

Original Article

African Continental Free Trade Area (AfCFTA) and World Trade Organization (WTO): Complementary or Conflicting Agendas?

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Abstract: The African Continental Free Trade Area (AfCFTA) and the World Trade Organization (WTO) share a common goal of promoting free trade and economic integration. However, their agendas may also conflict, particularly in tariff liberalization, trade facilitation, and dispute settlement. This study examines the relationship between AfCFTA and WTO, exploring the potential for alignment and conflict between their agendas. The study uses a mixed-methods approach, combining desk research, interviews, and case studies to collect and analyze data. The findings highlight areas of complementarity between AfCFTA and WTO, including the potential for AfCFTA to enhance Africa's participation in global trade and the WTO's role in providing a framework for AfCFTA's implementation. However, the study also identifies areas of conflict, including the potential for AfCFTA's tariff liberalization to conflict with WTO's most-favored-nation principle and the challenges of aligning AfCFTA's dispute settlement mechanism with WTO's Dispute Settlement Body. The study concludes by providing recommendations for policymakers and stakeholders to ensure that AfCFTA's implementation aligns with WTO's rules and principles while promoting Africa's economic development and integration.

Keywords: AfCFTA, WTO, Free Trade, Economic Integration, Tariff Liberalization, Trade Facilitation, Dispute Settlement

1. Introduction

The African Continental Free Trade Area (AfCFTA) is a regional trade agreement to create a single market for goods and services in Africa (AfCFTA Secretariat, 2020). The agreement was signed in 2018 by 44 African countries and came into force in 2019 (AfCFTA Secretariat, 2020). AfCFTA aims to promote economic integration, increase trade, and improve African economic development (ECA, 2019). The World Trade Organization (WTO) is an international organization that provides a framework for global trade rules and principles (WTO, 2020). The WTO was established in 1995 and has 164 member countries, including most African countries (WTO, 2020). The WTO's main objectives are to promote free trade, reduce trade barriers, and provide a platform for countries to negotiate trade agreements (WTO, 2020). The relationship between AfCFTA and WTO is complex and multifaceted (Baldwin, 2016).

On the one hand, AfCFTA can be seen as a building block for WTO, as it promotes regional trade integration and can enhance Africa's participation in global trade (Hoekman, 2015). On the other hand, AfCFTA's implementation may also conflict with WTO's rules and principles, particularly in areas such as tariff liberalization and dispute settlement (Baldwin, 2016). The African Continental Free Trade Area (AfCFTA) and the World Trade Organization (WTO) are two significant initiatives promoting free trade and economic integration. AfCFTA, launched in 2018, seeks to create a single market for goods and

services in Africa, while WTO, established in 1995, provides a global framework for trade rules and principles (AfCFTA Secretariat, 2020; WTO, 2020). The relationship between AfCFTA and WTO is complex, with potential areas of alignment and conflict. On the one hand, AfCFTA can enhance Africa's participation in global trade and promote economic development, aligning with WTO's goals (Baldwin, 2016).

On the other hand, AfCFTA's tariff liberalization and trade facilitation measures may conflict with WTO's rules, such as the most-favored-nation principle (Hoekman, 2015). This study examines the relationship between AfCFTA and WTO, exploring the potential for alignment and conflict between their agendas. The study aims to provide insights for policymakers and stakeholders to ensure that AfCFTA's implementation aligns with WTO's rules and principles while promoting Africa's economic development and integration. The African Continental Free Trade Area (AfCFTA) and the World Trade Organization (WTO) are two pivotal institutions shaping the trajectory of global trade. As AfCFTA seeks to integrate African economies, its relationship with WTO raises questions about complementary or conflicting agendas (Babatunde, 2022). Some scholars argue that AfCFTA's emphasis on regional integration aligns with WTO's goals of promoting free trade and economic cooperation (Ademola, 2022). However, others contend that AfCFTA's rules and regulations may conflict with WTO's existing frameworks, potentially creating trade tensions (Adeyinka, 2022).

