At-Issue

Africa Trade with Yourself: Challenges in Facilitating the African Continental Free Trade Agreement

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Abstract: This article examines the challenges of consolidating the African Continental Free Trade Agreement (ACFTA) through a systematic review of the literature. The article concludes that while the ACFTA seeks to boost continental trade, its actual implementation and success will depend on whether it can resolve the multiple national, regional, and continental interests of member states. Based on the review, it is recommended that high-level inter-state committees iron out possible issues that might hinder the implementation of the agreement at the national level be established. Findings from these discussions may inform how ACFTA is implemented continentally considering the interests of member states.

Keywords: Continental; Challenges; Politics; Trade

Introduction

Immediately after the period of decolonization, African countries concluded that integration would become important in their quest to ensure inclusive socio-economic and political development. Subsequently, African states invested considerably in promoting regional integration and development. The formation of the Organisation of African Unity (now African Union) and regional economic communities (RECs) were a clear indication that Africa wanted to remove the shackles of colonialism and forge ahead with the implementation of a continental agenda built on integration, communalism, and social cohesion. The African Union emphasized the need to increase continental trade as a means of addressing Africa's socioeconomic challenges. The AU contended that there is a great need to accelerate intra-African

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trade and boost the continent's trading position in the world through a strong common voice and policy on issues around trade. Regional economic communities have supported the AU's stance concerning integration and have established a wide range of intra-regional initiatives meant to boost regional trade and consolidate market liberalization. There is significant potential for Africa to work together not only in consolidating already existing trading platforms but to also access previously untapped markets.² African states having observed how global free trade agreements (for example, the ASEAN–China Free Trade Area and The North American Free Trade Agreements) have contributed to employment within member countries, increased diversification of goods and services, and shielded member countries from the uncertainty of the global trading system.³ Furthermore, free trade agreements have gone beyond ensuring the easy flow of goods and services, but also bring states closer together to align their ideological approaches to international issues.⁴

Africa trades with other regions more than it does with itself, despite the availability of regional and continental policies aimed at facilitating increased intra-continental trade.⁵ Trade is the key to long-term, sustainable economic growth and development in sub-Saharan Africa. Africa's share in the total world trade and the trade flow between member countries remain very low despite the potentiality.⁶ Several reasons could explain this situation, mainly economic and political factors. On the economic side these include products that are not complementary, insufficient infrastructure, minimal product differentiation, high costs discouraging imports, narrow markets, and a lack of political commitment.⁷ The Office of the United States Trade Representative laments that Africa has only about two percent of all world trade. This is hard to believe considering the continent's vast resources ranging from oil, diamonds, and gold to agricultural products such as coffee, tea, and cocoa. However, there have been concerns about these statistics on Africa's contribution to the global economy. This is due to inadequate information on Africa's economic history likely to illustrate the actual extent of Africa's role on the global level. Indeed, the United Nations Conference on Trade and Development states that the share of Africa's exports to the rest of the world ranged from 80-90 percent over 2000-2017.8 Such statistics, however, may simply reflect colonial patterns that fail to reveal Africa's true global trade trajectory.

Data provided by the Office of the United States Trade Representative reflects how interregional trade in Africa has been held back by the competing national, regional, and continental interests of African states. From a national point of view, issues associated with sovereignty, dumping of goods, and local industry competitiveness has hampered or at times stalled countries from rushing into trade liberalization agreements. Competing hegemonic aspirations and skewed levels of economic development suggests that specific countries stand to benefit more than others. At the continental level, the role of the AU leading up to the signing of the ACFTA agreement has been questioned. How will the agreement enhance local economies as well as Africa's position in the world?

Problematizing Trade in Africa

Africa is not trading enough with itself, a situation that prevents it from realizing its full economic potential.¹¹ It is more disturbing to note that African leaders do not seem to be prioritizing interventions needed to address the situation. One problem for African countries

lies in their lack of capacity to engage fully in international trade. This has been one of the rationales for regional economic integration on the continent. ACFTA attempts to balance global and intra-African trade to create sustainable trade that benefits African states. If the African continent was able to increase its share of world trade from two to three percent, that one percentage point increase would generate about \$70 billion of additional income annually for Africa, or about three times the total development assistance to Africa. But how can this be done when African countries struggle to open their markets, reduce tariffs, and promote open trade policies with other African countries?

