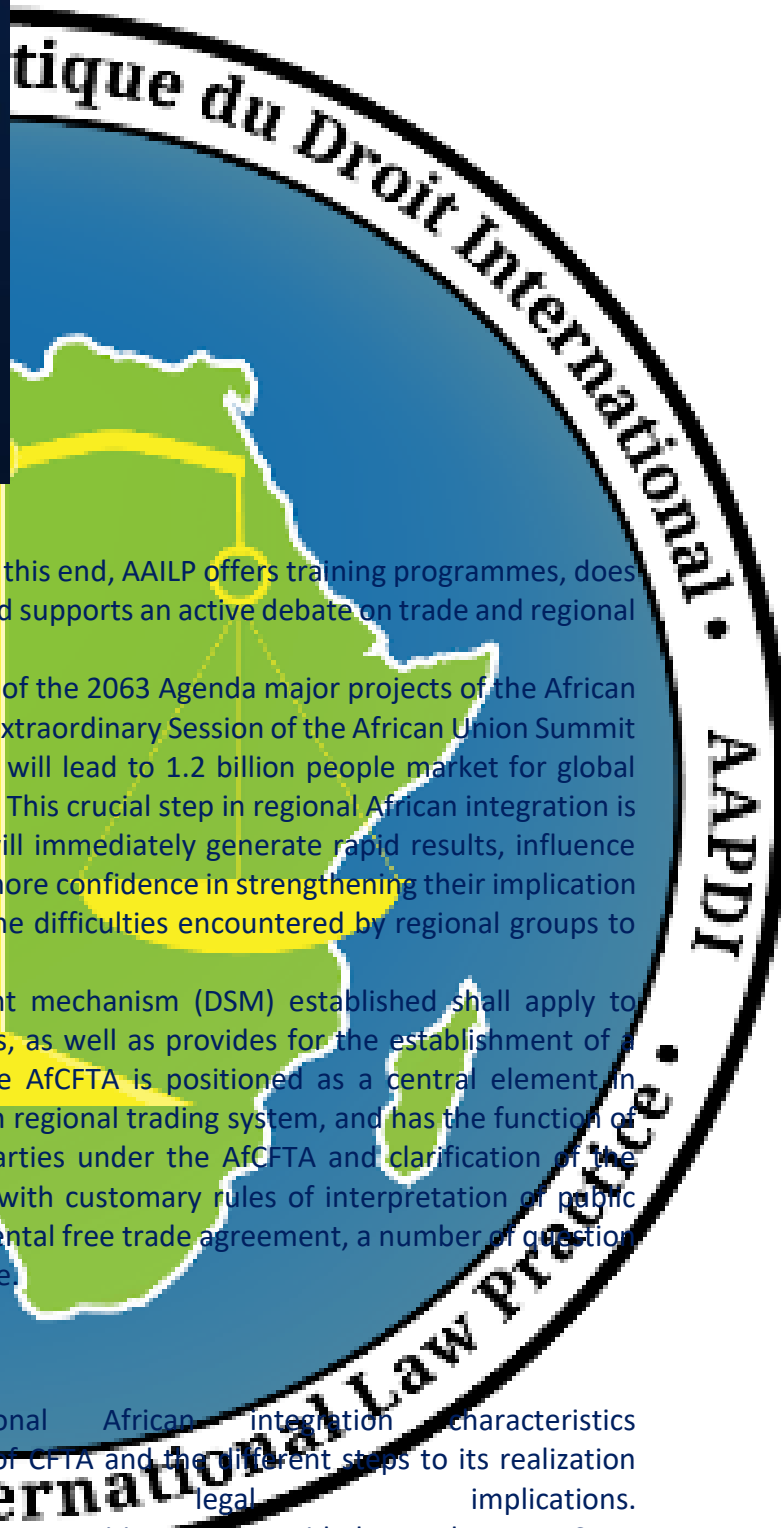




TRAINING

ARBITRATION, DISPUTE SETTLEMENT AND THE AFRICA CONTINENTAL FREE TRADE AREA AGREEMENT (AFCFTA)

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Description

AAIPLP builds capacity for Africa to trade better. To this end, AAIPLP offers training programmes, does analysis of trade and integration developments and supports an active debate on trade and regional integration law.

The Continental Free Trade in Africa (CFTA) is one of the 2063 Agenda major projects of the African Union. Approved by 44 countries during the 18th Extraordinary Session of the African Union Summit held in Kigali on March 21st, 2018, this initiative will lead to 1.2 billion people market for global evaluated GDP of approximately 3000 billion USD. This crucial step in regional African integration is considered as the most urgent initiative which will immediately generate rapid results, influence social-economic development, and give Africans more confidence in strengthening their implication and appropriation of the 2063 Agenda, despite the difficulties encountered by regional groups to position themselves in international value chains.

