

THE AFRICA CONTINENTAL FREE TRADE AREA (AfCFTA) AS A TOOL FOR SUSTAINABLE DEVELOPMENT IN AFRICA: AN APPRAISAL

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Abstract

The paper explores the Africa Continental Free Trade Area (AfCFTA) as a transformative tool for sustainable development in Africa. The major aim of AfCFTA was to drive economic integration and sustainable development in the continent. Therefore, the study examines the objectives, structure and protocols of the AfCFTA and explores how these elements can contribute to sustainable development on the continent. The study relied on secondary sources for its information. The findings of the paper reveal that by promoting intra-African trade, fostering economic diversification, enhancing industrialisation, and ensuring environmental sustainability, the AfCFTA has the potential to drive sustainable development in Africa. The study also reveals that challenges such as infrastructure deficits, regulatory barriers, and capacity limitations need to be addressed in order to maximize the AfCFTA's positive impact. The study recommends the need for effective implementation, strong institution framework and inclusive policies in harnessing the AfCFTA's potential for sustainable development in Africa

Keywords: Africa Continental Free Trade Area (AfCFTA), Africa, Sustainable development, Catalyst, environment sustainability

Introduction

The African leaders' efforts at establishing integration schemes aimed at development both at the regional and continental levels are not new. Some notable efforts include the 1981 Lagos Plan of Action (officially Lagos Plan of Action for Economic Development of Africa 1980-2000) which was an OAU backed plan to increase Africa's self-sufficiency. The plan aimed to minimize Africa's link with Western countries by maximizing Africa's own resources. Also following were the African Alternative Framework to Structural Adjustment Program for Socioeconomic Transformation (AAF-SAP) in 1989 at Addis-Ababa Ethiopia. Again, the African Charter for popular participation in Development and Transformation (ACPPDT) in Arusha, Tanzania 1990 and the Abuja Treaty of 1991 which established the African Economic Community (AEC) were all geared towards the African continent economic recovery, integration and its development (Shakdam and Jamaluddin, 2022).

Following the renewed calls for Africa's participation on the global scene with more vigor and determination, The Head of States and Government of the OAU issued the Sirte Declaration in September 1999 calling for the establishment of an African Union (AU). The declaration was followed by a summit at Lomé, Togo, in the year 2000, when the Constitutive Act of the African Union was adopted. During the same period, the initiative for the establishment of the New Partnership for African Development (NEPAD) was conceived. According to Ezerim, (2005), NEPAD was seen as an African Marshal Plan, holistically integrative and pursued sustainable development initiative for the economic and social revival of Africa that involve a constructive partnership between Africa and the developed world. Despite these lofty goals, NEPAD is seen as an elites' imposition. The document was also said to have raised the question of the legitimacy of the framework as a real African development initiative. Hence, following the exit from office of its originators, the NEPAD document suffered slow and delayed push since no meaningful radical change has been seen since its inception (Joseph, 2011). This gave rise to a new development agenda known as the African Continental Free Trade Area (AfCFTA).

The AfCFTA is an offshoot of the African Economic Commission (AEC) as contained in the Abuja Treaty of 1991. The roadmap of the AfCFTA was adopted at the AU summit held at Addis Ababa in 2012. Specifically, the Head of States of the African Union endorsed the action plan on Boosting Intra-African Trade (BIAT) and adopted the decision to fast track the establishment of AfCFTA in 2017 using four (4) step roadmap which includes first, finalizing of the South African Development Commission (SADC), East Africa Community (EAC), The Custom Union of West African States Tripartite Free Trade Area. Second, being the establishment of Regional Free Trade Area by non-tripartite Regional Economic Commission which reflects the preferences of member states from 2012-2014. The third is consolidation on the tripartite and other regional Free Trade Areas into the AfCFTA initiative from 2015 to 2016. And finally, was the establishment of AfCFTA in 2017 with an option to review the target date base on progress made. African leaders also adopted the agenda 2063 tagged "The Africa we want" as the strategic framework for the developmental transformation of the continent over the next fifty (50) year.