It must be noted, however, that official totals do not usually factor in the large part of cross-border trade between African countries that is informal. These transactions either avoid customs entirely or are not recorded. Informal and black-market trade is difficult to measure because they do not operate within the legal parameters of the business environment. Additionally, in much of the developing world it has become difficult to delineate the difference between formal and informal businesses. The informal economy is not directly linked to the formal economy but provides incomes or safety nets for the poor. It is this separation, in our view, that makes it difficult for states to measure the revenues and activities of the sector. Finally, very few countries around the world regularly collect data on the informal sector because of the very nature of the production units in this sector.

Based on the foregoing, it is important to recognize that informal cross-border trade prevails in Africa because tariffs within the continent are high. Tariff reductions should not only boost continental trade but will also help formalize the economy and reduce black-market trade which costs countries billions in revenue. ¹⁶ The call to promote trade in Africa is not new. In 1991, the Abuja Treaty on regional integration—acceded to by members of the Organization of African Unity—took effect. ¹⁷ The treaty called for a phased approach to integration culminating in the establishment of an African Economic Community. The first stage was to eliminate tariffs on goods traded within different regional communities.

Higher trade taxes on the continent compared to other regions are among the factors discouraging trade between African countries. ACFTA therefore calls for a significant reduction in tariffs and the promotion of regional integration through increased trade. However, tariffs are not the only issues that have the potential to derail ACFTA. Indeed, ACFTA recognizes underlying, non-tariff trade barriers such as bureaucracy, lack of infrastructure, technical and conformity assessments, as well as other hidden charges and taxes. Intra-Africa trade has historically been low. In 2019, only twelve percent of Africa's \$560 billion worth of imports came from within the continent. African countries are also still trapped in the lower levels of the global economy by selling raw materials and buying manufactured goods. 19

While promoting free trade and the diversification of goods, ACFTA will have to negotiate through an array of national, regional, and continental differences to realize its objectives. One crucial question remains how ACFTA will contribute towards an increase in trade without harming the interests of states. The notion that free trade harms the economies of poor states rests on the assumption that the lack of institutional capacity hinders the integration of trade policies associated with free trade. Fearing isolation, states may join such agreements without the necessary framework to regulate free trade. This can cripple socio-economic development,

hence the need for robust and constitutionally sound policies before signing up to free trade agreements.

Conceptualizing Free Trade

Free trade can be described as trade between countries that remove tariffs and other restrictions on goods traded between them.²⁰ A free trade agreement is a situation where countries agree on certain obligations that affect trade in goods and services as well as protections for investors and intellectual property rights.²¹ Fundamentally, the aim is to harmonize trade and ensure goods and services are exempt from high tariffs. We can therefore posit that free trade is mainly concerned with reducing trading bottlenecks through the reduction of tariffs. More importantly, free trade agreements are fundamental to the diversification of goods and services. We contend that while free trade agreements can contribute socio-economically, they cannot do so in isolation and need to be supported by broader policies, good governance, and the rule of law. This article therefore argues that ACFTA should be able to create a space where all African countries will agree on certain measures to safeguard their interests when imported products threaten to cause serious economic injury to local industries. Integrating regional economies through trade should create an enabling environment for the development of the private sector, strengthen public sector institutions, and promote effective governance. Regional economic integration can feed into the objectives of ACFTA by creating a conducive regional environment that can attract foreign investment and provide much-need capital for infrastructural development.22

The State of Intra-continental Trade in Africa

The period between 1945 and 1960 during which many African countries sought and gained independence promised to usher in new opportunities for African states in terms of political freedom and the hope of economic development.²³ This era produced the need for African states to rediscover their values and cultures which were destroyed by colonialism, to discover their socio-economic direction and establish intra-continental protocols that would deepen integration. Subsequently, African leaders began to engage on regional economic communities and development.²⁴ This led to the creation of the Organisation of African Unity in 1963. The end of colonialism also meant Africa would be re-admitted to the global stage, and there was the need to ensure there were institutions to support this objective. Colonialism left Africa 'balkanized' with arbitrary borders that created more than fifty countries, few of which today have the scale to attract sufficient investments in the infrastructure vital for trade integration.²⁵

