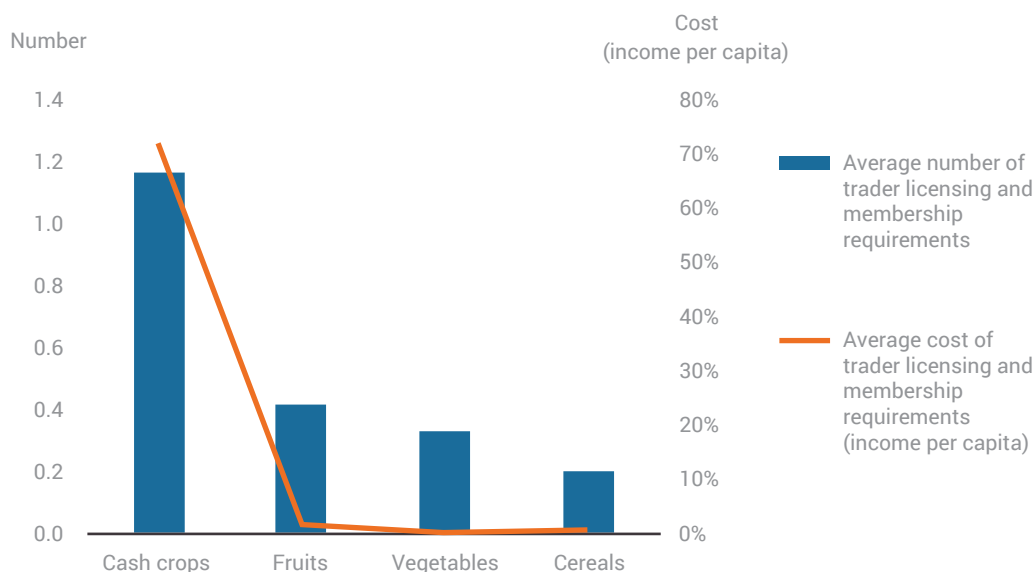
More trader-level export requirements apply to cash crops than to other product groups

Many governments impose trader-level licensing regimes on the export of agricultural products. When analyzed by product type, cash crops stand out as being subject to more membership and licensing requirements to export, increasing the associated costs (figure 6.4).²¹

Similar trader-level licensing and membership requirements are

imposed in the countries where cash crops were studied (figure 6.5). In Kenya, Rwanda and Sri Lanka, where tea was selected as the export product, exporters must maintain membership of and pay annual fees to a specific organization to source tea for export through an auction in the respective country. Exporters might also have to register or obtain an export license from a public agency responsible for affairs related to tea. In Kenya tea exporters must register annually with the Tea Directorate to obtain

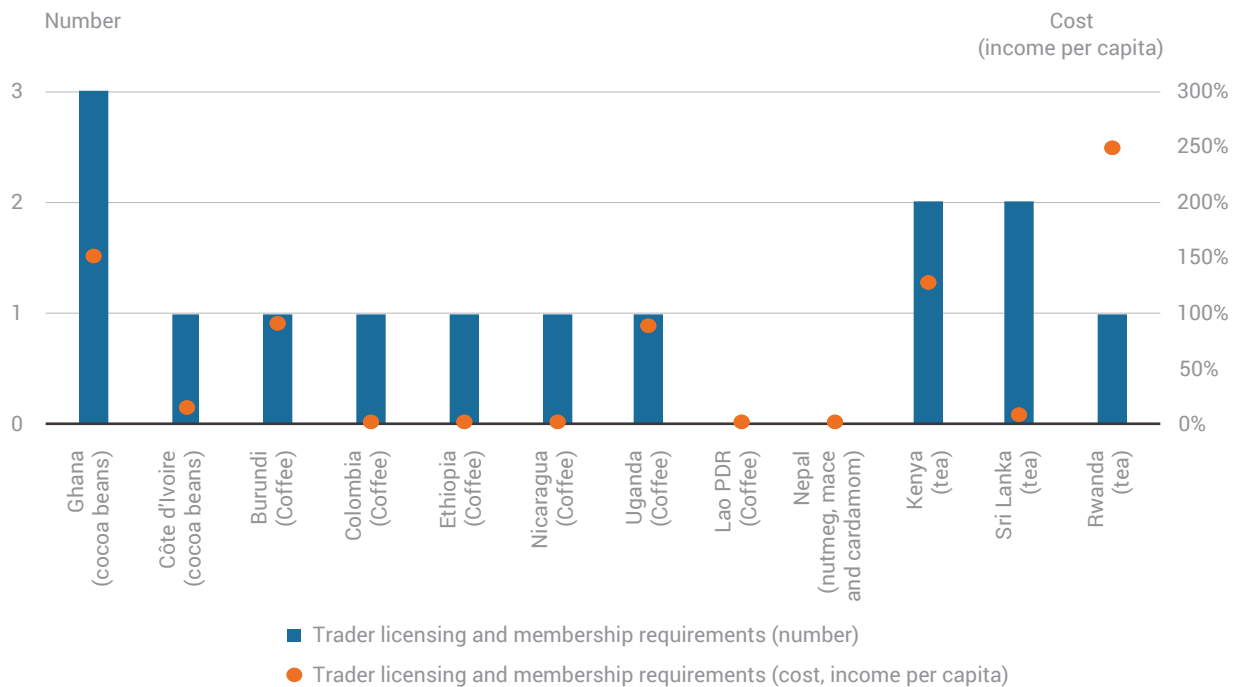
FIGURE 6.4 Cash crops are subject to more trader licensing and membership requirements than other product groups and thus to higher costs



