

L A I D t o n T A B L E t o n
o 9 / 10 / 2018



EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY

REPORT OF THE DELEGATION TO ECOWAS PARLIAMENTARY SEMINAR ON THE AFRICAN CONTINENTAL FREE TRADE AREA (AfCFTA). CHALLENGES AND PROSPECTS OF FREE TRADE IN AFRICA-ROLE OF THE REGIONAL ECONOMIC COMMUNITIES (RECs), IN ABIDJAN, IVORY COAST

FROM 13TH – 15TH SEPTEMBER 2018

Clerk's Chambers,
EAC Headquarters' Complex,
EALA Wing, 2nd Floor,
Arusha, Tanzania

September, 2018

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Abbreviations

AU	:	African Union
AfCFTA	:	African Continental Free Trade Area
AFTZ	:	African Free Trade Zone
AMU	:	Arab Maghreb Union
CFTA	:	Continental Free Trade Area
COMESA	:	Common Market for Eastern and Southern Africa
EAC	:	East African Community
EALA	:	East African Legislative Assembly
ECCAS	:	Economic Community of Central African States
ECOWAS	:	Economic Community of West African States
NEPAD	:	New Partnership for Africa's Development
RECs	:	Regional Economic Communities
SADC	:	Southern African Development Community
UNIDO	:	United Nations Industrial Development Organisation
UN	:	United Nations
WTO	:	World Trade Organization

1.0 Introduction

The Economic Community of West African States (ECOWAS) Parliament held a Parliamentary Seminar on the African Continental Free Trade Area (AfCFTA) at Sofitel- Hôtel Ivoire in Abidjan/Ivory Coast from 13th – 15th September, 2018.

The Seminar was titled: "*The African Continental Free Trade Area (AfCFTA). Challenges and Prospects of Free Trade in Africa- Role of the Regional Economic Communities (Recs)*". It was attended by Members of the ECOWAS Parliament and other distinguished guests comprised of ECOWAS Commission Officials, other Officials of Community Institutions/Agencies in Ivory Coast, International Organizations and Partner Agencies in Abidjan, Members of Civil Society Organizations in Abidjan, Members of Organized Labour Organizations, Private Sector and Resource persons.

The African Free Trade Zone was announced at the East African Community (EAC)- Southern African Development Community (SADC)- Common Market for Eastern and Southern Africa (COMESA) Summit (also known as the AFTZ Summit and Tripartite Summit) on 22nd October, 2008 by the heads of the EAC, SADC and COMESA. In May 2012, the idea was extended to also include ECOWAS, Economic Community of Central African States (ECCAS) and Arab Maghreb Union (AMU). Three years later, in June 2015, the African Union Summit held in South Africa, launched negotiations to create a Continental Free Trade Area (CFTA) with all 55 African Union states by 2017.

The negotiations culminated in the African Continental Free Trade Area (AfCFTA), a continent-wide free-trade agreement brokered by the African Union (AU) and initially signed on by 44 of its 55 member states in Kigali, Rwanda on 21st March, 2018.

The agreement initially requires members to remove tariffs from 90% of goods produced in the member countries, allowing free access to commodities, goods, and services across the continent. It is expected to boost intra-African trade by 52 percent by 2022. The proposal will come into force after ratification by 22 of the signatory states. To date, 49 of the 55 AU members have signed the free-trade agreement but only 6 have already ratified it.

The African Free Trade Area is the realization of a dream more than a hundred years in the making, a trade zone spanning the length of African continent from Cape to Cairo, from North African Egypt all the way to the southernmost tip of Africa in South Africa (Cape Town), known as the Cape to Cairo dream which was envisioned by Cecil Rhodes and other British Imperialists in the 1890s.

The biggest difference in the idea of the original Cape to Cairo zone and its current incarnation is that the African Continental Free Trade Area is the creation of African Countries for the mutual benefit and development of the member countries, their peoples and the whole of continent of Africa rather than a trade zone for the benefit of Great Britain. Ultimately, it is hoped the AfCFTA would serve as a key building block to African Unity and the realization of a united Africa under the auspices of the African Union.

If ratified, the agreement would result in the largest free-trade area in terms of participating countries since the formation of the World Trade Organization (WTO).

Following the invitation extended by Rt. Hon. Moustapha Cissé, Speaker of the ECOWAS Parliament, Rt. Hon. Karoli Martin Ngoga, Speaker of EALA attended the Seminar. He was accompanied by Hon. Kennedy Kalonzo Musyoka and Dr. Anatole NAHAYO, Senior Research Officer, representing the Clerk of EALA. The EALA Delegation was in Abidjan, Ivory Coast from 12th – 14th September, 2018.

2.0 Objectives

The general objective of the seminar was to allow participants to take ownership of developments on the African Continental Free Trade Area (AfCFTA) and acquire better understanding, with a view to facilitating its implementation.

The specific objectives were as follows:

- i. To enlighten participants, on the African Continental Free Trade Area (AfCFTA), and discuss a collaboration strategy that would lead to effective application of the initiative.

- ii. To ensure understanding of the challenges and prospects of the AfCFTA.
- iii. To understand the role of the Regional Economic Communities (RECs) in the AfCFTA.
- iv. To understand the role the ECOWAS Parliament can play in facilitating the application of the AfCFTA.

3.0 Official Opening Statements and Speeches

The opening ceremony commenced by observing a minute's silence for the passing of Mr. Kofi Annan, former Secretary -General of the United Nations (UN).

Rt.Hon. Moustapha Cissé Lo, Speaker of the ECOWAS Parliament, gave the welcome address. He expressed gratitude to the Government and Parliament of the Republic of Côte d'Ivoire for hosting the seminar. He recognized the contributions of His Excellency, late President Félix Houphouët-Boigny to Pan Africanism. The Rt.Hon. Speaker recalled that the seminar was the 3rd in a series, following those held in Lomé and Dakar. He underscored the aspirations of the citizens for a borderless continent and called upon the Parliament to play its role in facilitating the implementation of the AfCFTA.

Other opening remarks were delivered by Hon. Mamadou DIAWARA, Deputy Speaker of the National Assembly of the Republic of Côte d'Ivoire, representing the Speaker, Rt.Hon. Guillaume Kigbafori Soro and Mr. Tei Konzi, ECOWAS Commissioner for Trade, Customs and Free Movement, representing the President of ECOWAS Commission, H.E Jean-Claude Kassi BROU.

Rt. Hon. Martin Karoli Ngoga, also addressed the gathering on behalf of the East African Legislative Assembly (EALA).

He expressed gratitude for the invitation to attend the seminar. He described the AfCFTA as one step in the right direction as the signing of the agreement marks a new step in Africa's march towards greater integration and unity, from which everybody stands to benefit. He shared the experience of the EAC where EALA has discharged its mandate in putting in place legislations that facilitate free trade in the region. He charged Parliamentarians to play their legislative and

oversight roles diligently to ensure that African leaders do not bequeath poverty to the next generation.

The Seminar was officially opened by the Vice-President of the Republic of Côte d'Ivoire, Mr. Daniel Kablan Duncan. He highlighted the challenges the ECOWAS region and the African Continent are facing with respect to intra-continental and international trade and commended a continental approach to addressing these challenges through the AfCFTA. He also underscored the vital role of the RECs in its implementation and the Parliament in enacting enabling legislation.

4.0 Presentations and Discussion

During the seminar, the following presentations were made by dignitaries and experts who helped shed light on the challenges and prospects of the AfCFTA and the role that RECs should play to make it a success:

- i. *"The African Continental Free Trade Area (AfCFTA); Challenges and Prospects of a borderless Africa"* made by Dr. Bebila Amadou Yaro, Director -General of the National School of Financial Management -MINEFID-BURKINA FASO;
- ii. *"Strategies for effective implementation of the AfCFTA-Perspective of Civil Society"*, made by Mr. Ousmane Sy Ndiaye, an independent Expert and Representative of the Civil Society;
- iii. *"Côte d'Ivoire's contribution towards regional integration"*, made by Mr. Ally Coulibaly, Minister of African Integration of Côte d'Ivoire;
- iv. *"Role of the Regional Economic Communities (RECs) in the implementation of the AfCFTA"*, made by Prof. Mélégué Traore, Former Member of ECOWAS Parliament;
- v. *"The role ECOWAS Parliament can play in facilitating the application of the AfCFTA"*. Made by Prof. Mélégué Traore;
- vi. *"The African Union, Objectives and Achievements"*, made by Prof. Deji Adekunle, Director- General of Nigerian Institute of Advanced legal Studies;

- vii. *"Translating Economic Policies of the ECOWAS Community into Legislation: Role of the ECOWAS Parliament in the Enactment Process"*, made by Prof. Deji Adekunle;
- viii. *"NEPAD, the journey so far"*, made by Hon. Babacar Ba; and
- ix. *"AfCFTA, the fate of ECOWAS Trade Policy"*, made by Dr. Gbenga Obideyi, ECOWAS Director for Trade.

A copy of each of the above-mentioned presentations is hereto attached and made available in the EALA Library.

5.0 Courtesy Call on Rt.Hon. Moustapha Cissé Lo, Speaker of the ECOWAS Parliament

On Friday 14th September, 2018, Rt. Hon. Martin Karoli Ngoga. Speaker of EALA paid a courtesy call on Rt.Hon. Moustapha Cissé Lo, Speaker of the ECOWAS Parliament. The two leaders appreciated the amicable relationship between ECOWAS and EALA. They further discussed the role of Regional Parliaments in the new Continental economic drive and the need for RECs partnership on matters of mutual interests, such as revitalizing the Regional Speakers 'Forum.

6.0 Key Observations

The following observations were made:

- i. A great number of members of ECOWAS Parliament and African experts support the recently concluded agreement on the AfCFTA.
- ii. However, the participants have expressed some concerns that need to be addressed for the African free trade area to materialise. These concerns include the existing obstacles hampering free trade in all RECs within their limited territories, questioning therefore the readiness of the Africa region for a continental-wide free trade area.
- iii. The implementation of the AfCFTA should incorporate the lessons learnt in establishing free movement of goods, services and capital within the RECs. Furthermore, the RECs should play the crucial role of its inclusive and transnational implementation.

- iv. However, RECs have limited role to play because they are not signatories to the African free trade agreement but member States are.
- v. There is need for all members of the same REC to consolidate their positions in the AfCFTA negotiation so as to collectively sign and ratify the AfCFTA to avoid potential disintegration.
- vi. There is need for Parliamentary support to diligent and inclusive implementation of the AfCFTA.
- vii. Regional Parliaments need to advocate for the participation of the private sector which is a large employer and other stakeholders in the implementation of the AfCFTA.
- viii. Industrialisation is the essential prerequisite to the creation of the AfCFTA; Parliaments should therefore support the initiatives of the UN towards the industrialisation of the 3rd Decade which implementation was piloted by the AU and United Nations Industrial Development Organisation (UNIDO).
- ix. The AfCFTA is placed in the context of the AU's Agenda 2063 and forms part of the intelligence of the continent's march towards the ultimate goal of African Unity.

7.0 Lessons Learnt

The East African Legislative Assembly needs to appreciate that Regional Parliaments have great tasks coming along with the dream of African continental free trade bloc, such as to inform Parliamentarians of the provisions of the Agreement and to look towards the monitoring and evaluation of its implementation as they discharge their oversight function. The Parliament needs also to enact enabling legislation. In this respect, seminar such as this held by ECOWAS Parliament are very important to ensure that Parliamentarians take off from a well-informed base.

Regional Economic Communities in Africa and their respective "legislative" branches are at different stages of integration. Thus, the need to share learning experience in terms of best practices that can be emulated in other regional blocs. In addition to sending delegates to participate to experience sharing fora, EALA should consider organizing and hosting similar seminars for capacity strengthening to benefit the entire Assembly.


8.0 Conclusion

The ECOWAS Parliamentary Seminar on the AfCFTA was timely held. It provided member of the ECOWAS Parliament and all other participants a golden opportunity to be enlightened on the challenges and prospects of the new African Continental trade Bloc. Participants were also acquainted with the role the ECOWAS Parliament and other Regional Parliaments can play in facilitating the application of the AfCFTA. The East African Legislative Assembly took part in this important discussion and shared the experience of EAC in realizing the free movement of goods, services, capital, right of establishment and right of residence as well as the development of key regional infrastructure necessary to facilitate these freedoms.


**REPORT OF THE DELEGATION TO ECOWAS PARLIAMENTARY
SEMINAR ON THE AFRICAN CONTINENTAL FREE TRADE AREA
(AfCFTA). CHALLENGES AND PROSPECTS OF FREE TRADE IN AFRICA-
ROLE OF THE REGIONAL ECONOMIC COMMUNITIES (RECs), IN
ABIDJAN, IVORY COAST,**

FROM 13TH – 15TH SEPTEMBER 2018

By Hon. Kennedy Kalonzo Musyoka

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**ECOWAS : PARLIAMENTARY
SEMINAR**
Abidjan – 13 – 15 September 2018

**AFRICAN CONTINENTAL FREE TRADE AREA :
Challenges and Prospects of an Africa without
borders**

Dr Amadou N. YARO
*Director General of the
National School of
Financial Management –*

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Introduction

African Union and Agenda 2063

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« Agenda 2063 : the Africa we want »

Spear-headed by the African Union, the Agenda 2063 provides a solid framework for redressing past injustices and making the 21st century, the century of Africa.

On the occasion of the Golden Jubilee celebration of the African Union, in May 2013, the African political leaders acknowledged past achievements and challenges and renewed their commitment towards implementing the Pan African vision of an « **integrated, prosperous and peaceful Africa driven by its own citizens and representing a dynamic force in global arena** ».

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The AU tasked the African Union Commission to, in collaboration with the Planning and Coordinating Agency of the New Partnership for Africa's Development (a NEPAD Agency), the African Development Bank (AfDB) and the United Nations Economic Commission for Africa (ECA), develop a 50-year continental agenda based on a process driven by African citizens.

Thus the birth of Agenda 2063.

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As an endogenous programme and a common strategic framework for an inclusive growth and sustainable development, the Agenda 2063 is structured around three dimensions, namely:

- The vision : how the Africans want to live in 2063. In other words, how Africans would like to see the situation of their continent in fifty years, when the continent will celebrate the centenary of the OAU?

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- The transformation, which lays out the foundation underpinning Agenda 2063, hence the different stages of the journey in form of objectives, priority areas, targets and proposals of strategies;
- The means of achieving Agenda 2063 (rendering *Agenda 2063 possible*). This dimension addresses the aspects relating to principles and responsibilities in terms of implementation, monitoring and evaluation, funding, partnerships, implementation capacity, communication and sensitisation.

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Economic integration is one of the means of implementing these dimensions. It is worth noting that it was one of the listed objectives when the OAU was established. In addition, the Lagos Plan of Action (LPA) and the Lagos Final Act of 1980 established the regional / economic integration as a pillar of Africa's self reliance, growth and economic transformation of Africa. In 1991, the Abuja Treaty was signed to complete the process and « **establish an African Economic Community as an integral part of the OAU** » with a view to "promoting economic, social and cultural development and integration of African economies."

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One of the urgent measures put in place to promote regional integration is the establishment of the continental free trade area (CFTA).

Hence, the CFTA is a flagship project of the African Union's Agenda 2063. It was endorsed by the African Union Summit and considered an urgent initiative, which immediate implementation will yield rapid results, encourage socio-economic development, boost the confidence of Africans and strengthen their commitment and ownership of the Agenda 2063.

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Chapter 1- Objectives of the CFTA

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Some historical facts

The decision to launch the continental free trade zone was taken in January 2012 at the 18th ordinary session of the African Union Conference.

The negotiation process was launched in June 2015 in Johannesburg during the 25th ordinary session of the African Union Conference. The objectives, principles, roadmap for the establishment of the CFTA were defined during this session.