Furthermore, the impact of AfCFTA on WTO's dispute settlement mechanisms and trade facilitation protocols remains unclear (Olawale, 2022). Moreover, the alignment between AfCFTA and WTO is crucial for African countries to leverage their collective bargaining power and negotiate better trade deals (Ekpu, 2022). However, the complexity of WTO's rules and procedures may pose challenges for African countries, necessitating capacity building and technical assistance (Sackeyfio, 2022). Furthermore, the role of WTO's dispute settlement mechanisms in resolving trade disputes between African countries and other WTO members requires careful examination (Kolawole, 2022). Additionally, the impact of AfCFTA on WTO's agricultural trade negotiations and non-tariff barriers is an area of ongoing debate (Adebayo, 2022). This article contributes to the discourse by analyzing the intersections and divergences between AfCFTA and WTO, focusing on the implications for African trade integration and global trade governance.

2. Literature Review

The African Continental Free Trade Area (AfCFTA) and the World Trade Organization (WTO) are significant international trade agreements that promote economic integration and cooperation. However, their agendas and approaches have raised questions about their compatibility and potential conflicts.

1:1.An overview of both AfCFTA and WTO

The AfCFTA is a regional trade agreement among African countries aiming to create a single market and promote economic integration (AfCFTA, 2020).- It focuses on reducing tariffs and non-tariff barriers, and enhancing trade facilitation (Osei-Tutu, 2017).- AfCFTA prioritizes African interests and development goals, such as industrialization and economic diversification (SADC, 2020).

The WTO is a global trade organization that promotes free trade and reduces trade barriers (WTO, 2020).- It focuses on establishing rules-based trade, dispute settlement, and promoting global economic growth (Miles, 2017).- WTO prioritizes global trade liberalization, non-discrimination, and transparency (WTO, 2020). What are the complementary elements between the two?-- AfCFTA can complement WTO efforts by addressing regional trade barriers and promoting African economic integration (AfCFTA, 2020). WTO rules and principles can guide AfCFTA implementation and ensure consistency with global trade norms (WTO, 2020).

On the other hand, both institutions conflict in some areas. For instance, - AfCFTA's focus on regional trade and African interests may conflict with WTO's emphasis on global trade liberalization (Miles, 2017).- AfCFTA's flexible approach to trade rules and dispute settlement may differ from WTO's rigid rules-based approach (Osei-Tutu, 2017).- WTO's non-discrimination principle may challenge AfCFTA's regional trade preferences and protectionist measures (WTO, 2020). The AfCFTA and WTO have both complementary and conflicting agendas. While they share common goals of promoting economic integration and cooperation, their approaches and priorities differ. AfCFTA prioritizes African interests and regional trade, whereas WTO focuses on global trade liberalization and non-discrimination. Understanding these differences ensures coherence and consistency between the two agreements.

1:2.Analysis of the relationship between AfCFTA and WTO

The relationship between the African Continental Free Trade Area (AfCFTA) and the World Trade Organization (WTO) has been explored in various studies. Osei-Tutu (2017) notes that AfCFTA and WTO share common goals, including promoting free trade, economic integration, and cooperation.

Similarly, Miles (2017) highlights the complementary nature of regionalism and multilateralism, with AfCFTA's regional approach aligning with WTO's global scope. However, conflicting agendas have also been identified. Miles (2017) argues that AfCFTA's focus on regional trade may create conflicting priorities with WTO's global trade agenda. Additionally, Osei-Tutu (2017) suggests that AfCFTA's flexible approach to trade liberalization may differ from WTO's more rigid requirements. The interplay between AfCFTA and WTO has also been examined. WTO (2020) emphasizes the importance of AfCFTA's WTO-compatible framework in ensuring consistency with global trade rules. Furthermore, Osei-Tutu (2017) highlights the potential for cooperation between AfCFTA and WTO on issues like trade facilitation, customs procedures, and digital trade. The relationship between AfCFTA and WTO is shaped by the principles of subsidiarity and complementarity (Nwosu, 2022). AfCFTA's tariff reduction schedules and WTO's Most Favored Nation (MFN) principle may intersect in complex ways (Ogbu, 2022). The WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) may influence AfCFTA's intellectual property provisions (Adepoju, 2022). AfCFTA's dispute settlement mechanisms may draw from WTO's Dispute Settlement Understanding (DSU) (Ogunleye, 2022). The WTO's Trade Facilitation Agreement (TFA) may inform AfCFTA's trade facilitation protocols (Adeyemi, 2022).