Source: EBA database.

Note: Cash crops were studied for Burundi (coffee), Colombia (coffee), Côte d'Ivoire (cocoa), Ethiopia (coffee), Ghana (cocoa), Kenya (tea), Lao PDR (coffee), Nepal (nutmeg, mace and cardamom), Nicaragua (coffee), Rwanda (tea), Sri Lanka (tea), Uganda (coffee). Data on cost of trader-level licensing and membership requirements are not available for Morocco and Tanzania, which were excluded from the calculation of the averages by product group.

FIGURE 6.5 Similar trader licensing and membership requirements are imposed in countries where cash crops are studied



Source: EBA database.

the right to export and be members of the East African Tea Trade Association to purchase tea at the Mombasa Tea Auction. In Sri Lanka both an annual export license issued by the Sri Lanka Tea Board and a pass to the Colombo Tea Auction from the Ceylon Chamber of Commerce are required to export tea. The situation is similar in Rwanda, where the associated costs are equivalent to \$1602.30 (246.5% of income per capita).

For coffee—the cash crop selected for Burundi, Colombia, Ethiopia, Lao PDR, Nicaragua and Uganda—

all countries except Lao PDR impose an export license or its equivalent. Coffee exporters in Colombia must register with the Registro Nacional de Exportadores de Café. Exporters in Ethiopia must obtain a certificate of competence from the Ministry of Agriculture and Rural Development every year. Despite similarities in licensing regimes, the incurred costs vary greatly among countries. They range from greater than 85% of income per capita in Burundi and Uganda to minimal or no cost in Ethiopia (1.6% of income per capita), Colombia (free of charge)

and Nicaragua (free of charge). Between the two countries where EBA studied cocoa bean exports, Ghana has established more requirements for exporters than Côte d'Ivoire. In Ghana cocoa exporters must be members of the Federation of Cocoa Commerce and are required to obtain an export license from the Ghana Cocoa Board as well as an annual accreditation by the Plant Protection and Regulatory Services Directorate, leading to a cumulative cost equivalent to approximately \$2,345.60 or

150.3% of income per capita. In Côte d'Ivoire, by contrast, an export license granted by the Conseil du Café-Cacao costs roughly \$198.30 or 12.8% of income per capita, and is the only requirement imposed on the trader level.