Following series of negotiations, the AfCFTA document proposal was ready for the Extraordinary Session of the African Union held from 17th -21st March, 2018 in Kigali, Rwanda. The signing of the AfCFTA agreement encouraged the African leaders to recommit themselves to the pursuit of African economic integration project (Bach, 2016). Out of the fifty-four (54) member countries, only forty-four (44) countries initially signed the agreement and submitted their instrument of ratification signifying eighty percent (80%) compliance as at March 2021. Even though many countries have signed the AfCFTA, many are yet to understand the deep implication for their economies thereby withholding their signature. According to the AU, the central objective for establishing AfCFTA was to boost intra African trade through creating a single market

for goods and services. It is also expected to enhance free movement of persons and investment which will pave the way for the establishment of a Continental Custom Union as envisaged in the Abuja Treaty. The AfCFTA with regard for political choices and development priorities, is expected to contribute to sustainable development and poverty reduction in Africa (Ukpe, 2010).

Sustainable development has become a major pillar that support agenda for third world development in the 21st century and beyond (Grumiller, Raza, Troster and Arnim, 2018). It is crucial that commitments to sustainable development and poverty reduction are central to economic integration agreements; apart from being an end, it should also further people's capabilities and opportunities. The observation is that most of the time, the costs and benefits of economic integration agreement are distributed unequally, deepening inequality by bringing prosperity to the little but increased poverty to the majority.

In the light of the above, both commendations and criticisms have trailed the introduction of AfCFTA. The African Union (AU), United Nations Economic Commission for Africa (UNECA), World Trade Organization (WTO), United Nations amongst others whom are the major supporters and promoters of the AfCFTA have sustained a strong argument that it will boost trade among the fifty-four (54) member countries in seven (7) identifiable areas which includes; trade policy, trade facilitation, productive capacity, trade related infrastructure, trade finance, trade information and factor market integration (AU, 2021). Contrarily, the AfCFTA have received some criticism which according to (Berthelot, 2017) the AfCFTA goals of the AU is "Unrealistic in its content and timing". Also, some civil societies group have observed poor consultation in the process of negotiation. Again, the initial reluctance of some African countries like Nigeria and South Africa to sign the AfCFTA agreement shows not all African states are convinced that the promised benefits would align with their national interest and promote sustainable development. It is against this background that this research seeks an appraisal of the objective, structure and protocol of AfCFTA in order to ascertain the extent to which it will foster sustainable development in Africa.

Free Trade Area (FTA) and Sustainable Development: Conceptual and Theoretical Underpinning

A Free Trade Area is an area devoid of suppression and discrimination in the field of commodity movement among member countries. Member countries often agree accordingly to systematically eliminate trade restrictions within FTA of member countries and decides on their own tariff policies to impose on non-member countries. According to Schiff and Winters (2003), member countries may reduce tariffs for three reasons which includes; to reduce trade diversion, to protect loses of tariff revenue and to ensure competitiveness of goods. There are situations that can propel increased protectionism in member countries such as rule of origin that seeks protection against third party country imports as a result of fierce FTA agreement. Also, Sharkdam and

Jumaludden (2022), noted that FTA requires the enforcement of rule of origin which in practice often become instrument of protection. The general expectation of FTA is that it will increase the flow of trade between member countries. The AfCFTA is envisaged as a continental free trade area for those states that have deposited their instrument of ratification.

According to Gada and Kibret, (2002) The impetus for regional integration is drawn from the standard trade theory which states that free trade is superior to all other trade policies as free trade among two or more states will improve the welfare of the member countries as long as the arrangement leads to a net trade creation. Thus, AfCFTA is the Africa Continental Free Trade Area meant to form the world's largest free trade area by creating a single market for goods and services across Africa. The overall aims was to increase socio-economic development, reduce poverty and ensure Africa competitive in the global market as well as ensure sustainable development in Africa.

According to Brundland Commission (1987), Sustainable development is a fluid concept, meaning development meeting the needs of the present without compromising the ability of future generations to meet their own needs (WCED, 1987). This definition tends to be political which fail to give concrete sustainability benchmarks (Efanodor 2013). Also, sustainable development means, a path along which the maximization of human well-being for self-generation does not lead to declines in future well-being. In this regard human well-being includes not only the satisfaction of economic needs, but also for aspirations for a clean and healthy environment, and preferences in terms of social development (Efanodor 2013).

