



tralac Short Course

Reading and Interpreting International Trade Agreements

African Continental Free Trade Agreement (AfCFTA) and East African Community (EAC)

20 – 21 and 27 – 28 May 2021

(Virtual classroom times: 10:00 – 12:00 and 15:00 – 16:30 EAT)

1. Background

The course is designed to develop trade law capacity in the East African Community (EAC), within the community of trade lawyers of the East African Law Society, in Government Ministries and agencies, as well as in the private sector and in the in civil society organisations. tralac is pleased to be presenting the course in collaboration with the East African Law Society.

This Short Course will cover the following:

Reading and Interpreting International Trade Agreements: case studies of the African Continental Free Trade Agreement (AfCFTA) and the East African Community (EAC) Legal Instruments (including the Treaty establishing the East Africa Community, Protocol for the establishment of the EAC Customs Union, and the Protocol for the establishment of the EAC Common Market).

The course which will be offered to 45 participants

Module 1

The **first module** will be structured to accommodate participants without a background in public international law and international trade law. This module will cover **basic principles and foundations of international trade law** and situate the discussion in the **context of Africa's multilateral, continental and regional trade governance agenda**.

Module 2

The **second module** will analyse i) the legal instruments of the AfCFTA and relate their content to continental integration policies and arrangements, including the Regional Economic Communities (RECs). Dispute settlement issues will receive particular attention, and ii) the East African Community Treaty, the Customs Union Protocol and the Common Market Protocol.

2. Context

Trade agreements are treaties of a specific kind; they regulate cross-border trade between two or more nations. These agreements establish trade-related rights and obligations for the State Parties. Unlike traditional trade agreements which cover trade in goods only, modern trade agreements cover a range of trade-related disciplines such as trade in services, dispute settlement, investment, intellectual property rights, competition policy, electronic commerce, trade and gender, sustainable development and public procurement, among others.

Trade agreements are, as a rule, not self-executing. They must be implemented through domestic measures taken by state organs in the State Parties. Customs administration is a typical example for trade in goods. National regulators perform the same domestic tasks in respect of trade in services.

While disputes about trade agreements have to be settled by the State Parties (private parties do not, as a rule, enjoy standing before international dispute settlement bodies), private parties and firms may approach domestic courts for judicial review and other public law remedies available under the law of the land. They may also, if provided for in the legal instruments of regional trade arrangements (such as the East African Community), enjoy standing before Regional Courts and Tribunals.

There are additional reasons for offering specialized courses dealing with the legal instruments underpinning trade and integration initiatives. In many ways the world has become a global marketplace. Multilateral and regional trade agreements are of growing importance but are specialized legal instruments with their own logic and terminology.

3. Programme Outline

Module 1: 20 -21 May 2021 (4 sessions (10:00 – 12:00 and 15:00 – 16:30 EAT each day): 7 hours contact time, plus reading and preparation) will start with a brief background on types of international trade agreements (bilateral, regional, plurilateral and multilateral) as well as their nature and effects. This module will also focus on how trade agreements are negotiated, how they enter into force and are applied at both national and international levels. We will look at how trade agreements are interpreted with a view to determining legally binding provisions, absolute obligations or best endeavours. The module will also provide understanding on how trade agreements are amended.

Matters of substance will be explained, such as trade in goods and services principles, economic integration, standards and trade remedies.

Rules of treaty interpretation will be covered - including the Vienna Convention on the Law of Treaties, international trade judgments/decisions, and illustrations from practical case examples.

Module 2: 27-28 May 2021 (4 sessions (10:00 – 11:30 and 15:00 – 16:00 EAT each day): 7 hours contact time, plus reading and preparation) *will* examine:

- i) 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.
- ii) The legal instruments of the East African Community – the Treaty, the Customs Union Protocol and the Common Market Protocol.

Practical Arrangements

- Each Module will be presented over 2 days. There will be 2 sessions per day; a morning session of 2 hours and an afternoon session of 90 minutes (10:00 – 12:00 and 15:00 – 16:30 EAT each day)
- The sessions will take place on zoom. Participants will be required to register in advance.
- A course outline and background reading materials will be provided. These should be read in order to follow the discussions and to participate in the live sessions.
- The sessions will be interactive; requiring prior preparation.
- The Module 2 includes case studies. Participants must read 2 judgments and then answer questions related to these cases.
- Candidates who have satisfactorily completed the course, will receive a tralac Certificate of Completion.

To apply: Send you CV, and a brief motivation (50 words) to info@tralac.org (Subject Line: EAC Short Course).

Closing date: 7 May 2021