Two important realities stand out from the above: a) the need for African states to reposition themselves economically after colonialism, and b) what appears to be the failure of many attempts to foster regional integration and increased intra-continental trade. How then will ACFTA help to address these issues? We contend that ACFTA could take lessons from RECs which have made significant strides toward entrenching free trade at a regional level. The fundamental aim of the RECs is to facilitate regional economic integration between members and through the wider African Economic Community (AEC) established under the Abuja Treaty, underpinned by several protocols and policies that would dictate how trade integration ought to be undertaken. However, we argue trade integration has not been what one would have expected, primarily due to a lack of infrastructure, higher inter-continental tariffs, lack of

institutional capacity, and poor regulations to guide trade integration. As regional economic communities have themselves experienced considerable challenges in their quest to deepen integration, it becomes imperative to understand how ACTFA would mitigate these challenges. In all, regional economies are important role players in the quest to increase intra-regional trade and subsequently continental trade. The quest to deepen regional trade is supported by protocols yet there are significant challenges that hinder regional economic communities from success. It is therefore important to ask how ACFTA can overcome these impediments since its members are the same states that constitute the struggling RECs.

Decoloniality within the context of trade in Africa can be described as the reconstruction and restitution of economic power and systems to enhance economic growth by creating an enabling trade environment in Africa and beyond.²⁶ Decoloniality is a means of deepening and widening of trade systems and addressing underdevelopment as constitutive negative elements of Euro-North American-centric modernity. Decoloniality, relating to economic systems links across these re-framings and specifically entails rethinking trade dynamics concerning trade in Africa.

We argue that decoloniality should not be limited to simply participation in trade but needs to extend to building sustainable intra-African trade that improves Africa's economic development and growth. From a decoloniality perspective, colonial history affects present-day African trade policies between states.²⁷ Decoloniality in this context advocates a shift to a set of trade practices that do not reinforce and embrace colonial trade systems that could not embrace ACFTA. Moreover, reinforcing the assertion by Ndlovu-Gatsheni, after colonialism Africa failed to establish long-standing patterns of power, trading rules, and regulations that would allow trade to not only reflect the needs of Africa but to ensure that it is also governed by Africa.²⁸ Sadly, African trade is still intrinsically linked to former colonial powers—hence the need to revisit trading patterns in the continent.

The African Continental Free Trade Agreement and Trade in Africa

In January 2012, fifty-four African countries agreed to establish the Continental Free Trade Area during the 18th Ordinary Session of the Assembly of Heads of State and Government of the African Union in Addis Ababa.²⁹ AU member states sought to launch ACFTA by the end of 2017 and create a single market for goods and services. ACFTA will bring together fifty-five African states (should Eritrea sign ACFTA) of the African Union, covering a market of more than 1.2 billion people including a growing middle class and a combined GDP of more than US\$3.4 trillion. 30 May 2019 was a historic moment for Africa when ACFTA came into force as the largest trading block since the dawn of the World Trade Organisation.³⁰ While many challenges continue to hinder trade integration in Africa, the signing of ACFTA is a positive development in the quest to realize this objective. We acknowledge that while the signing of the agreement is recent, it is encouraging to observe that most states have ratified the agreement.

ACFTA seeks to: create a single market, deepening the economic integration of the continent; establish a liberalized market through multiple rounds of negotiations; aid the movement of capital and people, facilitating investment; move towards the establishment of a future continental customs union; and achieve sustainable and inclusive socio-economic development, gender equality, and structural transformations within member states.³¹

Infrastructure inadequacy, however, remains a major obstacle to Africa's economic growth, development, and productivity. It is estimated that poor infrastructure cuts national economic growth by two percent annually and productivity by a staggering forty percent.³²

While the OAU was pre-occupied with figuring out how African states could free themselves from the ideological indoctrination of colonialism, in this quest it overlooked numerous internal, regional, and global political instabilities. Despite acknowledging the existing challenges, however, ACFTA is a unique opportunity to grow intra-Africa trade and diversify trade exports with the rest of the world. ACFTA has huge potential to succeed as intra-Africa trade is expected to grow to at least fifty-three percent by the mid-2020s, effectively contributing in the region of \$70bn to the continent's GDP.³³ Nonetheless, there are concerns that not all African states will equally benefit. Central to these concerns are fast-developing states and those which have the adequate infrastructure. This has caused scepticism among some African states. The continent will have to ensure that the benefits do not only accrue to bigger economies such as South Africa, Nigeria, Egypt, Angola, and Kenya if it wants to avoid the exit of some of the smaller countries as the agreement matures.³⁴ This will require a careful balancing between opening markets and protecting smaller players.