From the above, there are two fundamental elements on the concept of sustainable development, "development and sustainability". According to Sharpley (2000), development and sustainability could be in the juxtaposition, where both could have possible counter-productive effects, while neoclassical economists emphasize that there is no contradiction between sustainability and development (Lele, 1991). Also, Sachs (2010), suggests that there is no development without sustainability or sustainability without development. According to Tangi (2005) the notion of development is related to the past western concept of imperialism and colonialism, and in that period it implied infrastructure development, political power, and economic policy, serving imperialists as an excellent tool for marginalization and diminishing the power of certain countries.

In line with Barbier, (1989), Peacre (1997) the debate still lingers on how to develop appropriate indicators for measuring the concept of sustainable development, however, there is a consensus that sustainability is the capacity for continuance into the future. The implication of this conclusion is that while ensuring the welfare of all, a path of economic and social development should not seek to maximize gains for this generation only because doing so will reduces the capacity of future generation to provide for their own wants and needs (Efanodor, 2013).

Thus, Cerin, (2006) as well as Abubakar (2017) argues that Sustainable Development is a core concept within global development policy and agenda. It provides a mechanism

through which society can interact with the environment while not damaging its resource for the future. Thus, it is a development paradigm as well as concept that calls for improving living standards without jeopardizing the earth's ecosystems or causing environmental challenges such as deforestation and water and air pollution that can result in problems such as climate change and extinction of species.

Exploring the demands of sustainable development, (Ukaga, 2011), emphasized the need to move away from harmful socio-economic activities and rather engage in activities with positive environmental, economic and social impacts. For the purpose of this study sustainable development means what can be continued either indefinitely or for a given time frame.

Theoretical Framework

This paper is anchor on Neo-functional as a framework for analysis. The Neo-functional theory whose major proponents includes Haas (1964) who describe it as a process whereby political actors as distinct national are persuaded to shift their loyalties, expectations and political beliefs towards a new and larger center whose institutions possesses and demand jurisdiction over the pre-existing national state. Neo-functionalism describes and explains the process of regional integration with reference to how three causal factors interact which are:

- i. Growing economic interdependence between nations
- ii. Organizational capacity to resolve disputes and build international legal framework regimes.
- iii. And supranational market rules that replaces national regulatory regimes.

The theory gained momentum as a result of the importance of global nationalism and predict a gradual elected official, interest groups and large commercial interests within states seeing their interest to pursue welfare objectives best satisfies their political and market influence through integration at a higher supranational level. This theory becomes relevant to this work because the AfCFTA is seen to have the capacity to drive the African continental development agenda if properly implemented through integration. Lindberg (1994), describe integration as an incubator style process whereby existing political systems continuously ``forgo the desire and ability to conduct key foreign and domestic policies independently of each other, seeking instead to jointly make decisions or to delegate the decision-making process to new central organs``.

The relevance of neo-functionalism remains, the process of transforming the African continent into a unique force through AfCFTA being pivotal to the continent development. As noted earlier, integration is the process by which two or more countries agree to cooperate and work closely together to achieve peace, stability and wealth. This cooperation usually begins with economic integration and as it continues, it includes political and other aspect of cooperation. Political integration is the process whereby political actors from different distinct and national settings are persuaded to shift their loyalties, expectations and political activities towards a new center whose institutions

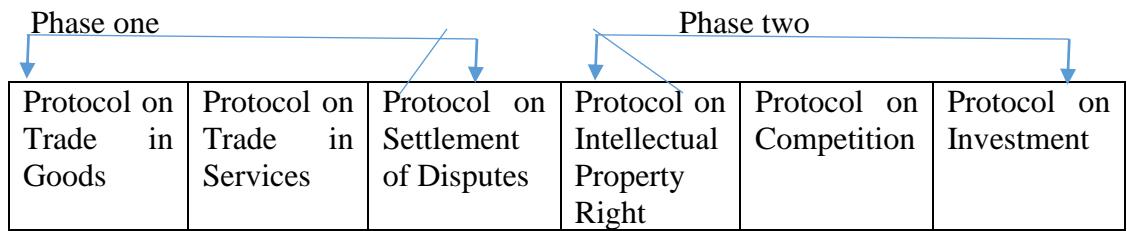
possess or demand jurisdiction over the pre-existing national states. The neo-functionalism theory agrees on the possibility of transforming the African Union through AfCFTA into a political federation because it believes that once initial integration processes have been agreed, fully fledged political federation with supranational organization status will emerge. Africa's integration history dates back to early 1960's starting with the Organization of Africa Unity (OAU), and later changing to African Union (AU). It is believed that the African continent is going to integrate gradually towards forming a political federation through the AfCFTA agreement.