Per-shipment requirements have a lower time and cost under a bilateral or regional agreement

Regional and bilateral economic integration through preferential trade agreements (PTAs) typically reduces the number of per-shipment requirements to export. PTAs aim to reduce or remove tariff and non-tariff barriers to trade in goods, services and finances between participating countries.²² They have grown in number and coverage in recent years and may extend to “the integration and improvement of transport and trade logistic systems, strengthening of infrastructure, harmonization of institutional arrangements and practices and improvement in behind-the-border policies and regulations that impose a burden on business activity.”²³ They often streamline customs procedures and remove export licenses and other border measures; in complex arrangements they can facilitate harmonized and mutually recognized standards. As such, they can increase market access

for agribusinesses in relevant countries and strengthen cross-border value chains.²⁴

The EU countries measured (Denmark, Greece, Poland and Spain) illustrate this integration. While agribusinesses in these countries can export to other EU countries without special documentation, if they choose to export the same consignment to a non-EU country, it takes on average two days and 0.2% of income per capita to complete the required documents.²⁵ In other countries the time and cost associated with mandatory document requirements are generally lower when exporting agricultural products to regional or bilateral trading partners (figure 6.6).²⁶

Conclusion

Improving access to markets for agricultural producers is crucial for developing a country's agricultural sector. The analysis shows that there is still plenty of room for countries to improve their laws and regulations and move towards good practices identified, such as:

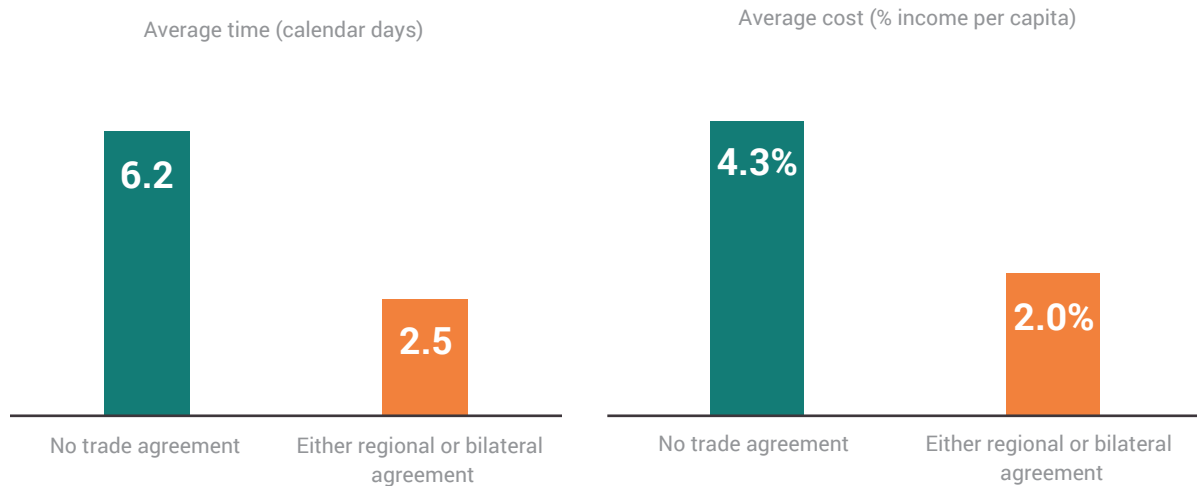
- **Strong phytosanitary protection legislation governing national surveillance for pest lists, pest risk analysis and domestic and**

import quarantine procedures.

Plant protection laws and regulations in Nepal require the government to conduct pest surveillance and pest risk analysis and make a list of regulated quarantine pests publicly available.

- **Laws that do not obstruct the production or sale of agricultural goods domestically.** Thirty-one of the 40 countries studied do not require a product-specific license to engage in an agricultural production contract, or to sell or purchase the contracted product.
- **A legal environment that supports farmers' cooperatives.** In Zambia there is no minimum capital requirement to establish a farmers' cooperative, which facilitates farmer coordination activities and reduces the initial investment needed. Cooperatives are also allowed to merge and take out loans from third parties.
- **Efficient and affordable requirements to export major agricultural products, including membership, licensing and per-shipment documentation.** In Guatemala

FIGURE 6.6 It is on average cheaper and faster to complete per-shipment documents when exporting to regional or bilateral trading partners



Source: EBA database.

Note: Relevant bilateral and regional trade agreements between studied countries and the selected trading partner were not identified for the following 14 countries: Bolivia, Burkina Faso, Burundi, Cambodia, Ethiopia, Ghana, Kenya, Russian Federation, Sri Lanka, Sudan, Tanzania, Turkey, Uganda and Ukraine. Data on time to obtain per-shipment export documents are not available for Côte d'Ivoire, Ethiopia, Morocco, Rwanda, Sudan and Uganda. Data on cost to obtain per-shipment export documents are not available for Colombia, Côte d'Ivoire, Morocco and Uganda. These cases were excluded from the calculation of the averages.

fruit exporters are not required to obtain a license or become a member of a specific organization before they can export and the process to obtain the per-shipment mandatory documents is efficient, costing only 0.2% of income per capita.