Article 20 mandates that the dispute settlement mechanism (DSM) established shall apply to dispute settlement between AfCFTA State Parties, as well as provides for the establishment of a Dispute Settlement Body (DSB). The DSM of the AfCFTA is positioned as a central element in providing security and predictability to the African regional trading system, and has the function of preserving the rights and obligations of State Parties under the AfCFTA and clarification of the existing provisions of the AfCFTA in accordance with customary rules of interpretation of public international law. Given the novelty of the continental free trade agreement, a number of question relating to dispute settlement and arbitration arise.

Objectives

1. Better knowledge of the regional African integration characteristics
2. Better knowledge of the negotiation process of CFTA and the different steps to its realization
3. Mastering the legal implications.
4. Identify the business opportunities provided by CFTA
5. (ZLECA) est un projet phare de l'Agenda 2063 de l'Union africaine. Approuvée par 44 pays signataires

Target

- Senior officials



- Journalists
- Export companies' managers operating on international markets
- Researchers and graduates in political science, diplomacy and international affairs, African studies, or economics

KEYS TO SUCCESS FOR THE AfCFTA NEGOTIATION



A number of key Phases issues remain to be negotiated, including schedules of tariff concessions, schedules of services commitments, and rules of origin. As long as these negotiations are pending, it remains unclear which products will be subject to tariff cuts and which services sectors will be liberalized. Likewise, uncertainty remains regarding rules of origin, i.e., rules regarding the type of value addition that must occur within an AfCFTA State Party in order for a product to benefit from AfCFTA tariff rates. Others negotiations, which commenced in February 2019, focus on three topics: investment, competition policy, and intellectual property rights. All Phase II issues remain outstanding.

State Parties seek to protect existing RECs from extra-REC competition.³¹ Accordingly, the AfCFTA envisions that tariff concessions will be negotiated only between RECs and/or State Parties that belong to different RECs.

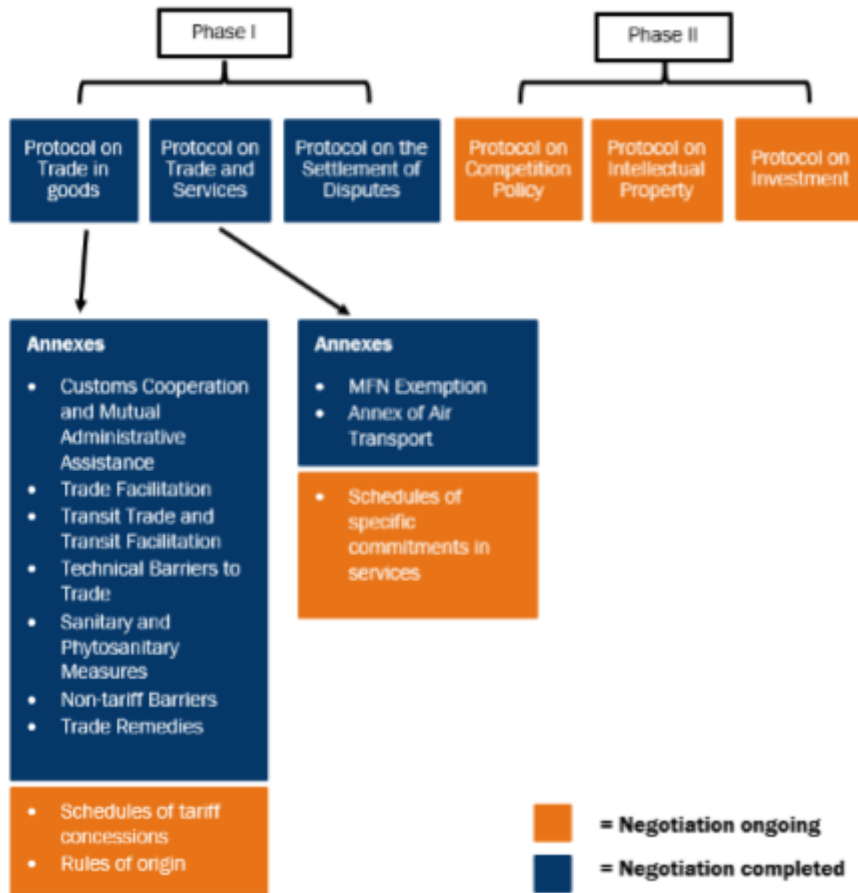
Second, four out of eight of the RECs are customs unions: ECOWAS, EAC, SACU, and CEMAC. State Parties that belong to these custom unions will likely be making concessions as a bloc. However, in reality, it is challenging for these regional blocs to make common offers, as not all members of these custom unions have signed or ratified the AfCFTA (a notable exception includes Botswana).

Legal knowledge and skills are required by professionals to negotiate and implement legal and institutional framework AfCFTA. The training will :

- 1- Promote the appropriation by the Member States of the techniques and tools for negotiation on trade in services within the framework of the AfCFTA;
- 2- Accompany ECCAS Member States in the definition of convergent positions which would be reflected in the creation of a free-trade area for services in Africa;
- 3- Build capacity and technically support ECCAS Member States to develop specific lists of commitments that are consistent with relevant regulatory frameworks



Agreement Establishing the AfCFTA



2. CLIMATE CHANGE