The Africa Continental Free Trade Area (AfCFTA): Objectives, Protocol and Structure

The AfCFTA represents a historic milestone in the pursuit of sustainable development in Africa. AfCFTA aim to create a single market for goods and services, stimulate intra-African trade, strengthen economic integration, and ultimately contribute to sustainable development. One fact that is broadly acknowledge by various shades of opinion on AfCFTA is that it holds the prospects of positively changing the African outlook on the global market through trade with another region of the globe. This section will examine the objectives, protocol and structure of the AfCFTA. The key objectives of African Continental Free Trade Area include:

- i. Establishing a single continental market for goods and services that allows free movement of businesses, professionals and investments, as well as accelerating the establishment of the continental customs union to be known as African customs union.
- ii. Expanding intra-African trade through better harmonization and coordination of trade liberalization and facilitation across Regional Economic Communities (RECs) and across Africa.
- iii. Resolving the challenges in multiple and overlapping membership and expedite the integration processes.
- iv. Enhancing competitiveness at the industries and enterprise level by exploring opportunities for economics of scale in production process, continental market access and better allocation of resources (Cazares, 2019).

Also, the protocol of AfCFTA shows it has two phases. The first phase has three sub-divisions which includes, Protocol on Trade in goods, Protocol on Trade in Services and Protocol on Rules and Procedures in the settlement of disputes; while the second phase is Protocol on Competitive policy, Protocol on Intellectual Property right and Protocol on Investment. Further annexes are shown in the organogram below (African Union, 2012).



Source: AfCFTA Establishing Act 2018.

The Protocol on Trade in Goods

Since AfCFTA present an opportunity for expanded trade, increase domestic output and attract critical Foreign Direct Investment (FDI), this will drive competitiveness, growth and boost intra African trade (World Bank Report, 2019). This will provide African states the needed opportunities to annex her potentials, increase productivity and utilize her resources in sectors like tourism, fashion, entertainment and petrochemicals to increase revenue.

According to the AfCFTA Establishing Act (2018), its protocol on trade has the following objectives:

- i. Creating a liberalized market for goods
- ii. Progressively remove tariffs and non-tariff hindrances
- iii. Improves efficiency on custom procedures and facilitate trade transition.
- iv. Enhance cooperation in technical areas to trade and other fiscal measures.
- v. Assisting the development and promotion of value chains across Africa.

According to the AfCFTA establishing Act, (2018), its protocol on trade in goods includes:

- i. State representatives should accord each Most Favored Nations (MFN) cordial treatment.
- ii. State representatives may partake in preferential trade arrangement with third parties if it does not distract the AfCFTA protocol and be willing to extend such preferential arrangements to other states representatives on a reciprocal basis.
- iii. State representatives should provide flexibilities to other states products without discrimination after such imported product had been cleared by customs.
- iv. State representatives should treat products from other states without discrimination after such imported products have been cleared by customs.
- v. Goods shall be eligible for preferential treatment if they are originating from any of the member countries in accordance with the Rule of Origin.
- vi. State representatives may support the establishment and operation of special economic arrangements or zones.

Protocol on Trade in Service

According to Landry and Colette (2019), Protocol on trade in service simply entails Most Favored Nations (MFN) enjoys special treatment and mutual recognition. Findings shows services plays crucial role in economic growth and development. The service sector has been steadily growing and has become the largest component of most countries businesses globally. The Centre for Trade and Development Initiative (CTDI) Report (2019), noted that the AfCFTA protocol on trade in service will prompt a renewed focus on the service sector as a means of export diversification in Africa. A number of initiatives targeted at specific services sub-sector have been launched however, implementation of these policies remains a challenge.

The protocol on trade in service has the following objectives:

- i. Enhancing competitiveness of services and promote sustainable development.
- ii. Fostering domestic and foreign investments
- iii. Accelerating industrial development to promote the development of regional value chains.
- iv. Progressively liberalizing trade in services
- v. And promoting research and technological advancement.