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The first meeting of the Continental Free Trade Area negotiating forum was held, in February 2016, in Addis Ababa, Ethiopia. A meeting was held in the same month in Abidjan to prepare the said forum, bringing together, in addition to the above-listed regional communities, members of the United Nations, the African Union, the African Development Bank and the Civil Society.

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The second meeting of the Continental Free Trade Area negotiating forum was held, in May 2016, in Addis Ababa, Ethiopia. It was aimed at defining the outlines of the CFTA, in collaboration with the United Nations and African Union.

The third meeting of the Continental Free Trade Area negotiating forum took place, in October 2016, in Addis-Ababa.

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The Agreement was signed by 44 countries at a summit held, on 21 March 2018, in Kigali. If at the outset some other countries expressed reservations and hence, did not immediately join the agreement, it is worth mentioning that to date, 55 countries have undertaken to achieve the objectives defined by the Heads of State and Government.

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Objectives of the CFTA

The CFTA has both general and specific objectives.

1-1- General objectives

- a) establish a single market for the goods and services markets, which should be facilitated by free movement of persons;
- b) establish a liberalised market for goods and services through successive rounds of negotiations;

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- (c) contribute to the movement of capital and natural persons, as well as facilitate investment;
- (d) lay the foundation for the establishment of a continental customs union at a later stage;
- (e) promote and achieve inclusive and sustainable socio-economic development, gender equality and structural transformation of States Parties;
- (f) strengthen the competitiveness of States Parties' economies at both the continental and global levels;

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g) promote industrial development through the diversification and development of regional value chains, agricultural development and food security;

h) resolve the challenges of belonging to a horde of overlapping organisations and accelerate the regional and continental integration processes.

To achieve the afore-mentioned objectives, the CFTA has set out specific objectives.

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2- Specific Objectives

a) gradual elimination of tariff and non-tariff barriers to trading in goods;

b) gradual liberalisation of trading in services;

c) cooperation in the area of investment, intellectual property rights and competition policy;

d) cooperation in all trade related areas;

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e) cooperation in the areas of customs and implementation of the trade facilitation measures;

f) establishment of a dispute settlement mechanism among the States parties;

g) establishment and maintenance of an institutional framework for the implementation and management of the CFTA. There is need to underscore the fact that the establishment of CFTA is the result of an introspective reflection of African leaders, taking into consideration the past context, but also and particularly the future of the African continent.

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Chapter 2- Context for the launching or establishment of the CFTA

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The context within which the CFTA was established can be summed up in three key points:

2-1- persistent economic problems on the continent

There is no need to count the problems of African countries after more than 60 years of independence and of establishment of one of the biggest continental organisations in the world, the OAU, which is now the African Union. This can be illustrated in two points:

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- Low level of industrialisation of the continent: it is common knowledge that our continent is the least industrialised of all continents:

- Barely 10% of national GDPs;
 - About 2% of global industrial production;
- As regards trade, between 5 and 10% of global trade, according to statistics

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This situation is the cause of many challenges arising from poorly structured economies that struggle to assert themselves both within the continent and beyond.

Efforts that have been made, and mostly measured using growth rates higher than those recorded at global level, are not recognised at their fair value.

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2-2- Continued extraversion of the continent: this results from the point developed above. It should be noted that about 80 to 90% of African trade is with countries outside the continent. Trade is mostly analysed as one of the solutions to some problems such as unemployment.

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For example, according to statistics, Intra-African trade today represents only 16% of African trade, and in most cases, economies are less diversified and depend on the export (beyond Africa) of some raw materials such as hydrocarbons, timber and mining products.

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By trading largely with countries outside Africa, the continent fails to sufficiently process raw materials it is endowed with. This affects the creation of businesses, leading to severe unemployment, especially among the youths.

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2-3 Delay in the integration process, especially the African Economic Community. That is the third point under the context within which the CFTA was established. It should be noted that most of the economic integration communities have failed to live up to expectations in due course. This is true of all the regions of Africa.

However, the concept of integration is presented by African leaders as compulsory stages, leading up to inclusive and well controlled development.

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These delays observed resulted, among other things, in inadequate or delayed harmonisation of public policies, which is key in controlling development processes. For illustration purposes, harmonisation of domestic taxes, the adoption and implementation of the Common External Tariffs (CET) for customs duties, youth employment policies, women's rights, etc. have been delayed, or even postponed for a long time.

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By embarking on this far-reaching process of the CFTA, African leaders have evaluated the continent's development in all aspects.

Now that the CFTA is in process, the challenges are enormous. They need to be measured against expectations from this major project and its consequences for future generations.

That is point 3 in the outline of our presentation

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Chapter 3

Challenges and issues surrounding the establishment of the CFTA

**FAST-TRACKING THE ECONOMIC AND SOCIAL
DEVELOPMENT OF AFRICA WITHIN THE
FRAMEWORK OF AGENDA 2063.**

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For all African leaders, this will entail having a forward-looking approach. They need to give the example that the African continent can and should drive its own development in an inclusive and participatory manner, with due regard to such major development principles as human rights, gender, especially ensuring that women play an important and definitive role in the development process, etc. In one word, pluralistic democracy.

The issues and challenges are enormous.

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• 3-1- Issues

a) Establish, in the long term, the biggest free trade area in the world since the establishment of the World Trade Organisation; the African Continental Free Trade Area will cover a market of 1.2 billion inhabitants, representing a gross domestic product (GDP) of 2.5 trillion dollars for all the 55 Member States of the African Union.

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b) Create a huge market and revamp Intra-African trade: Africa's population is projected to reach 2.5 billion inhabitants by 2050, representing 26% of global working-age population. Similarly, its economy is expected to grow at a rate that will be double of those of developed countries. With average tariffs of 6.1%, businesses are now faced with higher customs duties when exporting within Africa than outside the continent.

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The CFTA will gradually abolish customs duties on Intra-African trade. This will enable African businesses to easily negotiate on the continent and meet the demand of the growing African market, thereby benefiting from the free trade scheme.

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3-2- Challenges

a) Political challenges

These have to do with the entry into force of the agreement and its implementation

The agreement is expected to enter into force in January 2019. Up till now, many countries are yet to do it. Hence the need to speed up the process. Furthermore, the fact has been established since a long time that the main problem in Africa is not the lack of good policies or strategies, but inadequate implementation. Therefore, the implementation of the agreement is indispensable

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b) Economic and social challenges

These have to do with:

- subsequent stages: The Common External Tariff, free movement of persons and labour, free movement of capitals, the single currency, etc.
- industrialisation and diversification of African economies: ensure that our economies are competitive, and complement each other instead of being similar.

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- c) infrastructural challenges: these have to do with:
- construction of transportation infrastructure (roads, railways, airports, etc.),
 - acquisition of transportation means (trucks, trains, ships, aeroplanes, etc.)
- d) the relationship between Africa and other continental blocks, such as the European (European Union) and Asian blocs (namely China).

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CONCLUSION

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The CFTA is one of the cornerstones of the African Union ambitious Agenda 2063. A set of human and economic projects to make Africa more than an emerging continent.

The CFTA foreshadows the dreams of the 1963 historians, namely the Pan-Africanism. It stands to reason that, the CFTA, in view of its objectives, notably the establishment of a common African market, is a Pan-Africanist ideal.

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I THANK YOU FOR YOUR KIND ATTENTION

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FORUM PARLEMENT DE LA CEDEAO

ABIDJAN DU 13 AU 15 SEPTEMBRE 2018

ZONE DE LIBRE ECHANGE CONTINENTALE AFRICIANE (ZLEC) :

**Défis et perspectives du libre-échange en Afrique – Rôle des
Communautés économiques régionales (CER)**

Thème de communication :

« Stratégies de mise en œuvre de la ZLEC »

Par **Monsieur Ousmane Sy NDIAYE**

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PLAN DE COMMUNICATION

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I. LES FACTEURS DE SUCCES DE LA ZLEC AFRICAINE

A. Les exigences de l'Article 4.

B. Le développement industriel fondement d'une ZLEC africaine efficace

II. MISE EN ŒUVRE TRANSNATIONALE ET INCLUSIVE

A. Le rôle des Communautés Régionales (CER) et comités nationaux

B. L'implication du secteur privé

III. CONCLUSIONS ET RECOMMANDATIONS

INTRODUCTION

L'ambition des pères fondateurs de l'unité africaine, a conduit, en 1963, à la création de l'OUA, pour une Afrique unie, prospère et solidaire. Ce désir de renforcer et d'accélérer cette intégration a conduit à la création de L'Union africaine (UA) en 2002, à Durban en Afrique du Sud, en application de la déclaration de Syrte du 9 septembre 1999. Ainsi, une décision majeure du 18ème sommet des Chefs d'Etat de l'Union Africaine (UA), tenu en janvier 2012 à Addis Abeba va jeter les bases de l'approfondissement et l'accélération de l'intégration à travers l'établissement d'une zone de libre-échange continentale (ZLEC) prévu en 2017. L'intégration étant en fait un pilier de l'agenda de développement économique de l'Union Africaine (UA) avec comme point d'achèvement la création de la Communauté Economique Africaine (CEA).

Il convient, de rappeler que la mise en place de la ZLEC a connu un long processus. Déjà, en 1979, la Déclaration de Monrovia mentionnait pour la première fois un marché commun africain et le Plan d'action de Lagos élaborait cette notion de marché commun en 1980. Ensuite, le traité d'Abuja de 1991 visait à créer la Communauté économique africaine en six étapes, avec comme aboutissement la création d'un marché commun africain utilisant les communautés économiques régionales (CER). En 2012 l'Assemblée de l'UA a adopté le plan d'action pour stimuler le commerce intra africain (BIAT) et une feuille de route pour l'établissement de la Zone de Libre Echange Continentale (ZLEC) Africaine dont les négociations seront lancées en 2015. En 2017, le sommet de l'UA réaffirme sa volonté d'accélérer la création de la

ZLEC en 2017. L'accord prévoyant la mise en place de la ZLEC sera signé le 21 Mars 2018 à Kigali.

Pour rappel la zone de libre-échange continentale vise à établir un marché unique à l'échelle du continent africain pour les biens et services, incluant la libre-circulation des personnes et des capitaux.

Les objectifs poursuivis dans le cadre de la ZLEC sont entre autres :

- La création d'un marché continental unique pour les biens et services avec la liberté de circulation des hommes et femmes d'affaires et des investissements, pour faciliter l'établissement de l'Union douanière continentale.
- Le développement du commerce intra-africain à travers l'harmonisation et libéralisation des échanges mais aussi avec la création de régimes de facilitation et d'instruments appliqués dans les différentes CER et dans le continent en général.
- L'amélioration de la compétitivité au niveau de l'industrie et de l'entreprise en tirant avantage des possibilités d'une production à grande échelle, d'un accès aux marchés de tout le continent.

L'enjeu de la mise en place de la ZLEC est de taille. En effet, l'Afrique ne pèse qu'autour de 5% du Pib mondial en dépit de sa population estimée à 1,3 milliard d'habitants soit 17% de la population mondiale, et elle concentre moins de 2% des investissements directs étrangers et moins de 2% du commerce mondial. C'est dire que le niveau des échanges intra-africain reste encore faible et estimé à moins de 16% pendant que dans les autres continents ce niveau dépasse la barre des 60%.

Compte tenu de ces données, l'élargissement de l'espace économique et du marché de l'Afrique par la mise en place d'une Zone de libre-échange continentale reste une alternative qui favorisera le développement d'un partenariat Sud-Sud et peut être une des solutions aux nombreuses préoccupations de développement économique et social. En effet, en facilitant la libre circulation des biens et services, des personnes et des capitaux, des possibilités sont offertes au secteur privé africain pour valoriser les échanges et les immenses opportunités d'affaires pour créer davantage de PME et de PMI nécessaires à la

Au demeurant, la mise en œuvre effective de la ZLEC est en bonne partie sujette au respect des principes fondateurs de la Communauté Economique africaine (CEPA) et des exigences édictées par l'article 4 de l'accord portant création de la ZLEC Africaine.

Ces défis constituent des préalables de succès à la mise en œuvre de la ZLEC (I). Il s'y s'ajoute le développement d'une stratégie transnationale et inclusive (II) dans laquelle les acteurs notamment les comités nationaux, les CER, le Secteur privé joueront pleinement leur rôle.

I. LES FACTEURS DE SUCCES DE LA ZLEC

Nous aborderons successivement les exigences liées à l'article 4 de l'Accord portant création de la ZLECA (A) et le développement industriel fondement d'une ZLECA efficace (B).

A. Les exigences de l'article 4

Cet Article 4 précise qu'aux fins de réalisation des objectifs de la ZLECA, « les Etats parties :

- a) éliminent progressivement les barrières tarifaires et non tarifaires au commerce des marchandises ;
- b) libéralisent progressivement le commerce des services ;
- c) Coopèrent en matière d'investissement, de droits de propriété intellectuelle et de politique de concurrence ;
- d) coopèrent dans tous les domaines liés au commerce;
- e) coopèrent dans le domaine douanier et dans la mise en œuvre des mesures de facilitation des échanges ;
- f) établissent un mécanisme de règlement des différends concernant leurs droits et obligations ; et
- g) établissent et maintiennent un cadre institutionnel de mise en œuvre et de gestion de la ZLECA.

Cette disposition rappelle aux Etats membres les mesures à prendre pour la réussite de la ZLEC. En effet, dans de nombreux cas, ce sont les États eux-mêmes qui refusent d'appliquer les décisions auxquelles ils ont librement souscrit. Cette réticence est souvent due à des craintes d'importantes pertes de recettes douanières et une répartition inégale des coûts et des bénéfices. En effet, les pays dotés d'importantes capacités productives dans le secteur manufacturier peuvent connaître une croissance économique et des gains de bien-être importants, tandis que les petites économies et les pays les moins avancés (PMA) risquent d'être confrontés à d'importantes pertes de recettes fiscales et de menaces pour les industries locales. C'est la raison pour laquelle l'accord envisage différentes modalités de réduction tarifaire et d'autres mécanismes d'atténuation.

Enfin, le succès de la ZLECA dépendra, entre autres, de l'efficacité à travers laquelle les communautés économiques régionales (CER) pourront rationaliser leurs zones de libre-échange (ZLE) respectives, pour être en harmonie avec une future zone de libre-échange continentale (ZLEC).

B. Le développement industriel fondement d'une ZLECA efficace

En tant que stratégie de transformation économique, l'intégration continentale dispose de la capacité de créer des opportunités pour le commerce et l'investissement intra africains mais ces opportunités ne peuvent être pleinement exploitées sans développer la base industrielle.

L'Afrique évolue rapidement. Elle construit de façon graduelle mais constante des éléments d'infrastructure cruciaux qui la positionnent pour devenir la prochaine économie émergente du monde et le chemin qui mène à cette voie reste l'industrialisation.

Bien que les exportations intra-africaines soient inférieures aux exportations de l'Afrique vers le reste du monde, elles concernent essentiellement des produits transformés ou intermédiaires tandis que les exportations africaines vers le reste du monde sont principalement des produits non transformés et des produits extractifs.

Cela signifie que pour exploiter pleinement les opportunités créées par l'intégration régionale, il est nécessaire et indispensable d'élargir la base industrielle. Une zone de libre échange est susceptible d'être efficace pour offrir les avantages de l'intégration régionale (libéralisation du commerce) si la base industrielle est portée à des niveaux significatifs ; elle est également à même d'être durable si les avantages du commerce et de l'industrialisation sont tangibles. Le développement industriel devient alors une base, une condition préalable à une zone de libre-échange continentale efficace et durable..

Le défi est de savoir comment « élever » la base industrielle aux niveaux « significatifs » attendus.

L'Afrique détient de considérables ressources avec une base importante d'éventuelles ressources financières. Mais l'obstacle majeur au développement du secteur privé en Afrique reste l'accès au crédit. Or, le secteur privé est important pour l'intégration régionale et le développement industriel de l'Afrique.

