



## The Secretariat is pivotal to the success of the AfCFTA

Trudi Hartzenberg  
Trade Law Centre (tralac)

A recent World Bank study emphasises the importance of implementation and the reduction of 'red tape and simplification of customs procedures' as key to the success of the AfCFTA. Lack of effective implementation and the proliferation of non-tariff barriers are indeed often cited as key factors bedevilling the progress of regional integration. The comprehensive detail of the tasks and responsibilities of the Secretariat is still to be determined. But the Agreement establishing the AfCFTA as well as the Protocols on Trade in Goods, Trade in Services and Dispute Settlement state unequivocally that the Secretariat is charged with various responsibilities related to the implementation of the AfCFTA. This makes the Secretariat a pivotal institution for the success of this continental integration project and provides a basis for the Secretariat to expeditiously get to work.

### *Supporting rules-based governance through transparency and access to information*

Broadly speaking the Secretariat stands to play a significant role in supporting transparency, access to information about implementation matters and accountability of the AfCFTA's State Parties. The Secretariat is key to promoting these foundational elements of rules-based trade governance. State Parties must notify other State Parties, *through the Secretariat* of any actual or proposed measures that might affect the functioning of the AfCFTA, or affect any other State Party's interests under the AfCFTA. The Protocol on Trade in Services states that the Secretariat must circulate information pertaining to the changes of the Schedules of Specific Commitments. State Parties must notify the Secretariat of any trade agreement with third parties, covering trade in services, to which they are already a signatory or that they conclude subsequently.

The Secretariat is thus the repository of all such notifications, as well as notifications pertaining to other international agreements that a State Party may enter into. Furthermore, it is charged with

the task of *circulating notifications* to State Parties. The Secretariat will thus be responsible for the institutional record of the implementation of the AfCFTA.

#### *Technical assistance and capacity building*

The Protocol on Trade in Goods states that the Secretariat, in collaboration with State Parties, regional economic communities and partners, *shall provide and coordinate technical assistance and capacity building* in trade and related matters for the implementation of this Protocol. This anticipates and addresses the challenge of lack of capacity to implement commitments.

The Secretariat also has a role to support the dispute settlement system of the AfCFTA. The AfCFTA dispute settlement system is modelled, with some modifications, on that of the World Trade Organisation (WTO). It has a Dispute Settlement Body (DSB) and an Appellate Body. The DSB has the authority to establish Dispute Settlement Panels, adopt Panel and Appellate Body reports, as well as maintaining surveillance of rulings and recommendations.

The Secretariat must assist Panels, providing secretarial support. Very importantly, the Secretariat may provide 'legal advice and assistance in respect of dispute settlement' whilst ensuring the institution's impartiality. It may also arrange training courses for State Parties to develop their capacity on dispute settlement under the AfCFTA. This technical and capacity building support is essential for dispute settlement to be available to all State Parties.

#### *Marking a watershed for implementation*

The tasks of the Secretariat that are already identified address some of the most significant challenges that have led to the poor implementation record on regional integration. The Secretariat stands to set new benchmarks for the implementation of Africa's trade and integration agenda.

**We would like to wish the Secretary General, H.E. Wamkele Mene all the very best on this momentous occasion and pledge our support to the AfCFTA Secretariat.**

**We also thank the Commissioner for Trade and Industry, H.E. Albert Muchanga, and the team from the African Union Commission for all the work that has brought us to this important day.**