



A tralac short course

Reading and Interpreting International Trade Agreements

Case study of the African Continental Free Trade Agreement (AfCFTA)

Background

Trade agreements are treaties regulating cross-border trade between two or more nations. These agreements establish trade-related rights and obligations between state parties. Unlike traditional trade agreements which covered trade in goods only, modern trade agreements cover a range of trade-related issues such as trade in services, investment, intellectual property rights, competition policy, electronic commerce, trade and gender, sustainable development and public procurement, among others. International trade law or agreements have their own terminology and language which is difficult to understand or interpret for non-lawyers. Because of the complex terms and language, there has been increasing misinformation, misunderstanding or misinterpretation of trade-related information or news. It is against this background that (tralac) facilitates training on the interpretation of trade agreements.

Objectives and focus of the short course

This training seeks to provide a basic understanding of international trade law or agreements terminology and language. In particular, in *module 1* the training will look at what are: trade agreements and their effects; types of trade agreements (bilateral, regional, plurilateral and multilateral) as well as their nature and effects. The training will also focus on how trade agreements are negotiated, how they enter into force and are applied at both national and international levels. The training will look at how trade agreements are interpreted with a view

to determining legally binding provisions, absolute obligations or best endeavours. The training will also provide understanding on how trade agreements are amended.

In **module 2** we will examine the legal instruments of the African Continental Free Trade Area: the Agreement establishing the African Continental Free Trade Area, the Protocol on Trade in Goods (with its Annexes), the Protocol on Trade in Services and the Protocol on Dispute Settlement. We will also focus on the ongoing negotiations and the phase 2 negotiating agenda.

Tools to be used

Rules of treaty interpretation will be used during this training – including the Vienna Convention on the Law of Treaties, international trade judgments/decisions, and illustrations from practical case examples.

Who should participate in this course?

The course is designed for trade policy practitioners, trade officials and officials at continental and regional economic community institutions and trade journalists.

Dates

Due to the exceptional demand for the course, tralac has run the course 6 times in 2020. The following courses were offered.

- Intake 1: Module 1: 27-28 August 2020 and Module 2: 3-4 September 2020
- Intake 2: Module 1: 10 -11 September 2020 and Module 2: 17-18 September 2020
- Intake 3: Module 2: 5-6 November 2020 and Module 2: 12-13 November 2020
- Intake 4: Module 1: 3-4 December 2020 and Module 2: 10-11 December 2020

Two additional courses were offered; tailored for specific audiences:

- I) Course for the SADC Parliamentary Forum (Module 1: 19-20 November 2020 and Module 2: 26-27 November 2020)
- II) Course for the Judges of the COMESA Court of Justice (Module 1: 1-2 December 2020 and Module 2: 8-9 December 2020)