En effet, le secteur privé est un moteur naturel de croissance, essentiel au développement industriel d'où la nécessité de libérer le dynamisme, le potentiel du secteur privé à travers l'élaboration de meilleures infrastructures, le déploiement d'efforts pour combler les marchés fragmentés et permettre aux personnes et aux biens de passer les frontières.

II. UNE STRATEGIE DE MISE EN ŒUVRE TRANSNATIONALE ET INCLUSIVE

Sur ce point, nous traiterons d'une part le rôle attendu des CER et Comités Nationaux et d'autre part l'implication du Secteur Privé.

A. Le rôle des CER et Comités Nationaux

- **le rôle des CER**

Les États parties qui sont membres d'autres CER qui ont atteint entre eux des niveaux d'intégration régionale plus élevés que dans le cadre de la ZLECA maintiendront ces niveaux plus élevés entre eux.

Les CER doivent contribuer à la structure institutionnelle de la ZLECA en coordonnant la mise en œuvre au niveau régional et, à titre consultatif, par leurs sièges respectifs au sein du Comité des hauts fonctionnaires commerciaux de la ZLECA.

Les CER qui ont atteint le niveau d'intégration nécessaire pour former des unions douanières présenteront des offres d'accès au marché commun pour le commerce des marchandises. À long terme, au fur et à mesure que le niveau d'intégration continentale s'approfondit, les fonctions liées au commerce des CER devraient

être consolidées au niveau continental, conformément à la décision de la dix-huitième session ordinaire de la Conférence de l'Union africaine sur la consolidation des accords de libre-échange tripartites et d'autres accords régionaux en une zone de libre-échange continentale.

Les CER doivent également relever le défi de l'harmonisation et de la mise en cohérence des engagements juridiques multilatéraux, régionaux et bilatéraux des régions et pays africains.

Enfin, il est nécessaire d'adopter une approche inspirée des réussites et des difficultés existantes dans le cadre des CER en matière de libéralisation des services et de coopération réglementaire.

• **Le rôle des comités nationaux**

Pour tirer pleinement parti des possibilités offertes par la ZLECA, il est recommandé à chaque État Partie d'élaborer une stratégie ZLECA qui identifie pour ce pays les principales possibilités commerciales, les contraintes actuelles et les mesures requises pour tirer pleinement parti du marché de l'Afrique continentale. Les principales caractéristiques peuvent inclure :

Examen des exportations : Examen de la performance commerciale intra africaine et mondiale dans le contexte de tout cadre de politique commerciale existant ;

Secteurs d'opportunité : Identification du potentiel d'exportation de la ZLECA sur la base d'une analyse statistique des offres d'accès au marché de la ZLECA et du potentiel commercial existant - et établissement de priorités dans les secteurs cibles ;

Contraintes des secteurs cibles : Analyse des contraintes rencontrées par les exportateurs dans les secteurs cibles de leurs échanges intra-africains ;

Mesures stratégiques pour stimuler les secteurs cibles identifiés : Définition de différentes mesures, notamment pour résoudre les contraintes recensées, attirer les investissements sectoriels, donner la priorité aux actions à faible coût et attribuer des responsabilités institutionnelles pour la mise en œuvre de la stratégie.

B. L'implication du secteur privé

Les États membres doivent prendre des dispositions pour instituer au niveau national des mécanismes qui impliquent réellement le secteur privé. En effet, la ZLECA est un outil destiné au secteur privé africain. La zone de libre-échange continental ne devient une réussite que lorsque les entreprises privées, les producteurs agricoles, les commerçants, les industrielles et les consommateurs en tirent parti à des fins commerciales dans tout le continent.

Sous ce rapport, une stratégie s'appuyant sur le secteur privé devient indéniable. Cette stratégie reposera sur un triptyque : l'inclusion du secteur privé, la sensibilisation et les partenariats.

- a) l'inclusion du secteur privé : il s'agit ici d'une implication plus active du secteur privé pour apporter directement des propositions aux institutions de mise en œuvre de la ZLECA afin de faire en sorte que celle-ci soit modelée de manière à faciliter les activités du monde des affaires en Afrique. La ZLECA étant une opportunité de développement pour l'Afrique, elle doit être utilisée par le secteur privé.

- b) La sensibilisation : Les entreprises doivent être pleinement sensibilisées par leur gouvernement sur les opportunités et potentiels de la ZLECA. Sur cette base, elles peuvent alors établir de nouveaux liens commerciaux ou pousser leurs gouvernements respectifs à négocier en faveur de ses opportunités si elles ne sont pas déjà couvertes par la teneur déjà négociée de l'accord.
- c) Les Partenariats : Des partenariats entre les pouvoirs publics et les entreprises sont indispensables pour assurer et faciliter les investissements dans les mesures d'accompagnement nécessaires pour compléter la ZLECA, à savoir la mise en place d'infrastructures commerciales intra-africaines, la mobilisation des fonds de financement du commerce, la fourniture d'informations commerciales et la prestation de services logistiques. Ces dispositions aideront les entreprises à reconnaître les possibilités commerciales offertes par la ZLECA et à les concrétiser.

CONCLUSION ET RECOMMANDATIONS

En conclusion, il convient de relever que la réussite de la ZLEC passera par un certain nombre d'éléments clés notamment : la levée progressive des barrières tarifaire et non-tarifaires, le développement de l'industrie, l'investissement et la circulation transfrontalière des personnes.

A cela, il faut ajouter la possibilité de recours commerciaux qui pourrait constituer une mesure de sauvegarde cruciale pour les pays préoccupés par les effets de la concurrence sur certaines industries nationales. Dans le cadre de la ZLEC, la bonne solution passera par des autorités régionales chargées des enquêtes, qui aideront à étendre les recours aux petits pays et aux pays les moins avancés d'Afrique.

Enfin, un mécanisme de suivi et évaluation sera nécessaire pour garantir le respect de la ZLEC par chaque pays, pour mesurer les progrès accomplis dans la mise en œuvre du Plan d'action BIAT (plan d'action pour stimuler les commerce intra régional) et pour veiller à ce que la ZLEC contribue à la réalisation des objectifs de développement de l'Afrique. L'adoption d'une « fiche » de suivi par auto-évaluation est recommandée, ainsi que la collecte de données permettant de discerner les effets en fonction du genre ainsi que pour les groupes vulnérables.

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AFRICAN CONTINENTAL FREE TRADE AGREEMENT

Ambassador Traoré Mélégué,

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The continental dynamic of Africa owes its wealth to multiple variations that have been giving it substance soon after independences and since the establishment of the continental organisation. Since 1963, the organisation has had the ambition to create and lead a multifaceted dynamic which will encompass all major areas in the life of nations and of the continent. Beyond inter-African politics, economic activities have become the real structuring sector of this dynamic. From 1964, and even earlier for some sub-regions, before independences, initiatives were taken in respect of trade.

The Abuja Treaty of 1991 has been a milestone in this regard. However, from an institutional point of view, and as regards the strategy for building a continental area, regional economic communities constitute the basic mechanism for the journey toward continental unity. In this regard, the major interactions among States or nations proved effective. This is how economic mechanisms to go beyond State nations became operational.

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The establishment of a free trade area, covering the entire African continent, is a milestone in building African unity, and at the same time a challenge. The Kigali Agreement concluded on 21 March 2018 is, beyond its substance, first of all, a political move. Indeed, this is how it has been perceived in Africa and beyond. By putting in place a mechanism that corresponds to the first phase of the traditional process of association and integration among States, the African Union has achieved a breakthrough in continental political and economic dynamic.

However, on the economic front, this challenge is unprecedented in the history of the OAU and that of the African Union. For the first time, the articulation among States in the order of global regionalism entailed going beyond sub-regional dynamics. This multifaceted challenge ought to be taken with realism.

Since the launching of the project, from its initiation to its adoption at the African Union summit of Nouakchott in July 2018, if almost unanimous support is achieved for the wonderful ambition represented by the establishment of the free trade area, it has generated a lot of criticism and fear. Such criticism and fear range from scepticism to the simple negation of the intelligence behind the project, which is even described as “madness” (Jacques Berthelot. June 2017).

Whatever the case may be, the ACFTA will need the commitment and strong engagement of the major actors of African regionalism.

Among them, the regional economic communities, which are the conventional sub-regions of the African Union, form a separate entity. First, because they constitute economic frameworks that cover the entire continental area, secondly because it is at this level of operation that relationships are codified among states.

The success of the continental free trade area will largely depend on regional economic communities, given their importance as a framework within which States interact.

Despite the significant differences among these organisations in respect of their political and economic environment, they have common characteristics that reflect their originality.

They share some key functions. Each of them covers a specific inter-state area where rules of discipline have been put in place to govern trade. They are marked by more or less serious disagreements, and their role is to mitigate them. They all experience inter-state relationships, which are sometimes harmonious, or which clash sometimes on economic issues, namely trade.

From an institutional perspective, with the ACFTA, Africa is putting in place a system to go beyond partial regionalism, but paradoxically, its success or failure will depend on regional economic communities that promote partial regionalism.

The relationship between the free trade area and regional communities is both complex and simple. Regional communities have all been formed before the ACFTA. They are legally and politically independent from the ACFTA, which does not intend to coordinate them, beyond what the African Union can do. Therefore, their relationships with one another will be functional in nature.

Naturally, RECs are formed by agreements to which States are individual parties. The same is true of the ACFTA.*RECs are not signatories to the free trade agreement. It is States that are members, and not regional communities. This restricts the role of RECs.

However, from a functional point of view, given the substance of regional communities and of the free trade area, progress in the ACFTA will largely depend on the dynamics of these organisations.

Many communities have put in place mechanisms to govern trade, as in other important sectors. Some have been put in place with the main objective of ensuring business regulation.

The provisions of the DCFTA have recognised this under various Articles.

The key question is to know what will be the organisational and institutional framework within which the relationships between the ACFTA and RECs will be operated. Here we will find some thoughts which, at this stage of launching the free trade area, can only be succinct. Ensuing developments will focus on:

1. Continental overview of regional economic communities.
2. RECs within the CFTA
3. Some actions envisioned within RECs.

Conclusion

1. Overview of regional economic communities.

The term “regional economic communities” may seem equivocal. In the practice of the UN, and as per the doctrine of international relations, political science, and geography, the term “region” refers to conventionally established continents. Africa is a region like Europe, Asia Pacific, the Americas, the Russian block. It is on this basis that the economic commissions of the United Nations were created, including the one in Addis Ababa.

But in the practice of the OAU, now African Union, the segmentation of the region into five sub-regions (West, Central, Northern, Eastern, South-East) brings about the name regional economic communities corresponding to geopolitical sub-regions of the continent. It is the common term for predominantly economic regionalism. The African continental free trade agreement uses frequently the acronym R.E.C.

Meanwhile, in the beginning, when the OAU was established, the “regions” were appreciated as the opposite of the continental organisation; and quickly they were considered as the first stage of continental integration.

One can still remember Sekou Toure's accusations against "regional blocks" in 1964. It is true that such accusations subsequently mended their ways in the 1970s. The ambiguity is partly due to the debate on the names of neighbourhood bodies, such as UEMOA, the Mano River Union or the EAC and IGAD for which it is difficult to find names other than sub-regions.

On this account, the segmentation of Africa into five regional economic communities has been firmly established. They constitute the drivers of regional integration, which is the process through which several States unite by gradually giving up their sovereignty to form a new collective body in the international order. Integration is first of all, an economic process driven by political will. It goes through various stages, the most important of which is a common market before economic and monetary union. Integration starts with a customs union.

According to Barthélémy Biao, when we consider the case of Central Africa, integration is "a process through which two or more countries gradually reduce and abolish obstacles to trade among themselves and discrepancies between the economies, so as to form a homogeneous economic area in the long term. This process involves as many business and macro-economic aspects as sectoral policies". Free trade, in its generic definition, is covered by this process.

1- West Africa

West Africa is the sub-region where integration has, by far, reached the highest level of performance on the continent. The Economic Community of

¹ Barthélémy Biao: Karthala 2003.p-23

West African States, ECOWAS, headquartered in Abuja, Nigeria, was made up of sixteen Member States in 1975 when it was established. In 2000, Mauritania withdrew from ECOWAS to remain only in the Arab Maghreb Union. One account of the lethargy in the union, it re-applied for membership in 2017. The dynamism of ECOWAS can be illustrated by its indisputable attraction of countries in other regions. Apart from the desired return of Mauritania with which an association agreement was signed in 2017, Morocco has also applied for membership. Meanwhile Algeria and Tunisia may also be contemplating the same move. In geopolitics, however, Chad and Cameroon are considered as being part of the Western block of the continent.

From geopolitical and diplomatic issues and concerns, ECOWAS has progressed tremendously to include economic issues in its mandate. Mechanisms in the Community today have gone beyond the provisions of the new agreement establishing the ACFTA.

Within ECOWAS, free movement had been instituted in one of the Protocols since 1979. The Common External Tariff was put in place in 2001, and entered into force in January 2015. UEMOA has had the CET for a long time, and it has been a customs union since 2000. Its objective is to “totally abolish the many non-tariff barriers which impede intra-community trade”.

ECOWAS has the ambition to become a common market by 2020 with a single currency underpinned by an integrated and effective financial market where trade and business will be conducted in an effective manner without any impediment.

2- Central Africa

Regionalism in Central Africa functions in the same manner as in West Africa. The regional economic community is the Economic Community of Central African

States (ECCAS).

It was established in 1983. Its objectives include: The abolition among Members States of customs duties and any similar taxes on the imports and exports of goods.

The abolition among Members States of obstacles to the free movement of persons, goods, services, capitals and to the right of establishment.

Within the ECCAS region, we have the CEMAC which is made up of francophone countries and Equatorial Guinea, which is the equivalent of UEMOA in this region.

3- Southern Africa

The sub-regional concept in Southern Africa had been hampered for a long time by the issue of apartheid in South Africa.

It emerged in the beginning of the 1980s, initially as a mechanism for resistance in South Africa. But once apartheid was done away with, the regional economic community was built around this country. SADC is now made up of seventeen countries.

Just as in other parts of Africa, SADC is the geographical body to which belongs the smallest organisation: SACU which is made up of States in the Southern cone of Africa, namely Botswana, Lesotho, Namibia and South Africa. The SACU or Southern African Customs Union was established to focus mainly on trade, notably issues relating to customs.

SADC, which is made up of seventeen members, was set up as a free trade area. It played a significant role in the establishment of the ACFTA. Even from an institutional point of view, it contributed immensely, for instance, the committee of senior officials.

Angola, although belonging to Central Africa, is a member.
' Mélégué Traoré. La géopolitique de l'Afrique. 2004.

4- Eastern Africa

COMESA is one of the biggest regional economic communities in Africa. It covers or overlaps with IGAD, the East Africa Community and part of SADC. It is classified sometimes in Southern Africa. However, it is located in Eastern Africa, among the countries bordering the Western part of the Indian Ocean. Its constitutive treaty defines it as being part of Eastern and Southern Africa. Established by the treaty of 5 November 1993 in Kampala, COMESA was set up in the beginning as a common market (Section one of the treaty). It is the transformation of the Preferential Trade Area, and had the ambition, in the beginning not only to be a common market, but to become an economic union subsequently. The treaty was mainly targeted at trade liberalisation by creating a customs union and abolishing all non-tariff customs barriers to trade among States, and by putting in place a common external tariff. COMESA countries, in the beginning were members of the DCFTA.

IGAD, just like CILSS4 in West and Central Africa was created in the beginning to address the impact of droughts.

The Intergovernmental Authority on Development (IGAD) was established by the Djibouti Agreement of 16 January 1986. In the beginning, it was made up of Djibouti, Kenya, Uganda, Somalia and Sudan.

Today, it has exceeded its initial goals, and has extended its interventions. It is part of the group of regional bodies that structure Eastern Africa, with which it overlaps sometimes.

Eastern African countries such as Sudan and Somalia took part in the establishment of CILSS.

