Call for Papers: African International Economic Law Network (AfIELN) 7th Biennial (Bridge) Conference: A Critical Appraisal of the Status and Implementation of the AfCFTA Agreement and Its Protocols

By:

AfIELN

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A Critical Appraisal of the Status and Implementation of the AfCFTA Agreement and Its Protocols

The African International Economic Law Network (AfIELN) invites the submission of abstracts for its 2024 Bridge Conference taking place in **Dar es Salaam, Tanzania, from 18 to 20 July 2024**.

Background

At the core of the movement for African integration is the recognition that solidarity and collaboration are crucial to tackling historical injustices and colonial continuities. Embracing Pan-Africanism as embodied in the African Union's (AU) Agenda 2063 and its African Continental Free Trade Area (AfCFTA) represent a commitment to transcending the artificial borders on the continent to pave the path towards collective socio-economic growth and political stability. The AfCFTA and its Protocols offer ambitious avenues to address the manifold contemporary challenges on the continent with a unified stance.

Six (6) years have passed since AU Member States concluded the Agreement Establishing the AfCFTA. Signed in 2018, the AfCFTA Agreement entered into force on 30 May 2019 together with the Protocol on Trade in Goods, the Protocol on Trade in Services and the Dispute Settlement Protocol. The AfCFTA negotiations are scheduled in two phases with Phase II covering competition policy, intellectual property rights, investment, digital trade/e-commerce and women and youth in trade. As of December 2023, 47 countries have ratified the AfCFTA Agreement. The AfCFTA is a giant step in the direction of establishing the African Economic Community (AEC), which is expected to be in place by 2028.

Five strategic instruments have been adopted to operationalise the AfCFTA Agreement: (i) the Pan African Payment Settlement System (PAPSS), a digital platform to facilitate cross-border payments; (ii) a monitoring mechanism for non-tariff barriers; (iii) the Africa Trade Observatory, a market intelligence tool; (iv) the e-Tariff Book; and (v) the AfCFTA Adjustment Fund to address anticipated short-term revenue losses.

The operational phase of the AfCFTA was launched in July 2019, and trade under the AfCFTA Agreement officially commenced on 1 January 2021. However, only a few State Parties met the requirements to start trading formally. One cardinal requisite to trade in merchandise under the Protocol on Trade in Goods is the submission and certification of State Parties' agreed schedules of concessions. While the Council of Ministers adopted the Ministerial Directive on the Application of Provisional Schedules of Tariffs Concessions, providing a legal basis for the countries that have submitted their tariff

schedules in accordance with the agreed modalities to trade preferentially amongst themselves, trade under the AfCFTA regime is increasingly gaining traction including under the AfCFTA's Guided Trade Initiative.

The Guided Trade Initiative was launched in October 2022 with a three-pronged objective: (i) to allow commercially meaningful trading under the AfCFTA; (ii) to test the operational, institutional, legal and trade policy environment under the AfCFTA; and (iii) to send an important positive message to the African economic operators. So far, the products earmarked for trade under this initiative include, among others, ceramic tiles, batteries, tea, coffee, processed meat products, corn starch, sugar, pasta, glucose syrup, dried fruits, and sisal fibre. In the area of services, commitments have so far been made in five priority sectors (business, communication, finance, transport, and tourism) while schedules on specific commitments for seven additional sectors (construction, distribution, education, environment, health and social, recreational and cultural and other services) are still under discussion. Like with goods, trade in services cannot start until State Parties have agreed and certified their schedules of specific commitments.

Phase II negotiations cover investment, intellectual property rights, and competition policy. While these three areas were already codified under the AfCFTA Agreements, digital trade, gender, and youth in trade are postscripts that entered the AfCFTA discourse in February 2020 and February 2022, respectively.

Many aspects of the AfCFTA negotiations are still pending, the Agreement contains a revision clause requiring State Parties to review every five (5) years after its entry into force to ensure effectiveness, achieve deeper integration, and adapt to evolving regional and international developments. Beyond support such as the United Nations Economic Commission for Africa's National Implementation Strategies, the AU dedicated 2023 to the acceleration of the AfCFTA implementation. Bringing together interested stakeholders including academics, law and policy makers, industry professionals, civil society organisations and students, this timely conference is designed to critically assess the progress made under the AfCFTA Phases I and II instruments and deliberate on future steps. In doing so, the conference aims to collate and construct informed positions that effectively bolster the AfCFTA.

Bridge Conference Theme

The theme of the 2024 AFIELN Conference is *A Critical Appraisal of the Status and Implementation of the AfCFTA Agreement and Its Protocols*.

We invite submissions that critically engage with conference theme in the following (non-exhaustive) areas:

- Trade in Goods:
  - Progressive elimination of tariffs and the treatment of non-tariff measures
  - The Guided Trade Initiative
  - The AfCFTA's non-tariff barriers online reporting, monitoring and eliminating mechanism
  - AfCFTA Rules of Origin (general RoOs, product specific RoOs such as the textile and apparel and the automotive sectors)
  - Special economic zones and infant industries
  - Trade remedy instruments
- Trade in services (specific commitments, market access, national treatment, mutual recognition, rules on domestic regulation, sector-specific issues, etc.)
- Intellectual Property Rights (including geographical indications, trade marks, plant variety protection, patents, copyright, industrial designs, intersections with new/emerging technologies, etc)
- Competition Policy (mergers, anti-competitive practices such as cartels, abuse of dominant positions, abuse of economic dependence, etc.)
- Investment (substantive provisions, procedural matters and dispute settlement, etc.)
- Digital Trade (market access of digital products, digital payments and other digital services, right to regulate, data governance issues such as cross-border data flows and data localisation, etc.)
- Protocol on Women and Youth in Trade
- National Implementation Strategies
- Cross-cutting issues (e-Tariff Book, trade facilitation measures, transit trade, informal cross-border trade, sustainability, etc.)
- Dispute management and settlement (general, special and additional rules and procedures, etc.)

Submission Instructions:

We welcome submissions in English and French. Papers will be selected based on quality, originality, alignment to the theme/sub-themes and their capacity to provoke productive debates. Submissions must include a research abstract (no more than 400 words) and a short biography (no more than 200 words). Selected paper submissions will be published in a Special Issue of the African Journal of International Economic Law while blog posts will be published on Afronomicslaw.org.

Deadline: 26 April 2024. Email: afieln.siel@gmail.com.

Decisions on the acceptance of abstracts will be communicated by 3 May 2024. Selected applicants will be expected to submit their complete paper (not exceeding 7,000 words) by 14 June 2024.

Conference Fees, Costs and Financial Support

All conference participants, and speakers, must plan to cover their own travel, accommodation and conference fees.

AfIELN plans to offer limited scholarships and conference registration waivers to selected speakers, who commit to submitting high quality complete papers by the above deadline.

Those requesting consideration for funding are invited to submit a 300-word motivation letter indicating why they will need financial support, along with their abstract submission and commitment to submitting high quality complete papers by the above paper submission deadline. More information on the conference registration fee will be available on the AfIELN webpage in due course.

Bridge Conference Publication

In line with previous AfIELN events, the Conference Committee plans to publish selected articles after a successful peer review. More information will be provided in due course.

Enquiries: Please submit any enquiries to the Conference Chair, Dr Regis Simo, by email at **afieln.siel@gmail.com**.

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