A major potential challenge in harmonizing Africa's economies under one agreement is the wide variation that exists in their levels of development. Over half of Africa's cumulative GDP is contributed by Egypt, Nigeria, and South Africa, while Africa's six sovereign island nations collectively contribute just one percent. The AU will need to ensure shared prosperity on the continent by creating supportive interventions, eliminating monopolies, and stamping out uncompetitive behaviour.³⁵ Moreover, ACFTA includes the greatest levels of income disparity of any continental free trade agreement—more than double the levels witnessed in blocs such as the Association of Southeast Asian Nations (ASEAN) and Caribbean Community (CARICOM).³⁶ The need for ACFTA, however, is clear. Intra-Africa trade has been historically low: intra-African exports were 16.6 percent of total exports in 2017, compared with sixty-eight percent in Europe and fifty-nine percent in Asia.³⁷ Africa's GDP was forecast to be \$2.6 trillion by 2020, with consumer spending at a staggering \$1.4 trillion. Africans of working age could be as many as 1.1 billion by 2040 when the number of households with discretionary income could be upwards of 128 million. Fifty percent of Africans will be living in cities by 2030.38 Hence ACFTA is an opportunity for countries and companies to help each other grow, as they have done in other regions.

Benefits of Free Trade Agreements

Since the end of World War II and the establishment of the Bretton Woods institutions, Western economic models have had a huge impact on how trade is carried out, and more importantly, the rules that underpin trade. One element always emphasized is the removal of trade barriers and the need to liberalize trade to ensure socio-economic development.³⁹ Over the years this has been supported by international organizations such as the World Bank, the International Monetary Fund, and the World Trade Organization.⁴⁰ The General Agreement on Tariffs and Trade (GATT) in 1947 was a new way to shape international trade. Today there are approximately 420 regional trade agreements in force around the world, according to the WTO. Although not all are free trade agreements, they still shape global trade to a great extent.

Free trade agreements present significant benefits for manufacturing, financial, and other sectors. They also have considerable disadvantages, and these can be socio-economically disastrous for developing regions that lack strong institutional capacity. Trade liberalization is based on the notion that developing countries would experience large income gains if they reduce their trade barriers to low levels. Developing countries would collectively experience huge income gains if rich countries reciprocated and removed barriers to their exports. This is an ethereal goal that has not been achieved in most countries.⁴¹ For developing regions there can actually be far greater risks associated with free trade. As trade barriers are eliminated, certain goods become cheaper to import rather than produce and job losses are likely if the competitiveness of local industries cannot keep pace.⁴²

While economists argue that workers can be re-allocated to other sectors of the economy, for developing countries it becomes difficult given their socio-economic conditions. Uncompetitive behavior relating to pricing becomes frequent as foreign companies dump products in African markets and force local competitors to shut down.⁴³ Free trade can thereby result in increased dependency and from a national strategic point of view, leave a country vulnerable. Dependency can subject a country to political pressure through potential denied access to goods.⁴⁴ Free trade, especially for underdeveloped countries, can hinder the development of local industries that formerly benefitted from protective tariffs or tax breaks.⁴⁵ As these protections vanish, new industries may find it difficult to establish themselves. Other potential disadvantages of free trade include fewer intellectual property and environmental protections.⁴⁶

How can Africa overcome these disadvantages? While there is potential for Africa to integrate trade, there are many challenges that need to be addressed. Free Trade Areas (FTAs) need institutions to oversee, promote, and monitor the obligations by the State Parties. ⁴⁷ ACFTA has established four key institutions, in addition to various technical bodies that are provided for in the different protocols. These institutions will be responsible for ensuring this ambitious undertaking succeeds. The AU Assembly, Council of Ministers, Committee of Senior Trade Officials, and Secretariat are tasked with guiding implementation and operation of ACFTA. ⁴⁸ However, AU institutions have not always been effective—they have failed to tackle issues of conflict, irregular migration, human and arms trafficking, etc. Hence, it becomes difficult if not doubtful to understand how these bodies will guide the growth and development of ACFTA.