UNCTAD Report (2019), outline the protocol on trade in service to include:

- a. State representatives should accord each Most Favored Nations (MFN) cordial treatment.
- b. State representatives should notify the secretariat of changes made to its existing laws, regulations or administrative guideline.
- c. State representative should designate the relevant enquiry post to provide other states representatives with specific information on matters relating to trade in services.
- d. State representatives should provide consideration for progressive liberalization of trade in services as well as flexibilities to other states representatives at different levels of economic development.
- e. State representatives should administer their specific commitments in a reasonable, objective, transparent and impartial manner.
- f. State representative should maintain or institute judicial, arbitral or administrative tribunals and procedures as well as appropriate trade remedies for affected service suppliers.

Protocol on Settlement of Disputes

The protocol on disputes settlement was a mechanism in place to help resolve disputes among member states as they arise from time to time. It shall be administered in accordance with the protocol on Rules and Procedures in settling disputes in a similar model to the WTO Agreement. This involves the use of AfCFTA secretariat's dispute resolution body which includes panels and appellate bodies.

According to Ministry of Trade, Industry and Investment (2021), the objective of the Protocol on Settlement of disputes includes:

- i. Ensuring transparency, accountability and fairness in the dispute resolution process in accordance with the agreement.
- ii. Preserving the rights and obligations of state representatives.

The protocol on dispute resolution includes the following:

- a. All dispute shall be handled by a Dispute Settlement Body (DSB) comprising of representatives from member states.
- b. In the first instance disputes should be resolved through consultations between states whereas unresolved issues should be referred to the DSB.
- c. Member states must improve the effectiveness of their consultation procedures and ensure adequate opportunity for consultations.
- d. Request for consultations must be made to the DSB and states must respond within the agreed timeline.
- e. The DSB verdict is final and binding on all states in any dispute.
- f. Member states should use dispute settlement procedures in good faith and in no contentious manner.
- g. Complaining party may refer unresolved dispute to the DSB and request for the setting up of a panel.

The above protocols are in place to help fast track African Union's efforts at integrating the African continent and pursuing sustainable development. Africa has great prospects for leveraging on the AfCFTA agreement to boost her expansion and increase financial inflows.

The structure of AfCFTA include the following

- a. The assembly of Heads of States
- b. The council of ministers
- c. The committee of senior trade officials
- d. The Secretariat

According to Unah (2019), the Assembly of Head of States and government as contained in (article 10) is the highest decision-making body of African Union. This body is in charge of overseeing and providing strategic guide to AfCFTA. The assembly has the exclusive powers to adopt resolutions regarding the agreement on the recommendation of the council of ministers. The decision to adopt any resolution shall be taken through consensus.

Next in hierarchical structure is the council of ministers (article 11), with various missions which include:

- i. Taking decisions in accordance with the AfCFTA agreement.
- ii. Ensuring effective implementation and enforcement of agreement.
- iii. Adopting necessary measures for promoting the objective of AfCFTA agreement.
- iv. Working in collaboration with relevant organs and institutions of African Union.

- v. And consider reports and activities of the secretariat as well as take appropriate actions.

Thirdly, the committee of senior trade officials (article 12) who has the following mandates.

- i. Implementing decisions of the council of ministers as may be directed and be responsible for the development of programs and action plan.
- ii. Monitoring and constant review to ensure proper functioning and development of AfCFTA in accordance with its provision.
- iii. Establishment of committees and other working groups as maybe necessary.
- iv. Oversee the implementation of agreements and for that may request a technical committee to investigate any particular matter.
- v. Directing the secretariat to undertake any specific assignment.
- vi. Performing any other function consistent with the agreement and as maybe requested by the council of ministers.

Also, the committee shall submit its report which may include recommendations to the council of ministers.

And finally, the secretariat (article 13), noted shall be an autonomous institution within the African Union and an independent legal entity. Its roles and responsibilities shall be determined by the council of ministers of trade. Ghana is designated the host for its headquarters and Secretariat from where further work would be done. (Agreement establishing AfCFTA: 2018).

As indicated in its framework containing the objectives, protocol and structure of the AfCFTA, agreement, a positive prospect for the African continent is on the horizon. According to the agreement establishing the African Continental Free Trade Area (2018), “The AfCFTA is designed as the socioeconomic blueprint for the African Union.

It is expected that it should be better prepared to face the problem of transformation and development in Africa”.