5- Northern Africa

The regional economic community of Northern Africa is the Arab Maghreb Union (AMU), established by the Marrakesh Treaty of 17 February 1989. It is made up of Algeria, Libya, Morocco and Mauritania. Mauritania left ECOWAS in 2000 and now belongs only to the AMU. Two Arab States of Africa do not belong to the AMU: Egypt and Sudan. From a geopolitical point of view, Egypt belongs to the Maghreb, and Sudan to Eastern Africa.

The Marrakesh Treaty included, among other things, trade development. However, the AMU was facing prolonged difficulties due to the deadlock in respect of the Sahrawi case, and the resulting poor relationship between Algeria and Morocco. The only body which is operational is the Consultative Assembly called Maghreb Consultative Council.

6- CENSAD

CENSAD which was established in 1998, is unclassifiable in the African regionalism order, hence it is difficult to properly define it. From the onset, it was born out of the desire of the former Libyan leader, Mouammar Kadhafi, to organise the Sudan-Sahel region around Libya. It was initially an organisation with Libyan influence and an instrument for its foreign policy.

But, it very quickly expanded its base, with the adhesion of the Gulf of Guinea States, Central Africa and East Africa, which were not part of the Sahel-Saharan region. Concerns were raised about the overlap with the African Union, if CENSAD continues to expand geographically.

Moreover, like other organisations, it is strictly political and can be defined today, just like the other regional economic organisations, as a care giving institution, with multiple challenges in the areas of economy and trade. With

CENSAD, the fact is that membership of States to several regional economic communities, especially in terms of area, do not really overlap.

II- The AfCFTA regional economic communities

The preamble of the continental free trade Agreement recognises from the onset that « the regional economic communities' free trade areas serve as pillars for the establishment of the African continental free trade area "AfCFTA"». Legally, the Kigali Agreement include the RECs, but they are not subject to any special provisions. No Article is devoted to them.

The first insinuation in this regard is contained in the preamble to the Agreement. The regional economic communities are mentioned in the last paragraph, as pillars to the AfCFTA.

In its point "t" relating to definitions, the Agreement mentioned the regional economic communities recognised by the African Union". It particularly listed eight. The surprise is that it did not mention UEMOA and CEMAC, unlike the East Africa Community (EAC), which only a few years ago had only three member countries or IGAD, which overlaps with COMESA.

In the Agreement, REC are regularly mentioned at the institutional level, under the provisions concerning the secretariat and committee of senior officials. Other provisions also take into account the RECs, such as those provided by Article 18 on the rounds of negotiations, then 27 on coordination of technical assistance, 8 for consideration of higher performances of RECs, 5 on the best practices in terms of free trade.

III- Role of regional economic communities in the AfCFTA

The regional economic communities play several roles in the dynamics of the AfCFTA. Here are the most important ones:

1- Participation in the overall political development on the continent

Beyond the traditional interventions they are known for, some of the functions of the regional economic communities are now clearer with the AfCFTA, participation in the general political development on the African continent is among them. Before now, RECs were, each, confined in the frame of its space, their visibility outside this was only in relation to the African Union, or else, with non-African actors. Being part of the AfCFTA action, communities of the partial forms of regionalism have become direct actors in the global geopolitics of the continent. This status has strengthened their importance and they can take advantage of that aspect.

2- Pillars of the free trade areas

The AfCFTA negotiations are based on the assumption that the eight regional economic communities are the building blocks for the African free trade area. Article 5 of the Agreement considers the free trade areas of RECs as the "pillars of the AfCFTA". And the general objectives of the Agreement include, among other things, contribute to the movement of capital and persons within the regional economic communities

The history of RECs and their importance in the organisation of regional integration in Africa, make them inevitable in a project of the magnitude of AfCFTA. The operationalisation of this Agreement would have been impossible without the RECs.

3- Lateral actors in the AfCFTA governance structure :

Advisory function

This function is established directly by the Agreement. The main role of the RECs at the institutional level is that of an organ. RECs are not directly involved in the governance of AfCFTA. But, they have an advisory role and are represented on the committee of senior officials established by AfCFTA. This committee is the third organ after the Assembly of Heads of State and Government and the Council of Ministers, before the Secretariat (Article 9 of the Agreement). It intervenes at various levels in the functioning of the AfCFTA.

4- RECs and the AfCFTA actions

One of the most important principles contained in the Agreement and, which will govern its relations with RECs, is that within the framework of regional communities, the Agreements "having attained the level concerning elimination of customs duties and higher non-tariff barriers than those provided for by the AfCFTA Protocol on trading in goods, these high levels of trade liberalisation shall be maintained" and if possible improved upon.

Within the context of the actions of RECs, it is stipulated that the AfCFTA Secretariat shall collaborate with the States, RECs and partners in order to coordinate and provide assistance and capacity-building in the areas of trade and other related sectors.

5- Implementation of the Agreement within the RECs,

The continental Agreement aims to be the place for promoting and encouraging free trade. Hence, it provides for a role for the regional economic communities, with effects within their region. It is therefore recommended that there should be coordination in each REC to eliminate non-tariff barriers, harmonise standards and ensure the implementation of the continental free trade Agreement.

Similarly, a monitoring system should be established in relation to the implementation of the AfCFTA at the level of each REC.

Parties and States are expected to publish their laws, regulations, procedures and administrative decisions of general applications "in great detail or make them available to the public through accessible means, as well as any other commitment under an international Agreement on all trade-related matters" covered by the Agreement. The required coordination from REC should enable such provisions to be truly effective.

In the same vein, once the States embark on rounds of negotiations, on the basis of a gradual liberalisation principle, they shall negotiate the specific sectoral obligations by developing regulatory frameworks for each sector, taking into account the gains and best REC practices. .." (Protocol on trading in services. Article g). Consequently, this remains the basic mechanism.

6- Strengthening relations between the communities

Regional economies

From the provisions of the continental trade Agreement and the underlying spirit, it is logically concluded that its implementation should enable the RECs to intensify their reciprocal relations and improve on their structure. The price of this is a lasting momentum. In this regard, the action of regional economic communities is weak.

7- Direct action of RECs

Generally, in their respective areas, RECs have attained levels of regional integration that are sometimes much higher than what is established by AfCFTA. However, the systems will be maintained by the free trade Agreement.

On the institutional level, each REC is expected to establish a coordination system for the implementation of the AfCFTA. This is indeed a real springboard to encourage Member States to strengthen trade liberalisation within RECs. We are working on the assumption that it will be beneficial to the people.

It is worth noting that while the AfCFTA represents a major breakthrough and consolidates continental dynamics in the area of trading through the elimination of customs and non-tariff barriers, it still does not formally assign the task of coordination to RECs. Almost all RECs have a multi-sectoral vocation. While the economy plays a central role, it operates alongside other technical or political functions.

The RECs that have attained the customs union level are expected to submit offers of access to the common market for trading in goods.

The scenario is that with the deepening of continental integration, trading activities at the RECs level are being consolidated in accordance with the decision of the Eight Ordinary Summit of the African Union, which consolidates the tripartite free trade Agreement and other sub regional Agreement to enable it become a continental free trade area. The basic implementation framework and flows are by RECs.

The recommendations to Member States in the context of AfCFTA, encourage them to establish national strategies, as follows:

This applies to the issue of space for regional economic plan. Each country is expected to identify its main trade opportunities, with the current constraints and measures to be taken in order to maximise the benefits of continental market.

Conclusions and reflections

The establishment of the African continental free trade area has changed the perspective so far of African regionalism, which was mainly seen through only regional economic communities and African Union. By placing itself in the context of the AU's Agenda 2063, AfCFTA has formed part of the intelligence of the continent's march towards the ultimate goal of African Unity.

The regional economic communities are a vital collective actors whose States have established themselves in the conventional sub-regional areas and the performances of the continental free trade area Agreement depend largely on them. We know how COMESA, ECA, SADC in East Africa and North East, with the free trade area established for twenty six States, to a large extent influenced the birth of the continental project endorsed by the African Union.

However, if the project is welcomed by all Pan Africanists in the spirit of African renaissance, cherished by the leaders and South Africa intelligentsia, it has nonetheless raised some issues that cannot be ignored. Some of the questions concern the RECs.

The issue of a possible incompatibility between the continental free trade mechanisms and those of integration within the RECs did not arise because the basic principle was that they were pillars of the AfCFTA and when they got to a level of liberalisation higher than the provisions of the Agreement, their achievements will prevail.

But, one cannot help but think that the convention would have achieved a lot with the participation of RECs in the negotiations and conclusions of the Kigali Agreement. Nothing in international public law really contradicts this idea.

Most of the other major questions raised by the critics, such as the fate of private enterprises and the risk of multinationals being the main beneficiaries of the Agreement, or even that of the EPAs, can hardly be answered without strong performing RECs.

In any case, if the future depends on the success of the continental liberalisation operation, RECs will surely play a decisive role.

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Quelques réflexions sur le Parlement de la CEDEAO et la mise en œuvre de l'ALECA

Ambassadeur Mélégué Traoré

La problématique de l'Accord de libre-échange continental africain intègre les communautés économiques régionales. Son effectivité dépendra d'elles. La Communauté économique des Etats d'Afrique de l'Ouest est l'une des huit CER que l'Accord reconnaît formellement. Bien qu'elles n'aient pas pris part aux négociations de Kigali, et n'en sont pas signataires, elles sont incontournables. L'Accord les institue comme ses piliers, et la stratégie de la mise en place et du fonctionnement de la Zone de Libre Echange Continental Africain, repose en bonne partie sur elles.

Les parlements nationaux seront des acteurs de l'Accord à la base, d'une part à travers le contrôle qu'ils exercent sur les gouvernements, d'autre part, par le rôle qu'ils sont amenés à jouer dans la procédure de ratification de la convention. Les parlements communautaires, comme c'est le cas pour le Parlement de la CEDEAO, y joueront ainsi un rôle considérable, du fait de l'intégration de la Communauté dans la mise en place de la Zone libre échange. Ce rôle sera toutefois limité, mais il ne sera pas négligeable. On trouvera ici quelques axes de réflexions qui peuvent guider pour la fixation des axes d'intervention du Parlement.

Une somme de compétences africaines au service de l'Afrique

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1. La connaissance de l'Accord

La première exigence sera sans doute de faire acquérir aux députés, une bonne connaissance de l'ALECA, ses principes, ses objectifs, ses mécanismes, le rôle qu'y jouent les communautés économiques régionales et qui sera celui de la CEDEAO à l'instar des sept autres communautés économiques régionales.

Il n'est pas sans intérêt de connaître l'origine du projet, les principaux acteurs qui l'ont fait aboutir, mais aussi les réticences de certains Etats et les critiques qui sont émises à son encontre. Celles-ci doivent être considérées dans une démarche positive, d'abord comme autant de défis à relever. Certains des objectifs fixés dans l'Accord, ne peuvent être atteints avant plusieurs décennies ; il est vrai que d'emblée, l'on s'est situé dans la perspective de l'horizon 2063 de l'Union africaine.

La connaissance de l'Accord concerne pour le fond, autant le negotium que l'instrumentum. Celui-ci comprend l'Accord en soi, et les protocoles suivants :

- le Protocole sur le commerce des marchandises
- le Protocole sur le commerce des services
- le Protocole sur les règles et procédures relatives au règlement des différends.

Une bonne connaissance de ces documents, par les députés est l'une des conditions de leur intervention et de la déformation d'un projet qui n'a pas des partisans.

Le forum organisé ici à Abidjan, est la première initiative entrant dans le cadre de la connaissance de l'Accord. Il est souhaitable qu'il soit suivi d'autres activités de ce type.

La connaissance de l'ALECA peut prendre d'autres formes. Il revient au parlement de les répertorier et de les exploiter. Un document de vulgarisation d'une présentation simplifiée de l'Accord serait utile.

2. L'appropriation des enjeux de l'ALECA

Comme pour autres les enjeux majeurs auxquels le Parlement de la CEDEAO a à faire face, la deuxième démarche après la connaissance de la question, est l'appropriation de la thématique du libre-échange. L'appropriation est la démarche par laquelle le Parlement fait, sien l'enjeu et la problématique du libre-échange à l'échelle continentale. Elle intègre l'ALECA dans ses objectifs de premier plan, et élabore sa vision de cette question. Il s'organise en conséquence, et se dote de moyens pour y intervenir. S'agissant d'un problème de cette nature, et qui concerne le continent tout entier, toutes les institutions africaines auront à se poser les mêmes questions quant à leur rôle.

Le Parlement de la CEDEAO, comme les autres parlements communautaires du continent seront amenés à se demander que faire à leur niveau, pour faciliter la mise en œuvre de l'ALECA. Ils devront faire des objectifs établis par les chefs d'Etat, une des finalités de leur action.

L'appropriation implique le Parlement de la CEDEAO à la fois comme institution ou corps collectif, et les parlementaires comme représentants des populations, car les effets de la mise en œuvre de l'ALECA atteindra – en bien ou en mal – tous les africains. C'est pourquoi, les organes directeurs et de travail du Parlement, i.e. l'assemblée en formation plénière, le Bureau, la Conférence des présidents et les commissions, en feront leur affaire. Désormais, le libre-échange entre les Etats au niveau continental, fera portée du champ d'intervention du parlement communautaire d'Afrique de l'Ouest.

3. L'appui politique à l'ALECA

Il va très vite apparaître que l'Accord de Kigali salué avec enthousiasme par tous les Africains, peut dans sa mise en œuvre, et en mesurant ses effets, soulever des problèmes complexes, dont certains ne sont pas visibles à cette étape. Les réticences de départ de onze pays qui avaient refusé d'emblée, d'adhérer au projet, dont le géant du continent, le Nigéria qui s'y est engagé par la suite, et les réactions plutôt négatives ou

en tout cas mitigées des entreprises et des sociétés civiles, indiquent que le Parlement communautaire est concerné.

L'accord a besoin de ce fait d'un appui politique fort. Cet appui devrait venir de structures tel le Parlement de la CEDEAO. Il reste à celui-ci à se donner les instruments nécessaires à cet effet. On le lira déjà dans les discours et les initiatives de l'institution parlementaire. Car ici, le débat comme arme est essentiel : aucune institution n'utilise mieux que le Parlement, les techniques tribunitiennes. L'appui ne devrait cependant pas signifier ou être la négation de la nécessité du débat.

4. L'appui sans réserve à la Commission

La Commission est, du point de vue institutionnel, au centre de la mécanique organisationnelle et de fonctionnement de la CEDEAO. C'est lui qui, en pratique, sera impliqué dans le jeu pour l'application de l'Accord. C'est lui qui entretiendra les relations avec le secrétariat et les comités qu'établit l'accord. Celle-ci ne se fera pas sans problème.

Le Parlement doit s'aviser d'ouvrir le dialogue avec la Commission sur cette question. Il sera dans son rôle en l'interpellant régulièrement, et en lui faisant des suggestions et des recommandations dans le cadre de ses attributions et des rapports institutionnels qui de sorte sont bien organisés à la CEDEAO.

5. Inciter à la ratification de l'Accord

Il est prévu dans l'Accord de libre-échange, que celui-ci entrera en vigueur à partir de vingt-deux ratifications par les Etats parties à la convention. Le Parlement peut jouer ici un rôle positif, grâce à ses relations avec les parlements nationaux. Les groupes nationaux qui prennent part aux sessions, se saisissent de la question pour en rendre compte à leurs parlements d'origine, et les inciter à ratifier l'Accord. Parallèlement, l'action sera menée par le Président du Parlement, dans ses rapports avec ses homologues des parlements des Etats. Une initiative qui montrerait la détermination du Parlement de la CEDEAO, serait que son président organise avec ses collègues, une réunion de concertation, à Abuja ou dans une autre capitale, consacrée à l'ALECA et à

ces implications. Certaines questions comme celle des droits de l'homme, liée à l'application de cet Accord sont désormais mises en exergue ; le Parlement ne peut pas rester insensible à cela.