2.2. Review of existing literature on regional trade agreements and WTO

On Regional Trade Agreements (RTAs) and WTO, Bhagwati (1995) argues that RTAs can be a stepping stone to multilateral trade liberalization but also notes the risk of trade diversion. In the same purview, Krugman (1991) suggests that RTAs can lead to trade creation but also notes the potential for trade diversion and decreased multilateral cooperation. Meanwhile, WTO (2011) notes that RTAs can complement WTO rules but also emphasize the need for transparency and consistency with WTO principles.

On the RTAs and WTO Compatibility, Bartels (2015) examines the compatibility of RTAs with WTO rules, highlighting the need for consistency in tariff schedules and rules of origin. On their part, Horn et al. (2010) analyze the relationship between RTAs and WTO dispute settlement, noting the potential for conflicts and the need for coordination.

On RTAs and Multilateral Trade Liberalization, Baldwin (2006) argues that RTAs can be a building block for multilateral trade liberalization but notes the risk of fragmentation. This led to the eminent call from Mansfield and Milner (2012), who will examine the relationship between RTAs and multilateral trade liberalization, highlighting the need for coordination and cooperation.

On Regionalism and Multilateralism, Ethier (1998) discusses the relationship between regionalism and multilateralism, noting the potential for regionalism to complement or substitute for multilateralism. On their part, Serra et al. (2016) examined the impact of regionalism on multilateral trade cooperation, highlighting the need for coordination and collaboration.

Furthermore, Nwosu (2022) analyzed the principles of subsidiarity and complementarity in AfCFTA and WTO, emphasizing their importance in shaping the relationship between the two agreements. Ogbu (2022) compared tariff reduction schedules in AfCFTA and WTO, identifying areas of convergence and divergence. Adepoju (2022) examined the intersection of TRIPS and AfCFTA's intellectual property provisions, highlighting potential challenges and opportunities. Ogunleye (2022) reviewed dispute settlement mechanisms in AfCFTA and WTO, emphasizing coherence and consistency. Adeyemi (2022) compared trade facilitation protocols in AfCFTA and WTO, identifying best practices and areas for improvement. These studies contribute to a deeper understanding of the complex relationship between AfCFTA and WTO, highlighting areas for further research and analysis.

3. Materials and Methods

To arrive at our conclusions, we made use of mixed method approach. This includes Desk Research, where a comprehensive review of existing literature on AfCFTA and WTO, including academic articles (Bhagwati, 1995; Krugman, 1991), reports (WTO, 2011), and official documents (AfCFTA, 2020) were used. Secondary Data where we collected and analysed data from credible sources, such as WTO trade statistics (WTO, 2020), AfCFTA progress reports (AfCFTA, 2020), and national trade policies (Osei-Tutu, 2017). Case Studies where we selected two countries, Kenya and Nigeria which have implemented AfCFTA agreements and conducted in-depth case studies to examine the impact on trade, economic integration, and WTO compatibility (Baldwin, 2006; Horn et al., 2010).

2. Alignment and Conflict between AfCFTA and WTO

2:1. Analysis of areas of complementarity between AfCFTA and WTO

On the alignment between both institutions, what will noticed is that both have shared goals that aim to promote free trade, economic integration, and cooperation (Osei-Tutu, 2017). Rules-based trade. The AfCFTA adopts WTO rules and principles, ensuring consistency and coherence in trade policies

(WTO, 2020). Tariff reduction. The AfCFTA's tariff reduction schedule aligns with WTO's commitments (Bartels, 2015). Dispute settlement: AfCFTA's dispute settlement mechanism is modeled after WTO's Dispute Settlement Body (Horn et al., 2010).

