

Implementing the AfCFTA: How, What and When?



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What is the AfCFTA?

1. The Issue: What needs to be implemented?
2. What has been signed?
3. Can ratification start immediately?
4. Is the AfCFTA a legal person?
5. Why is this question important?
6. Art. 14: *“The CFTA Secretariat shall be an autonomous institutional body within the AU System with an independent legal personality”*.
7. This is a **Single Undertaking** – one signature

What is Implementation?

- Signature & Ratification are not Implementation
- When should Implementation begin?
- Who implements what?
- Do not ignore national Constitutions & Laws
- Distinguish between international plane & domestic implementation
- No one size fits all – from Tariff Books to health standards
- But several domestic trade regimes already exist
- *A sui generis example: Trade Remedies*

What is Implementation?....contd

- Technical assistance re Implementation challenges?
- Implication of Variable Geometry?
- How to implement trade in services obligations?
- The issues around Domestication
- Notification
- Compliance, Monitoring and Dispute Settlement.
- How much scope left for national policy space?

Who starts when with Implementation?

- 22 Ratifications required for entry into force
- Then the animal is alive.....
- And its institutions will exist and be functioning
- Do not undermine AfCFTA objectives in interim
- Role of Secretariat now?

RECs will not disappear: Implication?

- **Article 21:** *“State Parties that are members of other regional economic communities, regional trading arrangements and custom unions, which have attained among themselves higher levels of regional integration than under this agreement, shall maintain such higher levels among themselves.”*
- Preservation of the *Acquis*
- What do RECs presently do & implement?
- Implications of overlapping membership

The cost of pseudo Implementation

- Private sector finds other ways
- This is costly
- Disillusionment re development
- Lack of remedies
- Lack of transparency
- Corruption
- Will AfCFTA be different?
- Int. Agreements do not create trade ... but their implementation vital for making trade possible

• It all starts and ends with GOVERNANCE