6. Exercer la fonction de contrôle

L'ALECA sera une construction permanente de par sa mise en œuvre. Y sont impliqués, d'abord les parlements nationaux, car ce sont les Etats qui l'ont signé, et seront partie à l'accord. Par suite de cet accord, un travail important devra être exécuté par chaque Etat, d'abord au plan de sa législation pour laquelle les parlements joueront le premier rôle. Le libre-échange implique par ailleurs des négociations avec d'autres Etats. On imagine aisément le débat sur les questions liées aux APE par exemple, ou encore la gestion des rapports avec les multinationales et leurs interventions dans les Etats. Les parlements nationaux seront appelés ici, à être dans une vigilance constante, en exerçant leur rôle de contrôle des exécutifs. De telles questions ne peuvent être ignorées par le Parlement communautaire.

Au niveau de la CEDEAO elle-même, la Commission sera l'acteur central. L'acte additionnel du 7 décembre 2016, a donné beaucoup de pouvoirs de contrôle au Parlement. Il en usera donc pour le contrôle parlementaire, dans le cadre du suivi de la mise en œuvre de l'Accord de Kigali. Le contrôle est l'une des rares voies dont dispose le Parlement pour être impliqué dans une question majeure pour les populations et les Etats, mais qui l'exclut, comme les autres parlements nationaux.

7. L'organisation de l'information sur l'ALECA

L'Accord et ses protocoles, sans être particulièrement denses en volume, sont extrêmement riches et complexes dans leur contenu. Ils ouvrent un vaste chantier. Jouer un rôle avisé dans sa mise en œuvre, exige d'être pleinement informé. Cette information absolument indispensable, demande à être systématisée.

Ainsi, le Parlement devrait initier, au bénéfice des députés, une information spécialisée sur l'ALECA.

8. La formation des députés

Une faiblesse des parlementaires, quand ils interviennent sur les enjeux complexes, est qu'ils n'y sont pas préparés, ce qui réduit leur efficacité. L'ALECA appartient à cette catégorie d'enjeux. Les élus communautaires, au-delà de l'information factuelle, gagneraient à recevoir une formation appropriée : sur ce plan, les domaines sont variés, mais les plus évidents sont le droit international, la légistique, le commerce international ou la géopolitique. Le Parlement pourrait organiser des séminaires de formations dans ces domaines. Elle serait donnée par des juristes, des économistes spécialistes du commerce, ou encore des politologues au fait des problèmes de géopolitique africaine.

9. Repenser les rapports avec le PAP

Pas plus que les parlements nationaux ou les parlements communautaires des CER ou qui en disposent, le Parlement Panafricain n'est pas mentionné dans l'ALECA. Mais, étant donné les enjeux et la plus forte implication de l'Union africaine, le Parlement continental ne pourra pas être tenu à l'écart de la question de l'Accord.

L'occasion est toute indiquée, pour repérer les rapports avec le PAP, dans le sens de leur systématisation et de leur perfectionnement. Le Parlement panafricain, à sa conception, à laquelle l'auteur de ces développements, n' pas pour attribution de coordonner les parlements nationaux et ceux des sous-régions. Il n'existe pas de rapports hiérarchiques, ou même, formellement parlant, de préséance qui lui donnent la prééminence. Mais il est continental et situé au niveau de l'Union africaine. Ses rapports avec le Parlement de la CEDEAO sont de types fonctionnels. Ils peuvent être systématisés.

Conclusion

Le Parlement de la CEDEAO, comme les autres parlements ou les ou les organisations interparlementaires des CER ne sont pas formellement partie prenante à l'Accord de libre-échange continental africain. Mais sa mise en œuvre l'implique au titre de la CEDEAO. Il n'a pas besoin d'organiser de nombreuses interventions à cet égard. Mais l'action qu'il entreprendra dans le cadre de l'application de l'ALECA sera d'autant plus bénéfique, qu'elle sera rationnelle et bien conçue.

AFRICAN UNION OBJECTIVES AND ACHIEVEMENTS

FORUM ON AFRICAN CONTINENTAL FREE TRADE AREA:
Challenges and Prospects of Free Trade in Africa – Role of the Regional
Economic Communities (RECs)
Prof Deji Adekunle SAN
Abidjan September 13 – 15, 2018

Timelines

- Time lines –
- The OAU was set up on May 25th, 1963 Addis Ababa, to promote unity and solidarity among African states.
- Lagos Plan of Action (LPA)
- Africa's Priority Programme for Economic recovery (APPER) – 1985;
- The Treaty establishing the African Economic Community (AEC) – 1991 i.e Abuja Treaty;
- The Constitutive Act of the African Union: adopted in 2000 at the Lome Summit (Togo), entered into force in 2001;
- The New Partnership for Africa's Development (NEPAD) : adopted as a Programme of the AU at the Lusaka Summit (2001) all these paved the way for the establishment of the AU.
- Agenda 2063 adopted at the 24th Ordinary Assembly of the AU held in Addis Ababa, Ethiopia, from 30-31 January 2015.
- Resolution on AfCFTA

The Transition to AU

- The Constitutive Act of the African Union: adopted in 2000 at the Lome Summit (Togo), entered into force in 2001 to reflect –
 - Shift in emphasis to regional security
 - Lesser emphasis on territorial inviolability and sovereignty
 - focus on human development and rights
- The New Partnership for Africa's Development (NEPAD) : adopted as a Programme of the AU at the Lusaka Summit (2001) all these paved the way for the establishment of the AU.

Objectives of AU – Article 3

- Economic development. Promote research, promote cooperation to raise living standards and accelerate the political and socio-economic integration of the continent (Art. 3) Constitutive Act
- To achieve greater unity and solidarity between the African countries and the peoples of Africa; To defend the sovereignty, territorial integrity and independence of its Member States; To accelerate the political and socio-economic integration of the continent; To promote and defend African common positions on issues of interest to the continent and its peoples; To encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights;
- To promote peace, security, and stability on the continent;
- To coordinate and harmonize the policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union;

Other Objectives of AU

- To establish the necessary conditions which enable the continent to play its rightful role in the global economy and in international negotiations;
- To promote sustainable development at the economic, social and cultural levels as well as the integration of African economies;
- To promote co-operation in all fields of human activity to raise the living standards of African peoples;
- To work with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent.

Lessons to learn – past and Present

- **Lagos Plan of Action (LPA) 1980 - 2000** - The Lagos Plan of Action (LPA) together with the Final Act of Lagos (FAD) were borne out of an overwhelming necessity to establish an African social and economic order primarily based on utilising to the full the region's resources in building a self-reliant economy. The other parallel objective was the ^establishing of an African Economic Community by beginning of the twenty first century. very few government s have striven to incorporate in their development planning exercise? the objectives enunciated in the Lagos Plan of Action. Perhaps it is worth recalling that the Lagos Plan of Action had failed to provide for an effective monitoring and follow-up mechanism for its implementation
- **The Final Act of Lagos (1980)** - The Heads of States and Governments of the OAU passed this special Final Act aimed at achieving an African Common Market by the year 2000. Clearly the issue of economic cooperation and integration was so important to the Governments that they felt the need to pass a special and separate Act. It was argued that without such economic cooperation and eventual integration The importance given to economic cooperation and integration by African leaders led them to transform, within ten years, the Final Act of Lagos to the Abuja Treaty Establishing the African Economic Community in 1991.

Lessons from the AEC Treaty 1991

- **The Abuja Treaty (1991)** The treaty lays down in details the process for achieving the Economic Community in successive stages over a period of 34 years. The Treaty clearly states that it takes into consideration the Monrovia Declaration, the LPA and the Final Act of Lagos. In 1994, the AEC Treaty entered into force. The treaty envisages the creation of an African Economic Community over a period of thirty four years using six defined stages of evolution.
- Rather than start from scratch, the AEC uses existing RECs as the building blocks of the African Economic Community.
- In other words, progress by the RECs is progress for the AEC and a step closer to the African Economic Community. In the words of article 88(1) of the AEC Treaty, the African Economic Community 'shall be established mainly through the co-ordination, harmonization and progressive integration of the activities of [RECs]'. The RECs are ultimately to merge or be absorbed to form the African Economic Community. It depended on success of RECs.
- **NOTE:** While AfCFTA has not abandoned the idea of complementarity of RECs it aims to push them towards defined continental targets

Agenda 2063 – “The Africa We Want”

Agenda 2063 is a strategic framework for the socio-economic transformation of the continent over the next 50 years. It builds on, and seeks to accelerate the implementation of past and existing continental initiatives for growth and sustainable development. It is a plan for Africa's structural transformation flowing from Article 4 of the AU Charter.

The objectives of the Agenda are :

- a. Unite all Africans and the Diaspora around the common vision of a peaceful, integrated and prosperous Africa.
- b. Harness the continental endowments embodied in its people, history, cultures and natural resources, geo-political position to effect equitable and people-centered growth and development
- c. Build on and accelerate implementation of continental frameworks, and other similar initiatives
- d. Provide internal coherence and coordination to continental, regional and national frameworks and plans adopted by the AU, RECs and Members states plans and strategies; and
- e. Offer policy space for individual, sectoral and collective actions to realize the continental vision.

Critical strategies in the new initiatives

- **Bottom-up approach:** There was extensive consultations of the African Citizenry – this role should be intensified by Community Parliament thru constituency meetings.
- **Result Orientation:** Goals, targets and strategies have been set in each aspirational area for the national, regional and continental stakeholders/ levels. The targets will form the basis for holding stakeholders accountable for performance.
- **Monitoring and Evaluation / Accountability:** There is a monitoring and evaluation component to ensure that planned activities, outputs, outcomes are on track for attainment-
- **Policy Coherence / Space:** For the first time all continental and regional initiatives have been brought under one umbrella. The integration is expected to enhance consistency, remove policy over laps and redundancies and create space for the management of diversity and uniqueness in the AU.
- **Communications Strategy:**
- **Capacity:** A Capacity Assessment Study is yet to be concluded to address the capacity needs of continental and regional institutions; this will later be extended to member states.

ASPIRATIONS OF AGENDA 2063

- 1) A prosperous Africa based on inclusive growth and sustainable development
- 2) An integrated continent, politically united and based on the ideals of Pan-Africanism and the vision of Africa's Renaissance
- 3) An Africa of good governance, democracy, respect for human rights, justice and the rule of law
- 4) A peaceful and secure Africa
- 5) An Africa with a strong cultural identity, common heritage, shared values and ethics
- 6) An Africa where whose development is people-driven, relying on the potential of African people, especially its women and youth, and caring for children
- 7) Africa as a strong, united, resilient and influential global player and partner

Agenda 2063 - 10 Year Program of Action

After the adoption of the Agenda 2063 Framework Document by the Summit in January 2015 as the basis for Africa's long term socio-economic and integrative transformation, it directed the AUC to prepare the First Ten Year Implementation Plan of Agenda 2063 (2013 – 2023). This plan, the first in a series of five ten year plans over the fifty year horizon was adopted by the Summit in June 2015 as a basis for the preparation of medium term development plans of member states of the Union, the Regional Economic Communities and the AU Organs.

Agenda 2063 - 10 Year Program of Action

- ✓ Identify priority areas, set specific targets, define strategies and policy measures required to implement the first ten-year plan of Agenda 2063.
- ✓ Bring to fruition of the Fast Track programmes and initiatives outlined in the Malabo Decisions of the AU to provide the big push and breakthroughs for Africa's economic and social transformation.
- ✓ Provide information to all key stakeholders at the national, regional and continental levels the expected results and outcomes for the first ten years of plan
- ✓ Assign responsibilities to all stakeholders in the implementation, monitoring and evaluation.
- ✓ Outline the strategies required to ensure availability of resources and capacities together with citizen's engagement in the implementation of the First Ten Year Plan.

Agenda 2063 - 10 Year Program of Action

1. Introduction: situates the plan within the context of Agenda 2063 and highlights its foundations as the AU Vision, The AU 50th Anniversary Solemn Declaration and the Seven African Aspirations with the purpose of providing a common results framework for Africa's socioeconomic transformation
2. Goals and Priority Areas:
3. Plan Framework It outlines for each of the 7 aspirations - the goals, the priority areas for each goal, the target(s) for 2023 (national, regional and continental) , the indicative strategies and key process actions/ milestones towards 2023 on continental frameworks (e.g. PIDA, CAADP).
4. Implementation Plan: It presents the principles (e.g. diversity, subsidiarity, inclusiveness, results orientation, leveraging of existing institutions) which will guide all stakeholders in the implementation of the First Ten Year Implementation Plan, the key stakeholders – national/sub-national, RECs and AUC, PAP, ECA, AfDB etc. are identified and their roles indicated; timelines, policy guidelines for execution of key implementation activities and issues related to capacity and communication are presented.
5. Monitoring and Evaluation: It outlines the rationale for an M&E, structure of results framework,
6. Financing: It identifies the financing needs and sources for the First Ten Years
7. Partnerships: It outlines the recommendations on partnerships with respect to having an AU common position on partnerships, measures to maximize Africa's benefits from partnerships and deepening of transformative benefits from partnerships

Agenda 2063: Priority Projects

- These are projects / initiatives approved by the AU Summit as to be very urgent and relevant and whose immediate implementation will provide quick wins, impact on socio-economic development and enhance the confidence and the commitment of the African Citizenry to be the owners and drivers of Agenda 2063. The Flagship Projects / Initiatives are:
 - Integrated High Speed Train Network
 - Africa Virtual and E-University
 - African Commodity Strategy
 - Annual African Forum
 - Continental Free Trade Area
 - African Passport and free movement of people
 - Grand Inga Dam Project
 - Pan African E-Network
 - Silencing the Guns
 - African Outer Space Strategy
 - Single Air-Transport Network
 - Continental Financial Institutions

Recommendations

- The Community as part of an Integrated mechanism for Realising Agenda 2063 must adopt critical strategies to complement 10 year plan and subsequent ones
- AfCFTA is a given – its foundation laid 28 years ago. RECs failed the vision but it has been re-configured and targets set
- Community should evolve safeguards and measures to guarantee the gains of integration so as to avoid dumping and harmful practices –
- Parliament should evolve evaluation and monitoring programs to oversight Community flagship projects and member states activities
- time for supranational regulation – we cant have integration without common purpose and plan of action



THANK YOU!!!



Article 3(1) and (2) (a) - Aims and Objectives

- 0 promoting co-operation and integration, leading to the establishment of an economic union in West Africa
- 0 Ensure (by stages) the harmonisation and co-ordination of national policies and the promotion of integration programmes, projects and activities, particularly in food, agriculture and natural resources, industry, transport and communications, energy, trade, money and finance, taxation, economic reform policies, human resources, education, information, culture, science, technology, services, health, tourism, legal matters

WHY HARMONIZATION?

- 0 Article 3(2) of the ECOWAS Treaty aims to promote greater investor-dynamism and encourage the penetration of trans-national markets by the business community.
- 0 The ECOWAS initiative is coming against the back drop of the harmonization of the business laws of nine francophone member states under the auspices of OHADA.
- 0 As an initial step towards the harmonization of laws of member states, there is need to establish a body of applicable laws in each member state in major areas of the legal system.

The Community Parliament

- 0 **The Community parliament is established under Article 6 of the Revised Treaty 1993 as a Community Institution**
- 0 It was initially conceived as a forum for dialogue, consultation and consensus for representatives of the people of West Africa with the aim of promoting integration.
- 0 By virtue of a **Supplementary Act for the Enhancement of Powers of the Community parliament adopted 17th December 2016**, the parliament's mandate is now considerably enhanced

Community Organs Responsible for Acts

- 0 Formerly obligations of Member States were captured principally in Protocols and Conventions which still needed to be debated in national legislatures
- 0 Community Acts will be Supplementary Acts, Regulations, Directives, Decisions, Recommendations and Opinion.
- 0 The Authority passes Supplementary Acts while the Council of Ministers enacts Regulations and Directives and makes Decisions and Recommendations. Regulations have general application and all their provisions are enforceable and directly applicable in Member States.

