Making the AfCFTA NTB mechanism work for women traders

Introduction

Non-tariff barriers to trade (NTBs) generally cover restrictive practices or measures, other than customs duties or tariffs, that affect the seamless flow of cross-border trade. Common examples of NTBs include, inter alia, quotas, prohibitions, customs clearance delays, import licensing processes, regulations, conditions or specific market restrictions, rules of origin, technical barriers to trade (TBTs), sanitary and phytosanitary (SPS) measures, customs and administrative entry procedures.

NTBs are often hidden or invisible barriers that makes cross-border trade difficult and costly. NTBs generally affect cross-border trade more than tariff barriers. In intra-Africa trade (mostly intra-REC trade), tariffs have been substantively reduced or eliminated yet NTBs continue to hinder the ease movement of goods within intra-Africa trade.

NTBs impacting Women

NTBs affect all traders, but women traders particularly informal and small-scale traders are often more affected. Some of the NTBs impacting women include:

- Lack of access to timely & reliable trade and market information
- Restrictive licensing processes
- Certification challenges
- Gender-based harassment
- Corruption and bribery
- Cumbersome customs and administrative entry procedures
- SPS & TBTs
- Rules of Origin
Addressing non-tariff barriers to trade in the AfCFTA

In the AfCFTA, NTBs are recognised as “barriers that impede trade through mechanisms other than the imposition of tariffs.”\(^1\) AfCFTA State Parties, have therefore, committed to “progressively eliminate tariffs and non-tariff barriers to trade in goods.”\(^2\)

Annex 5 to the Protocol on Trade in Goods deals with NTBs. The Annex provides “a mechanism for the identification, categorisation and progressive elimination of NTBs within the AfCFTA”. Annex 5 also provides for the general categorisation of NTBs,\(^3\) reporting and monitoring tools, and the facilitation of resolution of identified NTBs,\(^4\) and the institutional framework for the elimination of NTBs.

AfCFTA Institutional Framework for the Elimination of NTBs

<table>
<thead>
<tr>
<th>INSTITUTION</th>
<th>COMPOSITION</th>
<th>FUNCTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-Committee on NTBs</td>
<td>representatives of State Parties</td>
<td>responsible for monitoring the implementation of Annex 5</td>
</tr>
<tr>
<td>NTB Coordination Unit</td>
<td>unit in the AfCFTA Secretariat</td>
<td>established by the AfCFTA Secretariat; manages NTB elimination; works with NTB Sub-Committee, REC NTB Units &amp; National Focal Points</td>
</tr>
<tr>
<td>National Monitoring Committees</td>
<td>representatives of the public and private sector</td>
<td>identify, resolve and monitor NTBs; confirms dates for action; define process for elimination at national levels</td>
</tr>
<tr>
<td>National Focal Points</td>
<td>government department, ministry or body designated to deal with NTBs</td>
<td>coordinate the implementation of the AfCFTA NTB mechanisms; provide secretarial services to the National Monitoring Committees; sensitise stakeholders on the NTB mechanism</td>
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</table>

Source: Annex 5 of the AfCFTA Protocol on Trade in Goods

Article 12 of Annex 5 establishes an online mechanism for identifying, reporting and monitoring the NTBs to facilitate the elimination of NTBs within the AfCFTA (AfCFTA Online NTB mechanism). The AfCFTA NTB online mechanism allows traders to report any obstacles (i.e. NTBs) they encounter when trading across intra-Africa borders. The mechanism is open to all African businesses including small, medium and large

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\(^1\) Article 1(r) of the AfCFTA Agreement, and Article 1(e) of the Protocol on Trade in Goods.

\(^2\) Article 4(a) of the AfCFTA Agreement.

\(^3\) These include government participation in trade and restrictive practices tolerated by governments, customs and administrative entry procedures, TBTs, SPS, specific limitations and charges on imports. Article 3 of Annex 5.

\(^4\) Other institutions involved in the resolution of NTBs in the AfCFTA include the AfCFTA Secretariat, Committee on Trade in Goods and RECs NTB Units. See tralac Trade Brief on “The AfCFTA legal framework for the elimination of NTBs” [https://www.tralac.org/publications/article/14279-the-afcfta-legal-framework-for-the-elimination-of-ntbs.html](https://www.tralac.org/publications/article/14279-the-afcfta-legal-framework-for-the-elimination-of-ntbs.html)
companies, informal traders, women and youth business operators. The mechanism is similar to the ones developed in ECOWAS and Tripartite Free Trade Area (TFTA).

After reporting an NTB, the concerned government authority will follow up to resolve the problem. The NTB Coordination Unit in the AfCFTA Secretariat and RECs NTB Units, NTB Monitoring Committees and NTB National Focal Points in the respective countries will support the process.

To date, six NTBs complaints have been reported on the AfCFTA portal: only one has been resolved, and five are active.

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5 [https://www.tradebarriers.africa](https://www.tradebarriers.africa)
6 See [https://www.tradebarrierswa.org](https://www.tradebarrierswa.org)
7 See [https://www.tradebarriers.org](https://www.tradebarriers.org)
8 [https://www.tradebarriers.africa](https://www.tradebarriers.africa)
How to make the AfCFTA NTB mechanism work for women traders

The AfCFTA NTB Mechanism provides an opportunity for women traders to identify, report and monitor NTBs and to have them resolved and eliminated through a web-based mechanism or mobile phone. However, evidence shows that most women traders rarely use the existing mechanisms in the TFTA and ECOWAS mainly due to lack of understanding of how the mechanism work and the length of time it takes to resolve NTBs.

The following proposals/measures are critical to make the AfCFTA NTB mechanism work for women traders:

- Encourage women traders to register on the AfCFTA NTB online mechanism.
- The governments must resolve the NTB complaints in real-time, within given deadlines.
- Members of the National Monitoring Committees must include women cross-border traders. If women traders are represented in the National Monitoring Committees, this may help to ensure that NTBs reported by their constituents are discussed and addressed.
- Training or capacity building for women traders on how to use the mechanism would contribute to ensuring that the AfCFTA NTB mechanism works effectively for women traders. Such training or capacity building should aim to educate women traders on what are NTBs, how to report NTBs, and what is the process and actions for the resolution of the reported NTBs. Women traders need to be equipped with the knowledge of what constitutes NTBs and the necessary skills/competencies to use the online mechanism.
- The AfCFTA NTB mechanism needs to be provided in local languages easily understood by the women traders. The mechanism is currently available in four languages i.e. English, French, Arabic and Portuguese.
- Train and sensitise customs officials on the NTBs that impact women and how to address them in real-time.
tralac gratefully acknowledges the support of its Development Partners