

The AfCFTA and continental Integration: What role for Women?

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African economic integration has been on the agenda for decades and has seen several designs. Under the African Continental Free Trade Area (AfCFTA) there is a new approach. This Blog provides a brief overview of the AfCFTA's integration plans and mentions the earlier Abuja Treaty. It then discusses what role women traders could play in this endeavour.

The AfCFTA purports to be a continuation of earlier continental integration initiatives, such as the African Economic Community (AEC) promised under the Abuja Treaty of 1991. The Preamble to the AfCFTA Agreement refers to a determination

to strengthen our economic relationship and build upon our respective rights and obligations under the Constitutive Act of the African Union of 2000, the Abuja Treaty and, where applicable, the Marrakesh Agreement Establishing the World Trade Organisation (WTO) of 1994.

This is a broad wish, not a clear plan of action. First, the WTO does not promote regional as traditionally pursued in Africa. Article XXIV GATT deals with the establishment of Free Trade Areas (FTAs) and Customs Unions (CUs) as exceptions to the MFN principle. (Article V GATS does the same for trade in services.) Certain conditions must be met when FTAs and CUs are formed by WTO Members. Such plans must be notified to the WTO. The Abuja Treaty on the other hand describes an ambitious political endeavour for stage-wise continental integration. Stage 1: creating new Regional Economic Communities (RECs) and strengthening existing ones (by 1999), Stage 2: stabilizing barriers to regional trade (by 2007), Stage 3: establishing a free-trade area (FTA) and a customs union for each REC (by 2017), Stage 4: coordinating tariff and non-tariff systems among RECs (by 2019), Stage 5: establishing an African Common Market and common policies among RECs (by

2023), Stage 6: establishing an African Central Bank, creating a continental monetary union and electing the first Pan-African Parliament (by 2028).¹

This plan did not work out. The Abuja Treaty was an indicative framework only. Actual integration depended on binding decisions in the RECs and taking account of their respective contexts and agendas. They are at different levels of economic integration and their Members (most of which belong to more than one REC at the same time) implement different regional policies, as they are entitled to do as sovereign States.² Some of the RECs have not yet formed FTAs, while others are implementing strategies for becoming Customs Unions and Common Markets. They also have different external trade relationships.³

The AfCFTA contains a more pragmatic integration formula. Continental integration will happen on the basis of **consensus-based** decisions taken by the State Parties;⁴ when they are ready to accept additional commitments. Article 3 of the AfCFTA Agreement says the AfCFTA will “*lay the foundation for the establishment of a Continental Customs Union at a later stage*”. No timeframe is provided. The AfCFTA is a new generation FTA for liberalizing trade in goods and services through an additional stream of preferential trade on the African continent, alongside existing REC FTAs. Further integration may follow later.

Continental integration will require high-level political initiatives in which the African Union (AU) and the AfCFTA Council of Ministers will have to play an active role. Deliberate efforts by the REC memberships to enlarge or re-design themselves may be required. Such initiatives will involve delicate choices and well-designed strategies. The RECs are legal persons in their own right and often have obligations going way beyond trade in goods.⁵ Continental integration involves much more than aligning tariff schedules.

¹ <https://www.sahistory.org.za/article/african-union-and-regional-economic-integration>

² These RECs are the Arab Maghreb Union (AMU), Common Market for Eastern and Southern Africa (COMESA), Community of Sahel-Saharan States (CEN-SAD), East African Community (EAC), Economic Community of Central African States (ECCAS), Economic Community of West African States (ECOWAS), Inter-Governmental Authority on Development (IGAD) and Southern African Development Community (SADC).

³ The SACU member states, and Mozambique have, for example, concluded an Economic Partnership Agreement (EPA) with the European Union. It is in force since October 2016.

⁴ See Arts 5(k) and 14 AfCFTA Agreement.

⁵ SADC has almost 30 Protocols. They extend over matters such as the regional environment, sharing of regional watercourses, energy investment, policing, gender, and a regional parliamentary forum. See <https://www.tralac.org/resources/by-region/sadc.html>

Where and how do women traders fit into this scheme of things? What contributions could they make to future debates about incorporating their needs within the context of deepening continental integration? The starting point should be to ensure that the needs and interests of women traders and service providers are properly accommodated within the AfCFTA regime and as obligations of the State Parties. The new Protocol on Women and the Youth should ensure these outcomes. There should also be provisions on follow-up action to build on the trade and gender agenda's within the RECs. The AfCFTA Protocol on Women and the Youth is expected to provide for a new institution too. It should be structured and be empowered to ensure that trade and gender and women's specific needs remain on the AfCFTA agenda and are discussed in the various technical contexts. Women should own and refine their own AfCFTA-related discourse.

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