Role of the Community Parliament

Parliament is involved in the adoption of Supplementary/Community Acts Art 7 (a) thru the mandatory assent or opinion procedure. In the case of trade related matters Parliament must be consulted - Art 9(1) (d) and Parliamentary Procedure must be by Mandatory Assent - Article 12

The procedures outlined for Opinion and M.A. does not contemplate that the draft instrument is prepared by the Parliament - it is after preparation that the relevant community organ or institution submits the instrument for consideration.

It is only in the M.A. procedure that Parliament can propose amendments. Opinions must be rendered within 90 days from the date of receipt of the draft text

Impact of Existing economic blocs

17 central and West African countries mainly Francophone and Lusophone are members of OHADA and have concluded uniform Acts on a range of trade and commercial subjects such as IP, contract, Business entities, land tenure and agency.

All the Francophone members of ECOWAS are members of OHADA and have long standing ties of harmonization under the aegis of UEMOA.

Nevertheless Integrationists argue that rather than constitute a challenge, the fact that more than 60% of countries in ECOWAS have achieved harmonization in some trade and establishment related laws, is an advantage. 9 out of 17 OHADA member states are members of ECOWAS

Regional Economic Communities (RECs)

- 0 Are Preferential regional trade regimes or Regional Economic Communities like ECOWAS complementary to the ACFTA and WTO?
- 0 RTAs/RECs promote the ACFTA since their primary aim is to facilitate trade among its parties. Normally, setting up a customs union or free trade area would violate the WTO's principle of non-discrimination for all WTO members ("most-favoured-nation")*.
- 0 Article 24 of the General Agreement on Tariffs and Trade (GATT), Article 5 of the General Agreement on Trade in Services (GATS) and the Enabling Clause (Paragraph 2(c)) allow WTO members to conclude RTAs, as a special exception, provided they help trade flow more freely among the countries in the RTA without barriers being raised on trade with the outside world.

ECOWAS CET POLICY

- 0 Member States of the Economic Community of the West African States on 25th October, 2013 adopted the ECOWAS Common External Tariff (CET). Some of the benefits include -
 - 0 Intra-regional trade would be increased: more goods would be available to be traded regionally.
 - 0 The CET would guarantee predictability and stability in trade: importers would be able to make long terms plans with the confidence that the tariff would remain the same. Policies affecting import tariffs can no longer be changed arbitrarily.
 - 0 As a result of the predictability and stability in trade, more foreign direct investments would be attracted.
 - 0 Increased turnover resulting from an enlarged domestic market: the whole region would become a single market for imported products.

The ACFTA 2018

- 0 African Continental Free Trade Agreement is an agreement signed by African Union member states in a bid to boost trade and economic growth as well as strengthen integration among African Countries.
- 0 Aiming to progressively eliminate tariffs on Inter- African trade in goods, It is premised on the fact that countries generally are not self-sufficient. There will be need to take advantage of other country's competitive and compare other countries' natural resources, expertise or size/ geographical coverage in a bid to take advantage of such.
- 0 The scope of AfCFTA covers trade in goods, trade in services, investment, intellectual property rights and competition policy. Its principal objective is to create a single market for goods, services, facilitated by movement of persons in order to deepen the economic integration of the African continent

The ACFTA 2018

- 0 Create a single continental market for goods and services, with free movement of business persons and investments with a view to the establishment of the Continental Customs Union and the African customs union.
- 0 Expand intra African trade through better harmonization and coordination of trade liberalization and facilitation regimes and instruments across RECs and across Africa in general.
- 0 Enhance competitiveness at the industry and enterprise level through exploiting opportunities for scale production, continental market access and better reallocation of resources.
- 0 The Action Plan on Boosting Intra-African Trade (BIAT) which provides a comprehensive framework to pursue a developmental regionalism strategy will be pursued under ACFTA with concrete targets to double intra-African trade flows from January 2012 and January 2022.

The ACFTA 2018

- 0 45 out of 55 members of the AU have signed the ACFTA. Six have ratified. 13 of the 15 members of ECOWAS have signed. Nigeria and Guinea Bissau did not sign with the former citing the need for widespread consultations with labor and industry. The main concerns are -

- 0 Negative Impact of trade liberalization on industries and labour

- 0 Production and infrastructural deficits

Africa needs to boost intra-trade which is relatively low at 10% of all commerce on the continent compared with 25% in south-east Asia. **But this discouraging level is not for lack of will but lack of competitive producers.** Only South Africa with 25 per cent manufacturing value added qualifies as a viable producing nation. Africa by and large consumes and is often targeted as a dumping ground

How should Parliament discharge its Role?

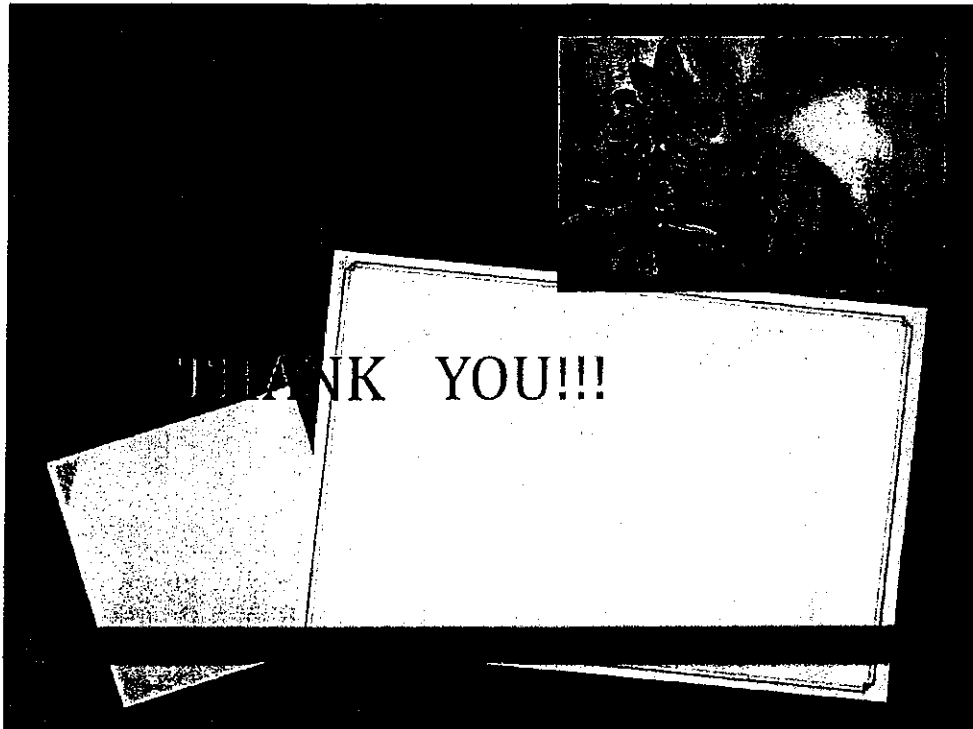
Need to -

- 0 Identify, study, and analyse selected business laws of the five (5) Non-OHADA States in ECOWAS;
- 0 **Conduct analyses and update on Tarrif Unification and Trade liberalisation in the Community (failings in tax, employment and establishment, regulatory and professional standards)*****
- 0 Identify the areas of similarities and dissimilarities with the OHADA regime (if any); and
- 0 Draft a Supplementary Act that as much as possible harmonizes business laws within the region which are consistent with international standards and the ideals of the ACFTA.
- 0 Complement

The Parliamentary role

Although there is need to de-emphasize national differences significant challenges likely to emerge are -

- 0 different legal cultures - Francophone, Anglophone and Lusophone. The OHADA countries are quite advanced in terms of harmonization in the above areas
- 0 Issue of constitutional arrangements - i.e in some countries like Nigeria some of the subject matter are for regional legislatures. Harmonization in such cases would have to be clearly targeted at transactions with an international flavor in order to conform to the Constitution and ensure some order in transactions.





ECOWAS PARLIAMENTARY FORUM

AFRICAN CONTINENTAL FREE TRADE AREA (CFTA)

CHALLENGES AND PROSPECTS OF FREE TRADE IN AFRICA

“ROLE OF REGIONAL ECONOMIC COMMUNITIES” (RECs)

**13 to 15 September 2018, Hotel Ivoire, Abidjan, Republic of
Cote d'Ivoire**

PRESENTATION BY HON. ABABACAR BA

**Former head of the Senegalese delegation, Executive Secretary of the Network of
Former ECOWAS Parliamentarians**

FROM THE ESTABLISHMENT OF NEPAD TO DATE



Preamble

NEPAD: New Partnership for Africa's Development

In 1999, the President of South Africa, Thabo Mbeeki, "expressed the idea of African Renaissance", a project to redeem the image of the African continent in the world, which is often painted in a negative light, and to secure an equitable position for the continent on the international scene.

In 2000, President Abdoulaye Wade (Senegal) proposed the "Omega Plan", the objective of which was to set up a common African market, using a kind of "Marshall Plan" for Africa, by financing mainly major infrastructure projects.

It is the merger of these two proposals that led to the formation of the "New Partnership for Africa's Development" known by the acronym NEPAD.

Hence, NEPAD brings together several plans, the most common of which is the Millennium African Plan (MAP). It is worth noting that the MAP also served as navigation map/plan. By proposing it, its initiators, the three Presidents, Abdelaziz Bouteflika of Algeria, Olusegun Obasanjo of Nigeria and Tabo Mbeeki of South Africa, undoubtedly thought of paving the way for the African renaissance. The South-African President, Tabo Mbeeki, had already set up in 1998, an institute simply called African Renaissance, headquartered in Botswana. The Omega Plan of the Senegalese President Abdoulaye Wade, mainly targeted at infrastructure, was also initiated in addition to the MAP. The summit of the Organisation of African Unity (OAU) held in July 2001 in Lusaka, Zambia, integrated both plans under the name New Initiative for Africa (NIA). Later, in October 2001, in Abuja, Nigeria, a group of Heads of State of met to prepare the implementation and monitoring of the NIA. They seized the opportunity to rename it NEPAD.

Overall, NEPAD proposes an analysis of factors that constituted obstacles to sustainable growth in Africa, presents a series of prerequisites to development and indicates priority areas for the allocation of resources. More concretely, it proposed eight initiatives in which African countries should take part, urging them to accept binding rules and disciplines for their governments. It wisely accorded priority to issues that require urgent measures: AIDS, infectious diseases, new technologies, access to global markets through the abolition of subsidies, especially in the agricultural sector.

Finally, NEPAD lays down the principles of a new cooperation between Africa and its foreign partners. In this regard, one may ask if, for those initiators, the quest for new relationships between Africa and Member States of the Organisation for Economic Cooperation and Development (OECD) on one hand, and between Africa and international financial

institutions on the other hand, does not constitute one of the cornerstones as well as the legitimacy and objective of the approach that underpins NEPAD. Those leaders, especially the Algerian and South-African Presidents, demonstrated a sincere and almost ideological political conviction.

The idea of the new international economic order, defended in the 1970s by countries in the global South, was not perhaps totally new to the philosophy that led to the establishment of NEPAD.

There is no doubt that, with its approach and scope of implementation, NEPAD distinguishes itself by far from previous initiatives, such as the 1980 Lagos Plan of Action, the 1996 Special Initiative on Africa, and even the new international economic order. NEPAD is neither a simple resolution of the United Nations Organisation (UNO) or the OAU, adopted following complaisant bargaining. First, it was mainly designed, elaborated and put forward by African leaders who feel committed to ensuring its success. However, it was debated and amended by their colleagues before and after the Lusaka summit. Meanwhile, this acceptance by Africans of their own responsibilities is one of the remarkable aspects in view of the difficult economic and political situation that Africa is currently grappling with.

Although this self-criticism was unthinkable only a few years ago, it is welcome today. Refusing to take responsibility for one's mistakes and blaming history or foreign entities for all the wrongs and errors has never facilitated social, political and economic progress. New African leaders seem to be convinced of the scope of this wisdom. Logically, NEPAD requires from them specific commitments and duties. They are expected to play the leading role in the implementation of the various programmes contained in the plan. In this perspective, it should be noted that one of the most interesting measures is to put in place a peer review mechanism to facilitate accountability. In other words, it entails ensuring that commitments made are fulfilled and objectives achieved. This peer review mechanism is like a kind of code of conduct governing the profession of doctors or lawyers. Even if, in the case of sitting Heads of State, this assessment is easier to establish than to practice, the principle of justiciability before their peers is extremely positive and useful. It paves the way for a healthy interference in the domestic affairs of States, which was unthinkable in the past. Finally, although development partners have been invited to support NEPAD, it relies on principles of mutual advantages, commitments and responsibilities. While developing the overall development strategy, countries must resolve not only to meet the challenges, but also to harness their own opportunities and potentials. In this regard, NEPAD brings out the most attractive elements of the African heritage, first as a foundation for their own sustainable development, but also as an offer to the rest of the world. The document mentions tropical forests for their contribution to biodiversity worldwide, and their vital

importance for global ecosystems. Archaeological heritage reserves have been highlighted, as well their mining and agricultural potential. Finally, mention was made of tourism, which needs only security and peace to thrive from the cultural and historical heritage, and from natural reserves of the continent.

Furthermore, it should be noted that as part of reforms undertaken within the African Union during the 31st ordinary session in Nouakchott, Mauritania, the conference of Heads of State and Government of the African Union, held in Nouakchott, an official decision was taken to transform the NEPAD Planning and Coordination Agency into the African Union Development Agency. This reform aims to enhance efficiency in the implementation of Decisions.

1- What does NEPAD have to offer?

The conference of Heads of State and Government of the AU, held from 8 to 10 July 2002, by adopting the NEPAD as an integrated strategic framework for socio-economic development in Africa, intended this programme to serve as a blueprint to achieve the millennium development goals in Africa. Therefore, to achieve its objectives, this programme strove to create conditions for sustainable development, such as peace and security, democracy, governance, substantive reforms, investment in priority sectors and resource mobilisation for its implementation.

Among these objectives, four can be highlight as follows:

- eradicating poverty in Africa and set African countries on the path of sustainable growth in order to counteract the marginalisation of the continent in the globalisation process.
- promoting women's role in all activities
- achieving and sustaining an annual growth rate of more than 7% of GDP.
- ensuring that the continent achieves the millennium development goals

According to the vision of its initiators, "the aim of NEPAD, with massive investments in fundamental and human development projects, is to bridge, in the long term, the huge gap between Africa and the developed world with a view to its full participation in global production and international trade, which is the driver of economic growth. "



For its implementation, this plan comprises 8 priority sectors: infrastructure, education, health, agriculture, new information and communication technologies, environment, energy and market access.

NEPAD targets the regions as areas of intervention, notably the already existing 5 major political and economic regions: Northern Africa, West Africa, East Africa, Central Africa and Southern Africa.

For instance, the expansion of rail networks in West Africa, or the construction of pipelines between Algeria and Nigeria, or the project for exporting electricity from the Inga dam to the Democratic Republic of Congo.

Above all, it depends on private investments to meet its financial needs and is awaiting assistance from countries in the global North, especially G8 countries, to create attractive and engagement conditions for capital inflows.

To ensure the seriousness of this plan, Heads of State resolved to take some measures to promote peace and security, democracy and "good governance".

To achieve the objectives of NEPAD, annual financial needs were estimated at 60 billion dollars, which is four times more than the annual amount of official development assistance and foreign direct investments. It also turns out that efforts made by African States and African institutions as well as the international community to meet development needs of Africa are extremely disparate in terms of quality, scope and efficiency.