This is why the United Nations Report (2020), described the AfCFTA thus, as a holistic, comprehensive integrated strategic framework for the socioeconomic development of Africa. It is a plan that has been conceived and developed by African leaders meaning “African owned”. It is a comprehensive integrated development plan that addresses key social, economic and political priorities in a coherent and balanced manner. It is also seen as commitment by African leaders to accelerate the integration of the continent into the global economy. It is a framework for a new partnership with the rest of the world.

The Africa Continental Free Trade Area (AfCFTA) and Sustainable Development in Africa: An Appraisal

Attaining sustainable development through AfCFTA agreement in the African continent is anchored on reducing poverty to its barest minimum, reducing inequality and promoting developmental agenda that will not impede the growth and development of future generation. In addressing the developmental needs of the African continent, it is pertinent to ask what is new in AfCFTA that it can bring about the much-desired transformational changes needed for Africa's development and ensure its sustainability. This calls for an appraisal of the structure, framework and the protocol of AfCFTA to ascertain their ability to drive sustainable development in Africa.

The primary objective of AfCFTA remains boosting economic growth and enhance sustainable development in Africa. By eliminating tariff and non-tariff barriers to trade among African countries, AfCFTA also seeks to promote intra-African trade, which has historically been low compared to trade with external partners. Increased trade among African nations has the potential to stimulate economic growth, enhance employment opportunities, and reduce poverty levels.

Similarly, the AfCFTA's structure consists of a comprehensive legal framework and institutional arrangements that facilitate trade and ensure for competition. The agreement establishing AfCFTA provides a clear roadmap for the reduction and elimination of tariff, the harmonization of trade rules, and the establishment of dispute settlement mechanism. Additionally, the AfCFTA secretariat, based in Accra, Ghana, plays a crucial role in coordinating and implementing the AfCFTA's objectives.

The AfCFTA's protocols are designed to promote sustainable development in Africa. One key protocol is the protocol on trade in Goods, which aims to reduce tariff on ninety percent (90%) of goods trades within the continent. This will reduce the cost of goods, promote regional value chains, and enhance industrialisation. By encouraging the diversification of African economies away from traditional commodity exports, the AfCFTA can contribute to long-term sustainability.

Furthermore, the protocol on trade in services promotes liberalization and increase access to service sectors, such as telecommunications, finance, and tourism. This can spur innovation, attract foreign investment, and create employment opportunities, particularly in sectors with high potential for sustainable development.

The AfCFTA also recognizes the importance of environmental sustainability through the protocol on environmental protection. This protocol aims to ensure that trade and economic activities do not compromise the continent's natural resources and ecosystems. By incorporating sustainable practice, such as promoting renewable energy, sustainable agriculture, and responsible resource extraction, the AfCFTA can contribute to a greener and more sustainable Africa.

Another key area of concern to fostering sustainable development using the AfCFTA agreement tool is through promoting the role of women in social and economic ventures which re-enforces their capacity in the domains of education and training as well as their development in the area of revenue generating activities through facilitating access to credit and by assuring their participation in politics and economic sectors which

will help in promoting the development of infrastructure, agriculture and diversification into agro industries and manufacturing to serve both domestic and export market.

While these objectives, structure and protocol of AfCFTA are lofty and encouraging, African leaders need take joint responsibility for the following:

- i. Restructuring and maintaining macroeconomic stability especially by developing appropriate standards for fiscal and monetary policies.
- ii. Also, introducing appropriate institutional framework for achieving these standards.
- iii. Instituting transparent legal and regulatory frameworks for financial market transactions.
- iv. Again, auditing the activities of private companies and its public sectors counterpart.
- v. Ensuring and extending the provision of education, technical training and health sector services with high priority given to combating various diseases plaguing the continent.

Conclusion

Regional Integration in Africa seeks to transform African continent by addressing its fragmentation and division brought about by colonialism, to promote unity and Africa overall development. While AfCFTA agreement holds prospect for true integration and sustainable development, more needs to be done to ensure the machinery set in motion to drive the process is given the maximum support to succeed. Challenges such as infrastructure deficits, regulatory barriers, and capacity limitations need to be addressed to maximize the AfCFTA's positive impact. The study therefore recommends the need for effective implementation, strong institutional framework, and inclusive policies in harnessing the AfCFTA's potential for sustainable development in Africa.

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