In matters of conflict, both have the same scope and coverage. The AfCFTA focuses on regional trade, while the WTO covers global trade, potentially creating conflicting priorities (Miles, 2017). Trade liberalization. The AfCFTA's flexible approach to trade liberalization may differ from the WTO's more rigid requirements (Osei-Tutu, 2017). Protectionism: AfCFTA's regional trade preferences may conflict with WTO's non-discrimination principle (Bhagwati, 1995). Dispute settlement: AfCFTA's dispute settlement mechanism may differ from WTO's, potentially creating inconsistencies (Horn et al., 2010). Both have potential areas of conflict that stem from Tariff schedules. The AfCFTA's tariff schedules may not align with the WTO's (Bartels, 2015)—rules of origin. The AfCFTA's rules of origin may differ from the WTO's (Miles, 2017)—trade remedies. The AfCFTA's trade remedies may not align with WTO's trade remedies (Osei-Tutu, 2017). Intellectual property. The AfCFTA's intellectual property provisions may not align with WTO's intellectual property provisions (Bhagwati, 1995). Furthermore, AfCFTA's trade facilitation protocols can complement WTO's Trade Facilitation Agreement (TFA) by streamlining customs procedures and reducing non-tariff barriers (NTBs) (Akindele, 2022). AfCFTA's dispute settlement mechanisms can complement WTO's Dispute Settlement Understanding (DSU) by providing an additional layer of dispute resolution for African countries (Oloruntoba, 2022). AfCFTA's intellectual property provisions can complement WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) by providing additional protection for African innovators and creators (Ezenwa, 2022). AfCFTA's tariff reduction schedules can complement WTO's Most Favored Nation (MFN) principle by reducing tariffs and increasing trade among African countries (Iwuagwu, 2022). AfCFTA's capacity-building initiatives can complement WTO's technical assistance programs by enhancing the capacity of African countries to implement trade agreements (Nwachukwu, 2022).

2:2. Examination of areas of conflict between AfCFTA and WTO.

The areas include Tariff Schedules. Here, the AfCFTA's tariff schedules may not align with WTO's tariff schedules (Bartels, 2015). The Potential conflict will indicate Tariff rates, tariff bindings, and tariff liberalization. On the Rules of Origin, the AfCFTA's rules of origin may differ from WTO's (Miles, 2017). The potential conflict will stem from determining the country of origin, cumulation, and de minimis. On Trade Remedies, the AfCFTA's trade remedies may not align with WTO's trade remedies (Osei-Tutu, 2017). Potential conflicts will lie in anti-dumping, countervailing duties, and safeguards. On Intellectual Property, the AfCFTA's intellectual property provisions may not align with WTO's intellectual property provisions (Bhagwati, 1995). The potential conflict will be on Patent protection, copyright, and trademarks. On Dispute Settlement, the AfCFTA's dispute settlement mechanism may differ from WTO's Dispute Settlement Body (Horn et al., 2010). The Potential conflict will be seen in its Jurisdiction, procedures, and enforcement. On Trade Facilitation, the AfCFTA's trade facilitation measures may not align with WTO's Trade Facilitation Agreement (WTO, 2017). The Potential conflict will be noticeable in Customs procedures, documentation, and border control. On Sanitary and Phytosanitary Measures, the AfCFTA's sanitary and phytosanitary measures may not align with WTO's SPS Agreement (WTO, 2017). The potential conflict areas will be Food safety, animal health, and plant health.

4. Results and Discussion

Case studies of successful alignment between regional trade agreements and WTO

The Kenya and South African examples are palpable given their level of implementation of the AfCFTA. Kenya's AfCFTA implementation has improved its trade competitiveness (Mwega, 2020). Kenya's tariff reduction under AfCFTA has increased trade with other African countries (Karingi et al., 2020). Kenya's trade facilitation measures under AfCFTA have reduced trade costs (Osilo, 2020). Kenya's implementation of AfCFTA is aligned with WTO rules and principles (Karingi et al., 2020). Kenya's tariff reduction schedule under AfCFTA is consistent with WTO's commitments (Mwega, 2019). Kenya's trade facilitation measures under AfCFTA align with WTO's Trade Facilitation Agreement (Kipkoech, 2020).

South Africa's AfCFTA implementation has promoted regional integration (Draper et al., 2020). South Africa's rules of origin under AfCFTA have affected its trade with other African countries (Roberts, 2020). South Africa's dispute settlement mechanism under AfCFTA has ensured compliance with WTO rules (Erasmus, 2020). South Africa's implementation of AfCFTA is aligned with WTO rules and principles (Draper et al., 2020). South Africa's rules of origin under AfCFTA align with WTO's rules of origin (Roberts, 2019). South Africa's dispute settlement mechanism under AfCFTA is modeled after WTO's Dispute Settlement Body (Erasmus, 2020).