2 - Assessment and prospects of NEPAD

The Common Market for Eastern and Southern Africa (COMESA), the Economic Community of West African States (ECOWAS), the Arab Maghreb Union (AMU), etc... There are several initiatives available to develop Africa in an integrated manner. Being at the same time areas of socio-economic growth and political conflicts management / prevention, these communities of countries benefit from support from NEPAD, especially in respect of regional infrastructure development policies. The construction of a pipeline was launched, which is currently supplying energy to Nigeria, Ghana, Benin and Togo. Also, to NEPAD's credit, it supported the construction of the road network between East African countries (Kenya, Uganda, Tanzania, Burundi and Rwanda).

NEPAD has two flagship projects: "Uhurunet", a broadband submarine cable project which is expected to connect Europe and South Africa, passing through the West African coast,

thereby connecting all West African countries. The "Umojanet" project, a terrestrial cross-border network which will connect the Maghreb to Southern Africa...

Between 2005 and 2018, NEPAD approved 76 grants in all for regional infrastructure projects, with direct impact on the regional integration and development programmes in Africa.

With the broadband infrastructure network, NEPAD has the ambition to connect African countries to one another and to the rest of the world.

Additionally, NEPAD launched the e-School initiative to improve the quality of teaching and learning in primary and secondary schools in Africa, using Information and Communication Technologies (ICTs). Sixteen African countries and more than 80 schools took part in the pilot phase. Each school was provided with at least 20 computers, a server, a network and peripheral devices (scanners, printers, electronic blackboards). As at now, many challenges remain. However, the NEPAD Agency and its partners are making the necessary efforts to meet the challenges and scale up the initiative to the rest of the continent.

Proposed since the 1970s, the Trans-Saharan Gas Pipeline is one of the flagship projects of the New Partnership for Africa's Development (NEPAD). In January 2014, the Nigerian President, Goodluck Jonathan, announcement that he had mobilised 700 million dollars to finance the initial phases of this project.

There are also projects for the electrification of the continent, from production to distribution, passing through transmission via an interconnected network. Transportation features in the second category of the flagship projects. Certainly, it is a sub-sector of the infrastructural sector, which contributes directly to the economy and poverty alleviation. Finally, the connectivity of the continent. With broadband internet, it is easy to access basic social services such as health and education.

2.1 Women's empowerment

Set up in 2007 and funded by the Spanish government, the NEPAD/ Spanish Fund for African Women's Empowerment supports activities aimed at eradicating poverty and building the economic capacity of women.

A total of 6,285 million Euros have been disbursed to fund 46 projects implemented in 23 countries. To date, 31 projects have been completed. These projects helped to train a large number of women and young girls in areas such as ICTs. They also led to the creation of jobs and various income generating activities for women, a micro-finance scheme, greater awareness about gender-based violence and a mechanism to combat this problem.



Recently, the Fund allocated 2 million Euros to set up a business incubator for women entrepreneurs in Eastern, Western and Southern Africa.

2.2. Feeding Africa

Through the Comprehensive Africa Agriculture Development Programme (CAADP), NEPAD is advocating for a complete transformation of agriculture in Africa. This programme aims to assist African countries to foster growth by increasing investments in this sector. The main objective of CAADP is to encourage countries to invest 10% of their national budget expenses into agriculture. In May 2011, 26 countries ratified the CAADP agreement and integrated it into their agricultural strategies. Eight countries have exceeded the 10% budgetary target, and most of the remaining countries are on track to achieving it. As at now, nine countries have exceeded the CAADP target of at least 6% of annual agricultural growth rate.

Furthermore, NEPAD has put in place or supported various programmes, including the Partnership for African Fisheries (PAF), which aims to guide reforms in this sector throughout the continent. In addition to assisting various countries to develop regional fisheries plans, the PAF is currently implementing in Ghana and Sierra Leone, a pilot project with a budget of about 2 million Euros. The total budget of the PAF for the 2009 - 2014 period exceeds 8 million Euros.

Thanks to the Fertilizer Support Programme, the number of African smallholders who use chemical fertilizers to improve their yields has increased. Finally, in 2005, NEPAD launched a regional initiative known as TerrAfrica to improve land administration. Some other achievements of the special fund include: (i) the project for the transmission of 330 KV from North Korea (Nigeria, Niger, Benin, Burkina Faso); (ii) the Burundi – Rwanda multinational road; (iii) the electricity interconnection project between Benin, Togo and Ghana; (iv) the pipeline project between Kenya and Uganda; (v) the energy interconnection project between Zambia, Tanzania and Kenya; (vi) the submarine cable project of Eastern Africa (EASSy); (vii) the OMVG electricity project; (viii) the Ghana- Burkina Faso interconnection project, etc.

3 - Unfulfilled promises

As regards funding, the question is where and how to find funds? Many are doubting the genuine willingness of rich countries to help Africa. The initiators of this plan said they wanted to start with private capitals; meanwhile many economists have suggested that private capitals do not foster growth, but follow it. First, it is necessary to roll-out a development cycle, using a well targeted official assistance before expecting to see private capitals move to Africa. Another concern with this new partnership is that, in case the

scenario above fails to materialise, the private capitals obtained will naturally flow to any other place where there are better business opportunities, abundant raw materials, and where social working conditions and taxation are flexible for foreign capitals; but the question is, where are those countries, if they are not by chance those that initiated this project, namely: South Africa, Nigeria, Senegal, Algeria, Egypt Besides the Nigeria project is based on the same assumption as that put forward by international financial institutions in their fight against poverty, according to which growth triggers poverty alleviation on its own; meanwhile this assumption has never been a reality in Africa.

The reason why this plan is embraced by Western countries as believed by many, is that it is an opportunity to usher the entire Africa into the same neo-liberal economic model as theirs, which will transform the African continent into a large market open to everyone... Meanwhile, the African continent has not met the requirements to enter into this type of globalised liberalism; it needs to resort to some protection measures to cope with issues relating to imports, exports and production assistance and support funds, etc, or any practice contrary to the liberalism that countries in the global North want to force down the throat of countries in the South.

Worst, the African people are indifferent about this plan, because they were neither consulted nor involved in its development.

Therefore, for NEPAD to be able to stand the chance of changing the game a little bit in favour of the poorest populations, the first requirement is to enable the populations themselves, through their genuine representatives, to take ownership of this Plan and ensure that it is, first and foremost, the expression of their own needs and priorities, and not those of rich countries.

4 - Planned monitoring

NEPAD presents an original and frank analysis of problems and constraints associated with Africa's development. It placed the blame mainly on the continent itself, directly pinpointing, without looking for excuses, issues of corruption, poor governance and the weak policies put in place since independences. It restated the duty of Africans to be in the driving seat of the process of its own development, and urged them to be the architects in the sustainable and sustained improvement of their living conditions. It also exhorted them to envisage an era without Official Development Assistance (ODA), specifying that the latter has "already reached its limits", and spoke favourably about agricultural development, viewed as a "prerequisite to the economic development of the continent". Another innovative idea, or at least an idea contrary to popular thinking, put forward by NEPAD is the pragmatic refusal of the concept of anti-globalisation. Although it is mostly mentioned on behalf of Africa by its

foreign friends, African leaders believe that “a well-managed integration offers the best opportunities for economic prosperity and in the long term, poverty reduction”. They view integration into the global economy as a means of putting an end to the growing marginalisation of their countries. Furthermore, the document acknowledged that African integration starts from the regional level, where progress needs to be confirmed through the consolidation of the current five economic groups, namely the Arab Maghreb Union (AMU) in the North, the Economic Community of West African States (ECOWAS) in the West, the Economic Community of Central Africa States (ECCAS) at the centre, the Common Market for Eastern and Southern Africa (COMESA) in the East, and the Southern Africa Development Community (SADC) in the South. It recalled other issues that it deems worthy of special attention: women’s role and position in society, stimulating national savings, and a better management of public resources to deter the outflow of those savings and finally, greater attention and more credible support to the private sector neglected throughout since independences.

Beyond these indicated strategies, NEPAD initiators envisioned the implementation of their programme under the supervision of the 15 Heads of State representing the five major geographic regions of the continent. Besides, a restricted group made up of South Africa, Algeria, Egypt, Nigeria and Senegal is performing the function of a Standing Committee, tasked with regular monitoring. Finally, a small secretariat is set up in Pretoria to provide administrative services to NEPAD. It is headed by Wiseman Nkuhlut, the former economic advisor to the President. In July 2002, during the Durban summit, T. Mbeki, who was to become the next Chairman of the OAU, now AU, was mandated to oversee the first year of implementation of NEPAD. However, to be effective, he requested more than a secretariat and specialised committees of Heads of State. In this regard, the programme benefited from several partnerships, established based on commitments in the form of agreed objectives that would specify the tasks and duties of each of the parties as well as the goal pursued in terms of monitoring and accountability. Countries sought to find consensus at national level to support their development strategies. Some forms of cooperation between governments and the private sector were also instituted. Countries need to convince one another that they can ensure their own progress. External support should serve only as a complement to national efforts. Besides, it was planned to resort to collaboration with African institutions when developing strategies and programmes for NEPAD.

5 - Clearing ambiguities

NEPAD awaits assistance and collaboration from development partners, by facilitating the mobilisation of an adequate level of foreign private capitals, on one hand, and by ensuring

the continuation of official development assistance, and trying to alleviate the burden of African debts on the other hand. It requested to facilitate African products' access to the markets of developed countries through the reduction of tariff and non - tariff barriers and agricultural subsidies. According to NEPAD, the continent needs 64 billion dollars to finance planned activities. The G8 also indicated that the actual priority of NEPAD is to revamp cooperation relationships between Africa and industrialised countries, and not the volume of financial resources allocated to the continent. Without losing sight of the value of financial flows for development, the G8 insisted on the "importance for Africa to put in place conditions that facilitate the inflow of private investment whose economic contributions will be far higher than any predictable amount that could be generated through official assistance". In South Africa, the Canadian ambassador and spokesman of the G8, Robert R. Fowler added: "If people think that NEPAD will produce 64 billion dollars all of a sudden, they would be disappointed". The ambassador came from a meeting between the delegates of G8 and President T. Mbeki in Cape. In Genoa, the G8 supported the general principles that underpin NEPAD, and its members appointed focal points to monitor its progress. Subsequently, the group of eight most industrialised countries indicated that discussions on funding were not yet over, specifying that such a high amount of 64 billion dollars was not conceivable in the short term against the background of financial crisis in many of the Western countries. Whatever the case, it is crucial for this problem of funding NEPAD to be clarified in order to avoid continued ambiguity suffered by previous African initiatives. Developing and adopting an ambitious plan is one thing. Financing and implementing it is also another one even more complicated. To avoid repeating past mistakes such as poor performance or simply the stalemate of some initiatives, it is essential to ensure that funding is secured so that African peoples would not be, once again, frustrated and disappointed by unfulfilled promises due to lack of progress in respect thereof. A dialogue, or at least an explanation between the peoples and their governments is necessary to avoid making the same mistakes. In this regard, many observers have noted that NEPAD seems to have been designed, discussed and adopted only by Heads of State and Government, and that sometimes Ministers are not even informed. They added that the importance of NEPAD is not perceived in the same manner by all African governments. Some will go the extra mile to domesticate it and try courageously to implement it; others, because of lack of capacity, especially political capacity, will not envisage its implementation. As for the third group, which is the majority of countries, they want to wait and see, and will not make any efforts to be proactive in monitoring the programme. How then can the project be launched? Should the process be conducted at the same pace with everyone, or is it possible to propose a gradual approach, hoping to see the ripple effects that could be engendered by the leading group? The same observers noted that NEPAD has hardly gone beyond the stage of discussions within governments. They suggested that its national base be broadened

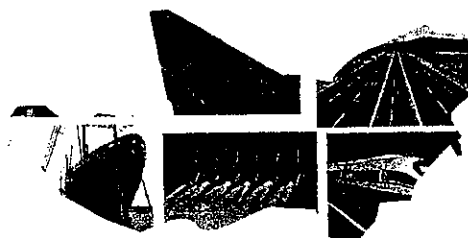
without delay, and Parliaments should be involved in discussions on its implementation. They added that it should be envisioned to involve the populace by bringing the programme to the level of African civil society organisations, including the private sector. A national debate can only help to enrich the substance of NEPAD and boost its legitimacy. Furthermore, it would not be exaggerated to add that a discussion between governments, parliaments and civil society on this programme will facilitate transparency in the future and boost the bargaining power of African leaders in their dealings with development partners. These ambiguities must be cleared without delay, before the upcoming G8 summit of Kananaskis in Canada and the OAU summit in Durban, in South Africa.

Conclusion

Northern countries cannot continue enjoying prosperity and stability if there is continuous poverty in the South, especially in Africa, where many public institutions are more and more losing credibility, leading to the vulnerability of States. As for them, Africans need to continue making efforts at national level to promote more tolerance and democracy, and to create enabling conditions for sustainable growth. Their peoples no longer sit on the fence and accept regimes that combine political dictatorship and poor economic performance. Here too, the stability of the regimes and the survival of their leaders are inextricably linked to the well-being of the citizenry. The challenge for NEPAD is to go beyond national and international situations that have lasted for too long. That is the reason why it should be hoped that this African initiative does not suffer the same "confidential" fate as its predecessors.

Several economic initiatives were put in place to fight against poverty in Africa, and many of them failed to live up to expectation, as in the case of the special initiative for Africa announced by the Secretary General of the United Nations in 1996. Launched in July 2001, the New Partnership for Africa's Development (NEPAD) has revived all those expectations. As an innovative project, it brings together several previous plans, but distinguishes itself because of its approach and scope of implementation, and especially on account of the monitoring that it proposes for its actions. Its viability depends on issues surrounding its funding and ownership by African peoples. Meanwhile, those problems must be quickly resolved to enable it not only to ensure its efficiency and sustainability, but also to live up to the promise.