Identifying good regulatory practices is challenging when dealing with the agricultural sector because, besides facilitating production, market access and cross-border trade, regulation is also needed to protect domestic

production and the environment from pests and diseases. The markets topic identifies certain regulatory constraints that can hinder agricultural production and sale. These indicators are a starting point for discussion with policymakers on addressing such regulatory constraints and working towards a more streamlined, productive and profitable agricultural sector.

Notes

1. International Plant Protection Convention 2015; International Plant Protection Convention 2012; Lesser and Moisé-Leeman 2009; World Bank 2012.
2. Murina and Nicita 2014.
3. International Plant Protection Convention 1997.
4. An agricultural production contract is a contract where “the producer undertakes to produce and deliver agricultural commodities in accordance with the contractor’s

- specifications. The contractor, in turn, undertakes to acquire the product for a price and generally has some involvement in production activities through, for example, the supply of inputs and provision of technical advice." See UNIDROIT, FAO and IFAD 2015.
5. Farmers' cooperatives are also known as agricultural cooperatives, farmers' cooperatives or producers' associations. A farmers' cooperative is defined as a voluntary, jointly-owned and democratically controlled association of farmers created to support and promote the economic interests of its members through joint economic activity, including, but not limited to, production, processing and marketing of agricultural products. If different types of farmers' organizations exist in a country, those that most closely adhere to this definition are selected for study.
 6. Arias and others 2013; FAO 2013.
 7. World Bank 2012; Pannhausen and Untied 2010; Comprehensive African Agriculture Development Programme (CAADP) 2009.
 8. Djankov, Freund and Pham 2006.
 9. "Established, authorized or performed by a National Plant Protection Organization." International Plant Protection Convention 2005.
 10. International Plant Protection Convention 2005. Erratum. This definition should be understood to supersede and correct that in *Enabling the Business of Agriculture 2015*.
 11. International Plant Protection Convention 2003.
 12. International Plant Protection Convention 2004.
 13. International Plant Protection Convention 2007.
 14. Asian Development Bank 2013.
 15. For each country, this finding is based on the most produced non-processed non-cereal product in terms of gross production value (current million US\$). All data are sourced from FAOSTAT, using the production data of 2012 (the latest available year). Cereal crops are excluded from the analysis because they are less suitable for agricultural production contracts due to several characteristics, including high risk of side-selling given well-developed local or export markets, less need for technical assistance to meet market specifications and poor potential for price differentials.
 16. For additional information on minimum capital requirements applicable to firms, please see *Doing Business*. <http://www.doingbusiness.org/data/exploretopics/starting-a-business/good-practices>.
 17. FAO 1998; Von Pischke and Rouse 2004.
 18. In the Philippines the minimum capital requirement is 60,000 Philippine peso (39.6% of income per capita), and in Morocco it is 700 Moroccan dirhams (2.7% of income per capita).
 19. UNIDROIT, FAO and IFAD 2015.
 20. Dixie and others 2014.
 21. *EBA* defines and groups agricultural products as cash crops, cereals, fruits and vegetables according to the Harmonized Commodity Description and Coding System 1996 version (HS 96): cash crops (HS 09, HS 1201-HS 1206, HS 1210, HS 1212, HS 1801); cereals (HS 10); fruits (HS 08); vegetables (HS 07).
 22. World Bank 2013.
 23. World Bank 2013.
 24. World Bank 2008.
 25. Data for exports from European Union countries to third countries are available on the *EBA* website: eba.

worldbank.org.

26. The bilateral and regional agreements included in our analysis are those covering agricultural trade and concluded between studied countries and their largest cross-border agricultural trading partner. Agricultural trade is defined as import and export of plant-based products, including cash crops, cereals, fruits and vegetables, according to the Harmonized Commodity Description and Coding System 1996 version (HS 96). All data are sourced from the UN Comtrade Database, using the import and export data from 2009–13. For each country, the cross-border partner country that represents the highest five-year average agricultural trade value (in US\$) is selected.

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