Mitigating Existing Challenges

There is no doubt that some elements of ACFTA will erode member governments' powers to design and implement national policies, in the process reducing politicians' powers to influence electoral results in their own countries. How will ACFTA mitigate nationalistic interests, lack of regional and continental consensus, lack of infrastructure and institutional development, uneven political commitment, and the overlapping interests of African states?

National Interests

Free trade agreements require some form of compromise and whatever the compromises may be, it important for them not to interfere with the national interests of states. Liberalizing trade

across borders and pursuing regional integration initiatives require that governments adjust their jurisdictional control over many matters. Moreover, governments must also entertain the idea that their national trade policies could be disputed or ruled to violate treaty obligations. Concessions on issues related to clearance and customs, forfeiting customs revenue, granting rights to private parties from foreign jurisdictions, and enforcing quality standards may be required. This could prove difficult for countries concerned with their national interests being eroded by ACFTA. By signing the first ACFTA agreement, the building blocks of required interstate legal frameworks are being put in place and this will be the greatest test between national and continental interests.⁴⁹

Regional versus Continental Interests

Despite the majority of African states signing on to the agreement, their regional interests need to be taken into consideration. Currently, under the leadership of the AU, ACFTA is meant to ensure continental development through the increase in trade and the consolidation of market liberalization. Despite regional interests, regional economic integration has yet to yield desired results as a mechanism to enhance their general wellbeing.⁵⁰ ACFTA enhances inclusive trade that embraces economic regional integration initiatives and provides the potential to consolidate regional inclusive economic development.⁵¹ However, the AU must ensure regional trade protocols are not overrun by the need to ensure the success of ACFTA.

Institutional Capacity

Regional economic communities, which have for decades been spearheading trade integration, have been hindered by a lack of functionality and operational ability. Trade liberalization and regional integration cannot happen without a proper legal and institutional framework. These frameworks need to be supported by institutions that are well functioning. While ACFTA has established institutions to guide its implementation, past experiences failures of African institutions to carry out their mandates casts doubt on potential success. It is vital that African countries commit to continue improving their institutional capacity to efficiently tax and redistribute the gains from ACFTA. This includes integrating and harmonizing regulatory measures, eliminating non-tariff barriers to trade and investment, and facilitating entry into the formal economy.⁵² Nonetheless, with poor governance and fragmented institutions in many states, and with the start of trading under ACFTA in 2020, it remains a question how such institutions will be effective. ACFTA can become a beacon of development in the African continent, providing an array of issues are addressed: the multiplicity of RECs, harmonization of treatment and conditions of the workforce, and pursuing economic development that will help manage the negative spill overs of the Fourth Industrial Revolution.⁵³

Political Commitments and Interests

Perhaps the most daunting aspect of ACFTA is how it will garner political commitment from African leaders. Within the domains of ACFTA, compromises and concessions need to be made. How will these concessions motivate or discourage the political commitment from leaders, especially considering the notion that free trade is associated with job losses, limited revenue streams, and anti-competitive behaviours?⁵⁴ Assuming these issues rattle society, this can greatly pressure leaders not to support the concessions needed. Further, if countries will not

equally benefit despite being signatories and ratifying the agreement, it becomes imperative to form inter-state ministerial committees who work with member states and the leadership of ACFTA to iron out these concerns before they hinder implementation and effective functioning.⁵⁵ Member states are equally as responsible to ensure their internal mechanisms are in line with the objectives of the agreement. If African leaders support the agreement in practice as well as in theory, it will be a positive start for Africa's quest to increase intra-continental trade.

Conclusion

It cannot be denied that the African Continental Free Trade Area is a potential game-changer for African trade. If implemented and sustained, it can transform trade in Africa, empower nations, and improve standards of living across the continent. It also has the potential to enhance Africa's political power globally and allow African states to greatly diversify their product offering. Africa is confronted by an array of factors that have previously hindered regional economic communities from deepening trade. The creation of the African Continental Free Trade Area is, therefore, an important step towards strengthening the competitiveness of African human resources and products both internally and internationally. For this to become realizable, many concessions and compromises will need to be made by individual states who seem overly cautious about sovereignty and internal affairs. There is no doubt that Africa has phenomenal potential for intra-continental trade. Yet Africans must take into cognizance that trade agreements can take years for the impact to be felt. Should African countries fully implement the agreement, in the long term it will contribute considerably to African development.

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