AfCFTA: The Fate of ECOWAS Trade Policy

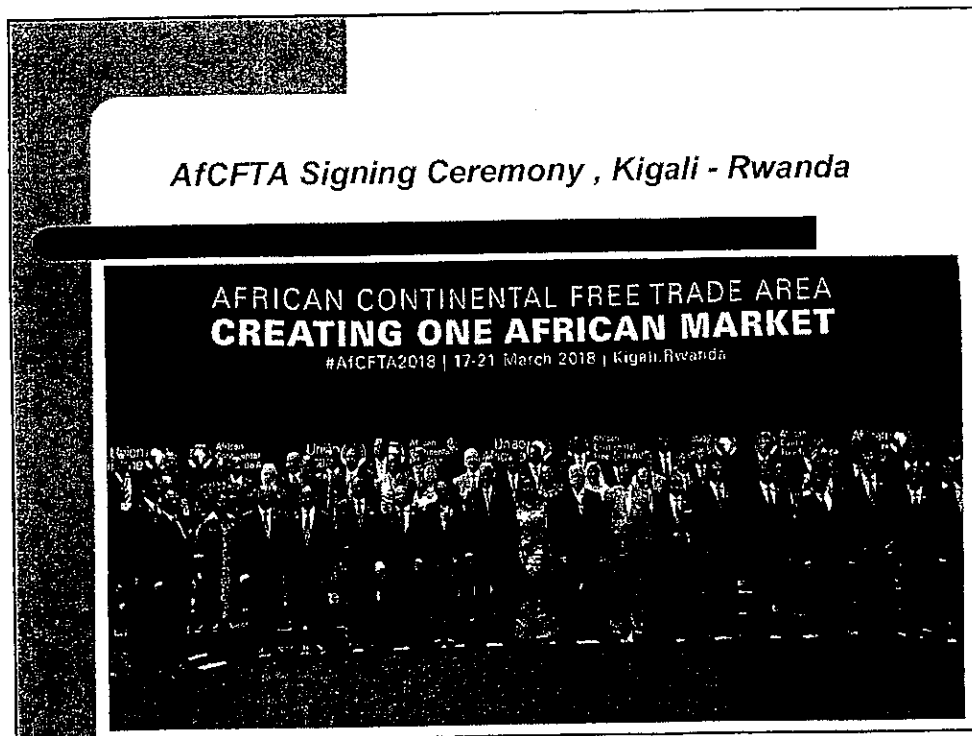
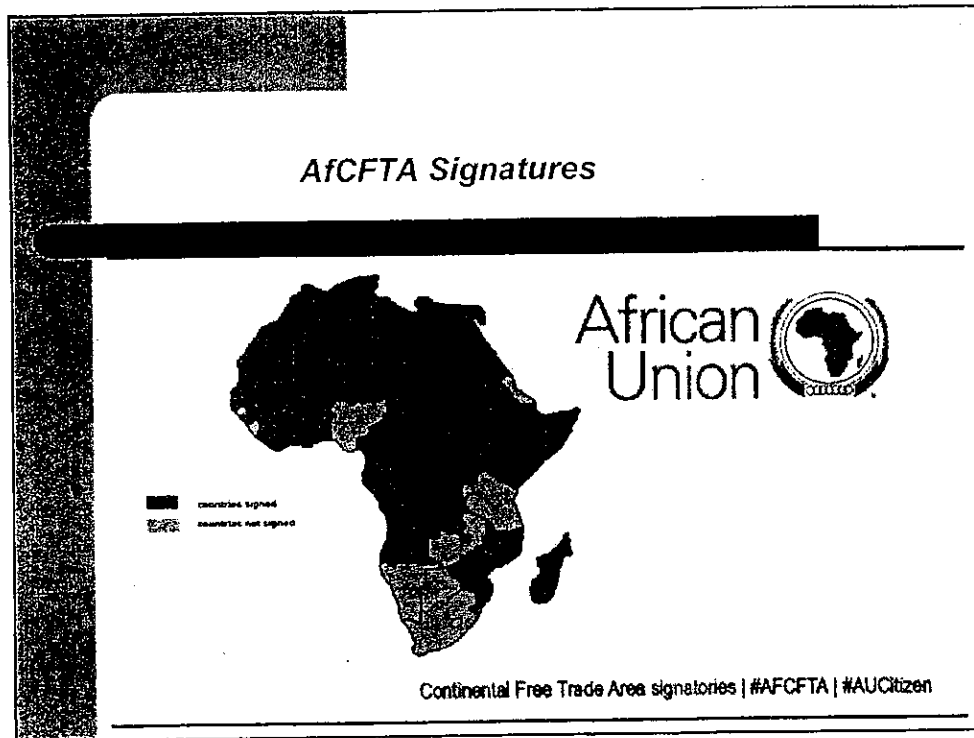


2nd Extraordinary Session of the ECOWAS Parliament and
Parliamentary Forum

Dr. Gbenga Obideyi – Director of Trade¹

Presentation Overview

- Background and Updates
 - Architecture of the AfCFTA
 - AfCFTA Institutional Framework
 - Contentious Issues
 - Outstanding Issues
- ECOWAS Member States Positions
- Implications for ECOWAS Common Trade Policy
- Conclusions

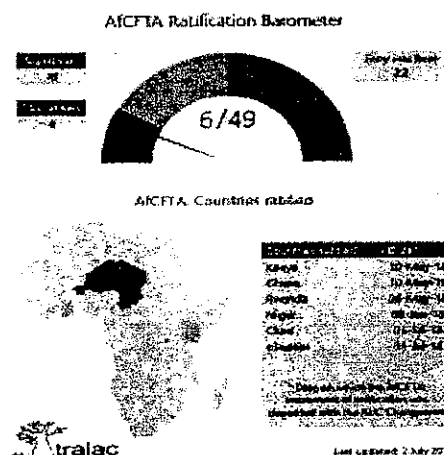


Kigali and Nouakchott Decisions

- **Forty four (44) countries** signed the AfCFTA Agreement in Kigali – Rwanda in 21 March 2018, with **five (5) additional signatures** in Nouakchott – Mauritania on 02 July 2018
 - » Overall, **49 out of 55 African countries** have signed unto the AfCFTA Agreement
- **Thirty (30) countries** also signed the separate **African Union Protocol on Free Movement of People;**
- The Free Movement Protocol **complements the AfCFTA** by providing for visa-free travel, the right of residency and the right of business or professional establishment, for citizens between signatory countries.

Kigali and Nouakchott Decisions

- 12 ECOWAS Member States signed the AfCFTA Agreement: save for **Benin; Guinea Bissau; Nigeria**
- 7 countries have deposited their instruments of ratification at the African Union Commission: **Ghana; Kenya; Rwanda; Niger; Chad; eSwatini; and Guinea**
- Annexes to the Protocols have now been adopted



Nouakchott Decisions

- Directed the African Ministers of Trade (AMOT) to decide on the outstanding issues in the modalities for trade in goods and trade in services;
- Submit the Schedules of Tariff Concessions; and the Schedules of Specific Commitments on Trade in Services in line with the agreed modalities to the January 2019 Session of the Assembly for adoption;
- Conclude the negotiations on Competition Policy; Investment; and Intellectual Property Rights and submit the draft legal texts to the January 2020 Session of the Assembly for adoption through the Specialised Technical Committee on Legal Affairs

AfCFTA Agreement Architecture

AfCFTA Architecture

Agreement Establishing the African Continental Free Trade Area (AfCFTA)	Protocol on Trade in Goods	9 Annexes (Tariff Concessions; Rules of Origin; Customs Cooperation and MAA; Trade Facilitation; NTBs; TBT; SPS; Transit; Trade Remedies) and 3 Appendixes (Certificate of Origin; Origin Declaration; Suppliers or Producer's Declaration)
	Protocol on Trade in Services	Specific Commitments; MFN Exemptions; List of Priority Sectors; Framework document on Regulatory Cooperation
	Protocol on the Rules and Procedures for the Settlement of Disputes	Working Procedures of the Panel; Expert Review; Code of Conduct for Arbitrators and Panellists
	Protocol on Investment; Competition Policy and Intellectual Property Rights in Phase 2	

AfCFTA Institutional Framework

AfCFTA Institutional Framework

- **The Assembly of Heads of State and Government:** highest decision making body;
- **The Council of African Ministers responsible for Trade:** authority to take decisions on all matters under the AfCFTA;
- **The Committee of Senior Trade Officials:** high level working group consisting of such Permanent, Principal Secretaries or other officials;
- **The AfCFTA Secretariat:** administrative organ to coordinate the implementation of the AfCFTA;
- Other Committees were also formed.

AfCFTA Contentious Issues

- **Article 7 of the AfCFTA Protocol on Trade in Goods and the ECOWAS Community Levy**
- As a "charge having equivalent effect", the ECOWAS Community Levy would be progressively eliminated under the AfCFTA;
- Eliminating "charges having an equivalent effect" in the AfCFTA would disallow the application of the ECOWAS Community Levy on imports from the State Parties to the AfCFTA;
- It would **NOT**, however, impede the application of the levy on imports from countries outside Africa or African countries, which do not become party to the AfCFTA;
- **ECOWAS Position:** Major source of income for Community institutions. Explore flexibilities for alternative sources of funding

Contentious Issues in the Negotiations???

AfCFTA Contentious Issues

- **The AfCFTA Secretariat:**
- The Assembly is to establish a Secretariat – functionally autonomous with an independent legal personality;
- In the interim, the Secretariat is domiciled in the African Union Commission Department of Trade and Industry;
- Republics of Ghana and Senegal made formal requests to the ECOWAS Commission to host the AfCFTA Secretariat;
- **ECOWAS Ministers of Trade** noted the candidatures of the republics of **Ghana and Senegal** to host the AfCFTA Secretariat;
- ECOWAS Council of Ministers and Authority of Heads of State to decide on the candidatures

AfCFTA Contentious Issues

- Threshold figure required for the “entry into force” of the AfCFTA Agreement:
- 22 countries is the threshold figure required in order to bring the AfCFTA into force;
- Majority of ECOWAS Member States had supported 15 countries as the threshold figure in support of President of Niger;
- South Africa was the proponent of 50+1, while others supported two-thirds;
- Compromise position is 22 countries
- 7 deposits of the instruments of ratification
- 15 more to go for the Agreement to “enter into force”

AfCFTA Contentious Issues

- Annex 2 to the Protocol on Trade in Goods on Rules of Origin:
- Implementing decisions on the definitions of “Value Added” (Article 1.w) and the requirements for “their vessels” and “their factory ships” (Article 5.2);
- Criteria and issues pertaining to Special economic Arrangements / Zones (Article 9 of Annex 2 on Rules of Origin);
- Hybrid rules in Appendix IV to the Annex 2 on Rules of Origin;
- These issues have been included in the Transitional Implementation Work Programme (built-in agenda)

AfCFTA Contentious Issues

- **Approach to Services Liberalisation:**
- Negotiations had envisaged three approaches:
- GATS Approach (Scheduling of Commitments);
- Regulatory Approach (ECOWAS Approach)
- Hybrid Approach
- Hybrid approach adopted (combining ECOWAS Member States commitments at the WTO with the ECOWAS regulatory approach)

AfCFTA Contentious Issues

- **Mandate to conduct AfCFTA negotiations:**
- Legislative and Exclusive competence in trade and trade policy matters vested in Member States rather than ECOWAS;
- ECOWAS Commission sought for mandate to negotiate AfCFTA negotiations on their behalf;
- Accra Consensus in March 2016: Member States decided to “go alone”, but with support and assistance from ECOWAS
- Article 85 of the Revised ECOWAS Treaty: Member States to harmonise positions in negotiations with third parties and ECOWAS to assist Member States in arriving at common regional positions.

AfCFTA Outstanding Issues

AfCFTA Outstanding Issues

- **Level of Harmonised System (HS) Code to use:** NF & STO & AMOT
Decisions: Further consultations required
- **ECOWAS Position:** Member States sought for further consultations, while maintaining support for the use of ECOWAS customs union tariff (at the 10 digit level);
- **Categorisation of countries:** Agreement to adopt the classification by the World Trade Organisation (WTO) and the United Nations (ECOSOC) in relation to Non-LDCs and LDCs. Further consultations required on the treatment for RECs with CUs
- **ECOWAS Position:** Member States maintained the regional position of negotiating as a Customs Union. They also pushed for the region to be classified as an LDC.

AfCFTA Outstanding Issues

- **Level of Liberalisation (linked to categorisation):**
- For non-LDCs (non – least developed countries), customs duties for the 90% shall be zero by year 5 from the start of the liberalization period;
- For LDCs (Least Developed Countries), customs duties for 90% shall be zero by year 10 from the start of the liberalization period;
- For Sensitive Products, non-LDCs will have only 10 years and LDCs will have 13 years respectively to reduce tariff on Sensitive Products;
- **ECOWAS Position:** Member States endorsed this proposal, while maintaining support for the regional position to negotiate as CU.

AfCFTA Outstanding Issues

- **Anti-concentration Clause:**
- Importance of double qualifying (tariff line + import value) the Exclusions Lists to ensure that substantially all intra-Africa trade would be liberalized
- South African proposal: 3% of every chapter; Mauritius: 25%
- In Chapter 02 “meat and edible meat offal” there are 81 HS10 subheadings, of which 50 are tariffs at the 35% level. Accepting 3% would mean, we can exclude 2 of these 50 HS10 subheadings.
- **ECOWAS Position:** Support for anti-concentration, while indicating that a restrictive anti-concentration clause on proportion of Chapter being excluded would make negotiations very complex. Accept not less than 50% anti-concentration

AfCFTA Outstanding Issues

- **Services Liberalisation:**
- Negotiations to proceed on the basis of five (5) priority sectors: Transport; Communications; Financial; Tourism and Business;
- Member States are to be encouraged to undertake commitments in more than five (5) sectors for those wishing to do so;
- Development of Regulatory Frameworks for Cooperation
- **ECOWAS Position:** Support for these five (5) priority sectors in Phase I, while supporting negotiations for the remainder of twelve (12) sectors in Phase II.
- Negotiations guidelines yet to be adopted

ECOWAS Trade Policy Implications

AfCFTA ECOWAS Trade Policy Implications

- Article 3 of the ECOWAS Revised Treaty: mandate for an ECOWAS regional common trade policy
- Draft ECOWAS Common Trade Policy (CTP) validated and sent to Member States for further consultations before adoption
- Built around five interrelated and mutually-reinforcing characteristics:
- Pillar 1: A Single Market and Productive ECOWAS;
 - Free flow of goods, services, investment and freer flow of labour and business enterprises
 - ETLS; CET; Customs Code; Services regulations; investment code etc.
- Pillar 2: A Competitive, Diversified and Dynamic ECOWAS;
 - business-friendly and innovation-supporting regional environment
 - Competition Policy; Intellectual Property Rights; consumer protection etc.

AfCFTA ECOWAS Trade Policy Implications

- Pillar 3: An Enhanced Connectivity and Sectoral Cooperation;
 - Improvements in transport connectivity and other infrastructure networks
 - Transport; industry; agriculture etc.
- Pillar 4: An Inclusive and People-centered ECOWAS;
 - equitable economic development through creative initiatives that encourage small and medium enterprises to participate in regional and global value chains
 - MSMEs; private sector and civil society participation in the in the regional integration process
- Pillar 5: A Fully Integrated and Global ECOWAS
 - ECOWAS' full integration into the global economy pursued through a more coherent approach towards external economic relations
 - Relations with third countries

AfCFTA ECOWAS Trade Policy Implications

- **Mandate to negotiate with third countries:**
 - Legislative and exclusive competence still vested in the national governments
 - Adoption of Common External Tariff (CET) meant unified position towards external economic relations towards third parties
 - Mandate extended to ECOWAS to negotiate WA – EU EPA
 - Member States conducting negotiating AfCFTA alone may create challenges
 - However, the Commission has been providing assistance to ensure coherence of position
 - That is why ECOWAS cannot afford to be missing from the negotiations table: years of achievements can be eroded
 - ECOWAS needs to consolidate Member States positions

AfCFTA ECOWAS Trade Policy Implications

- **Implications for the ECOWAS Community Levy:**
- As a “charge having equivalent effect”, the Community Levy on intra-Africa trade would be progressively eliminated;
- Approximately 6% of ECOWAS total imports will be affected; translating into more than 25 million US dollars loss in revenue annually
- ECOWAS Ministers of Trade Meeting in May 2018 proposed that studies should be undertaken on alternative sources of funding
- AfDB Proposal for ECOWAS: Consider shifting the burden of the levy paid by African countries to the rest of the world (non-African countries):
 - either by marginally increasing the current levy rate on imports from the rest of the world or by broadening the levied import base.

AfCFTA ECOWAS Trade Policy Implications

- **Signature and Ratification:**
- 12 out of 15 ECOWAS Member States signed the AfCFTA Agreement; save for **Benin; Guinea-Bissau and Nigeria**
- 3 out of 15 Member States have deposited their instruments of ratification with the AU
- Overall, 7 AU countries have deposited their instruments of ratification with the AU; 15 more to go for the Agreement to enter into force
- To avoid any policy implications for the Common External Tariff (CET) and other regional integration efforts such as the ECOWAS Trade Liberalisation Scheme (ETLS); all ECOWAS Member States must sign and ratify the AfCFTA Agreement
 - Member States that have ratified could become conduits for bringing goods from third countries into the region
 - Potentially, this can dis-integrate the region; as some Member States will be seeking to impose bans on some goods.

Conclusions

- **ECOWAS trade policy implications:**
- ECOWAS Commission (and other RECs) has now been reduced to an "observer status"
 - Under the WA – EU EPA; the Commission actually led the negotiations; ensuring the consolidation of regional achievements;
 - ECOWAS Summit directive to the Commission to provide assistance to Member States to arrive at common positions welcome
- Potential disintegration of the region if all Member States do not collectively sign and ratify the Agreement (as a Customs Union)
- Reduced Revenue from ECOWAS Community Levy as approximately 6% of ECOWAS imports from Africa would be affected;
- More resources would have to be dedicated to AfCFTA programmes in consolidating Member States positions

QUESTIONS?

THANK YOU!