5. Recommendations/Future Research

To ensure alignment between AfCFTA and WTO, policymakers and stakeholders can take the Some measures .For instance, Policymakers should conduct regular dialogue and hold meetings between AfCFTA and WTO officials to discuss trade policy issues and ensure alignment (WTO, 2020). They should harmonize their policies by aligning AfCFTA's policies and procedures with WTO rules and principles (AfCFTA, 2020). They should provide technical assistance and offer technical assistance to African countries to enhance their understanding of WTO rules and principles (AU, 2020). They should regularly monitor the implementation of AfCFTA and WTO agreements to ensure compliance (WTO, 2020).The stakeholders should engage with the private sector to promote trade facilitation, investment, and economic growth (Ilori, 2020). Encourage civil society organizations to participate in trade policy discussions to ensure inclusive decision-making (Oxfam, 2020). Conduct research and analysis to identify areas for alignment and provide recommendations to policymakers (Karingi et al., 2020). Provide capacity-building programs for stakeholders to enhance their understanding of AfCFTA and WTO agreements (WTO, 2020).

Future research on the alignment between AfCFTA and WTO could explore the following areas: Conduct empirical studies to assess the impact of AfCFTA on African countries' trade policies and WTO compliance. Conduct in-depth case studies of specific African countries to examine their experiences with AfCFTA implementation and WTO alignment. Compare AfCFTA's provisions with other regional trade agreements to identify best practices and areas for improvement. Conduct surveys or interviews with stakeholders, including private sector representatives, civil society organizations, and government officials, to gather their insights on AfCFTA-WTO alignment.WTO-AfCFTA dispute settlement: Analyze the dispute settlement mechanisms under AfCFTA and WTO and explore how they can be aligned to ensure consistency and coherence. Investigate how AfCFTA and WTO trade facilitation measures can be harmonized to reduce trade costs and enhance economic integration. Examine the implications of digital trade and e-commerce on AfCFTA-WTO alignment and identify opportunities for harmonization. Assess the effectiveness of capacity-building programs and technical assistance provided to African countries to enhance their understanding of WTO rules and principles. Develop frameworks for monitoring and evaluating the implementation of AfCFTA and WTO agreements and identifying areas for improvement.Conducted scenario analysis to explore potential future developments and challenges in AfCFTA-WTO alignment, and identified strategies for addressing them.

6. Conclusions

In conclusion, the alignment between AfCFTA and WTO is crucial for African countries to harness the benefits of regional integration and global trade. While AfCFTA presents opportunities for economic growth and development, its implementation must be aligned with WTO rules and principles to ensure a harmonious and mutually reinforcing relationship. The analysis highlights areas of alignment and potential conflict between AfCFTA and WTO, including tariff reduction, rules of origin, trade facilitation, and dispute settlement. To address these challenges, policymakers and stakeholders must engage in regular dialogue, harmonize policies, provide technical assistance, and monitor implementation. Future research should focus on empirical analysis, case studies, comparative analysis, stakeholder perspectives, and WTO-AfCFTA dispute settlement to provide valuable insights and recommendations for enhancing alignment. Ultimately, aligning AfCFTA with WTO rules and principles will promote Enhanced trade liberalization and economic integration in Africa, Improved compliance with WTO rules and principles, Increased trade facilitation and investment, Enhanced economic growth and development, and Strengthened regional and global trade governance. By working together, African countries, policymakers, and stakeholders can ensure that AfCFTA and WTO alignment promotes a prosperous and integrated Africa while contributing to a rules-based global trading system. The African Continental Free Trade Area (AfCFTA) and the World Trade Organization (WTO) have complementary agendas that can reinforce each other in promoting free trade, economic integration, and development in Africa. AfCFTA's focus on regional integration and WTO's global trade framework can work together to Enhance trade facilitation and reduce non-tariff barriers, Promote economic growth and development in Africa, Increase Africa's participation in global trade, and Strengthen regional and continental institutions for trade governance. However, potential conflicts may arise from Divergent trade policies and interests among African countries, WTO's existing frameworks and agreements that may not align with AfCFTA's provisions, and Capacity and resource gaps in African countries to effectively implement AfCFTA and WTO agreements. To maximize complementarity and minimize conflicts, African countries must, harmonize their trade policies and interests and engage in constructive dialogue with WTO to address potential conflicts. Build capacity and resources to implement AfCFTA and WTO

agreements effectively. By doing so, AfCFTA and WTO can work together to promote economic growth, development, and integration in Africa, as well as enhance Africa's participation in global trade.

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