# Introduction to the Symposium on the African Continental Free Trade Agreement (AfCFTA)

**By:**

James Thuo Gathii

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The signing of the consolidated text of the African Continental Free Trade Agreement (AfCFTA) in March 2018 by 47 African Union member States was a significant milestone. It was the first time since the Abuja Treaty of 1994 that a continental trade agreement had been negotiated.

The March 2018 milestone coincided with the substantial completion of Phase One negotiations on trade in goods and services. Phase Two negotiations on Intellectual Property Rights, Investment and Competition Rules was formally launched in March 2018 when 49 African Union member states signed the Kigali Declaration. As of January 10th 2018 there are 16 ratifications of the AfCFTA. Six more ratifications are required before it comes into force. This symposium critically appraises the agenda of the AfCFTA. It kicks off with a post that boldly makes the case why this agreement promises to redress the comparatively low levels of intra-regional trade as well as the dearth of high value exports from

Africa. There is perhaps no one better than David Luke to make the case for the AfCFTA. He heads the African Trade Policy Centre (ATPC) at the UN Economic Commission for Africa (ECA) in Addis Ababa that at the request of the African Union Summit provides the necessary support such as research, policy advisory services, and other technical assistance to ensure the timely conclusion of AfCFTA negotiations.

The other contributors to this symposium ask what the AfCFTA means for the African Union. They wonder whether it has been negotiated in an inclusive and transparent manner? How well is it being designed to deal with the issues that have led to low volumes of trade among African countries? How well it takes into account impacts on all stakeholders such as women and informal cross border trade? Whether as part of the package of other reforms that accompany it, it addresses the issues that adversely affect African trade such as transfer mis-pricing? How it will be characterized for purposes of notification under Article XXIV of GATT? How its trade facilitation mandates fit alongside those contained in existing RECs? These and other important and consequential questions make this symposium very timely. In addition to David Luke's inaugural essay to launch the symposium, today we are publishing two other essays. One by Dr. Lawrence Tinyiko Ngobeni raising questions on the relationship between the AfCFTA and its proposed Protocol on Investment, on the one hand, and the African Union's recently concluded Pan African Investment Code, on the other, particularly in the context of the existing investment obligations amongst SADC States.

On her part, Mariam Olafuyi examines the extent to which the AfCFTA grapples with the large volume of informal cross border trade and its gendered nature. Every weekday, a new essay will be published in the order that appears below. We thank all the contributors for accepting the invitation to be part of the inaugural symposium of Afronomicslaw.org and for their thought-provoking essays.

Dr. David Luke: Making the Case for the AfCFTA

Dr. Tinyiko Ngobeni: The Relevance of the Draft Pan African Investment Code in View of the Formation of the African Continental Free Trade Area

Mariam Olafuyi: The Informal Economy and the African Continental Free Trade Agreement: Making Trade Work for the Often Overlooked

Dr. Babatunde Fagbayibo: A Case for Democratic Legitimacy of the AfCFTA Process

Tsotang Tsietsi: Trade Facilitation Efforts of the SADC States: Prospects of Advancement by the African Continental Free Trade Agreement

Dr. Luwam Dirar: The African Continental Free Trade Area: Trade Liberalization and Social Protection

Prof. Olabisi D. Akinkugbe: Negotiating the AfCFTA in the Shadow of International and Regional Struggle for Power: A Caution

Dr. Amaka Vanni and Dr. Titilayo Adebola: Intellectual Property Rights and the AfCFTA: A Balanced Approach

Dr. Regis Simo: The Movement of People to Provide Services in the AfCFTA: Taking Stock of the Progress and Tackling Some Challenges Ahead

Dr. Ohio Omiunu: Mainstreaming Social Concerns into the AfCFTA Negotiation Process

Alexander Ezenagu: Transfer Mispricing as an Non-Tariff Barrier to the AfCFTA

Harrison Otieno: Existing in the Eternal Twilight Zone of WTO Consistency: The case of the African Continental Free Trade Agreement (AfCFTA)

Fredrick Kamusiime: How to Implement the AfCFTA

Dr. Oyeniyi Abe: Gender Mainstreaming and Empowerment under Agreement for the Establishment of the African Continental Free Trade Area (AfCFTA).

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