

The Tripartite FTA

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In this Presentation.....

- Where do we stand with the TFTA?
- Main Features
- How will it be implemented and when?
- What will change?
- Relationship with the CFTA
- Can it be a building block for the CFTA?
- What are we learning about Reg. Integration in Africa?

Where do we stand with the TFTA?

- Kampala Decision of October 2008
- High level promise became state-driven negotiations
- Definition of *acquis*: *In the context of the Tripartite Free Trade Agreement it means that the negotiations should start from the point at which of the COMESA, EAC and SADC trade negotiations have reached. Tariff negotiations and the exchange of tariff concessions would be among Member/Partner States of the Tripartite FTA that have no preferential arrangements in place between them. This will both preserve the acquis and build on it.*
- Negotiations began in 2011 – “Launched” June 2015 but ... sans tariffs, RoO & Trade Remedies
- Negotiations still incomplete: Built-in Agenda
- But the enthusiasts signed ... CFTA announced in 2012.

Technical Features of the TFTA

- No legal person
- Framework Agreement: How do we know?
- No Secretariat
- Covers only trade in goods
- Consists of Agreement, Annexes and Protocols
- Obligations qualified ... or WTO duties repeated.
- Whiff of Dispute Settlement
- RECs existing alongside
- What does Art XXIV GATT imply? Interim arrangement; needs plan & schedule

How will the TFTA be implemented? When? What will then change?

- Complete the built-in agenda
- Sign, ratify and deposit ratifications (or accede)
- Binds only the future Parties
- Domesticating what's necessary & update tariff books
- Tell businesses about it.....
- What will then happen/change?
- Obligations mostly re cooperation & WTO
- Variable geometry
- And if there are complaints about unfair practices or violations?

Relationship with the CFTA

- It increased enthusiasm to launch CFTA
- Preamble: *Committed to championing and expediting the continental integration process*
- Art. 4 & 5: **Objectives**: Promote economic development, create a large single market, enhance the regional & continental integration processes; progressively eliminate tariffs, establish *institutional framework* for implementation of TFTA.
- But what about other Protocols on Services etc?
- Has TFTA process reached its premature end?
- To be submerged into CFTA.... or exist as collection of new FTAs?

Can TFTA be a building block for the CFTA?

- What is a CFTA building block?
-as opposed to merging of 2 processes?
- There cannot be 2 national Tariff Books for ditto goods
- We need a plan to merge tariff negotiations
- Services and other disciplines will merge ipso facto
- But plan for synergies between goods and services
- Are CFTA talks/process geared to do this?
- No convergence and order without working for it
- Chaos, duplication & overlap come automatically.

What does TFTA tell about Regional Integration in Africa?

- In trade negotiations: Preference for tariff approach
- Negotiations are state-driven
- Notion of *acquis* has been discovered
- RECs are the most enduring
- Continental integration only inspirational & *de lege ferenda*
- Real action nationally & within states
- Dispute settlement & rule of law not advanced