

# **STATE OF PLAY 2025:**

## **AFCFTA & HUMAN RIGHTS**

**A Stakeholder Mapping and Assessment  
of Regional Initiatives Advancing  
African Economic Integration Through  
Respect for Human Rights**



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# Table of Abbreviations

<b>ACERWC</b>	African Committee of Experts on the Rights and Welfare of the Child
<b>AfCFTA</b>	African Continental Free Trade Area
<b>AfDB</b>	African Development Bank
<b>AHRM</b>	African human rights mechanisms
<b>AI</b>	Artificial intelligence
<b>AIDA</b>	Accelerated Industrial Development for Africa
<b>ATO</b>	African Trade Observatory
<b>ATPC</b>	African Trade Policy Centre
<b>AU</b>	African Union
<b>AWIP</b>	African Women in Processing
<b>BHR</b>	Business and Human Rights
<b>BIAT</b>	Boosting Intra-African Trade
<b>COMESA</b>	Common Market for Eastern and Southern Africa
<b>CSO</b>	Civil society organisations
<b>CC</b>	Cultural Council
<b>EAC</b>	East African Community
<b>EAN</b>	Enterprise African Network Fellowship Programme
<b>ECA</b>	Economic Commission for Africa
<b>ECOSOCC</b>	Commission, the Pan-African Parliament, and the Economic, Social and
<b>ECOWAS</b>	Economic Community of West African States
<b>ETTİM</b>	Economic Development, Trade, Tourism, Industry, and Minerals
<b>EU</b>	European Union
<b>FAQ</b>	Frequently asked questions

<b>FAW</b>	Fund for African Women
<b>FDI</b>	Foreign direct investment
<b>FES</b>	Friedrich-Ebert-Stiftung
<b>FPIC</b>	Free, prior, and informed consent
<b>GATS</b>	General Agreement on Trade in Services
<b>GATT</b>	General Agreement on Tariffs and Trade
<b>GDP</b>	Gross domestic product
<b>GTI</b>	Guided Trade Initiative
<b>HGS</b>	Home Grown Solutions
<b>HIV</b>	Human immunodeficiency virus
<b>HLD</b>	High-Level Dialogue
<b>IATF</b>	Intra-African Trade Fair
<b>ICT</b>	Information and communications technology
<b>IGAD</b>	Intergovernmental Authority on Development
<b>ILI</b>	International Labour Organization
<b>IP</b>	Intellectual property
<b>ITU</b>	International Telecommunication Union
<b>KAS</b>	Konrad-Adenauer-Stiftung
<b>LDC</b>	Least-developed countries
<b>MFN</b>	Most-favoured-nation
<b>MOU</b>	Memorandum of understanding
<b>MSME</b>	Micro, small and medium-sized enterprises
<b>NANHRI</b>	Network of African National Human Rights Institutions
<b>NHRI</b>	National human rights institutions
<b>NTB</b>	Non-tariff barriers
<b>ODA</b>	Official Development Assistance
<b>ODI</b>	Overseas Development Institute

<b>OHCHR</b>	Office of the United Nations High Commissioner for Human Rights
<b>OSBP</b>	One-Stop Border Post
<b>PACCI</b>	Pan-African Chamber of Commerce and Industry
<b>PAP</b>	Pan-African Parliament
<b>PAPS</b>	Political Affairs, Peace and Security
<b>PAPSS</b>	Pan-African Payment and Settlement System
<b>PRC</b>	Permanent Representative Council
<b>PSBoR</b>	Private Sector Bill of Rights
<b>PWD</b>	Persons with disabilities
<b>REC</b>	Regional economic communities
<b>RWI</b>	Raoul Wallenberg Institute of Human Rights and Humanitarian Law
<b>SACU</b>	Southern African Customs Union
<b>SADC</b>	Southern African Development Community
<b>SDG</b>	Sustainable Development Goals
<b>SITA</b>	Supporting Investment and Trade in Africa
<b>STC</b>	Specialised Technical Committees
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme
<b>UNECA</b>	United Nations Economic Commission for Africa
<b>WG DY</b>	Women, Gender and Youth
<b>WG EI</b>	Working Group on Extractive Industries, Environment and Human Rights in Africa

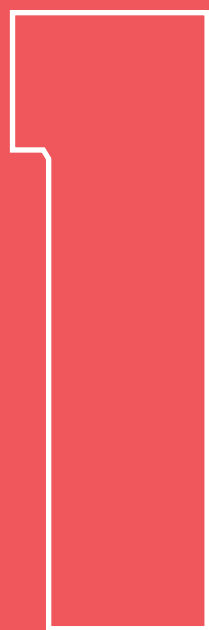
# Executive Summary

This study examines how stakeholders are advancing the Agreement Establishing the African Continental Free Trade Area (AfCFTA) and giving effect to human rights. The AfCFTA sets out the landscape of trade law in Africa. Along with its protocols and annexes, its fundamental aim is to foster intra-regional integration towards the realisation of Agenda 2063. The AfCFTA is set against the backdrop of a continental landscape with norms that advance human rights. However, the extent to which synergies exist, and particularly how African economic integration can be achieved while still respecting human rights, requires mapping, monitoring, and further elaboration. Recognising the importance of building synergies, this study examines how continental trade-specific institutions, African human rights mechanisms, regional economic communities, national governments, the private sector, civil society organisations, and development partners are engaged in implementing the AfCFTA, giving effect to human rights.

This study finds that, while there are some evident wins, particularly for women and youth, there is a need for closer integration between trade mechanisms and human rights institutions in the implementation of the AfCFTA across governance levels. In many contexts, what exists at best are pockets of interactions without concretely formalised processes. However, to achieve results, interactions among stakeholders across both aisles must be strengthened.

This study identifies four crucial entry points for stakeholder action necessary to advance economic integration while protecting and promoting human rights. The first relates to micro, small and medium-sized enterprises (MSMEs) empowerment. In this regard, this study proposes

leveraging MSME empowerment projects currently underway to give effect to the AfCFTA as a platform for integrating human rights. The second area for stakeholder action concerns trade information, specifically regarding the African Trade Observatory. This observatory aims to provide trade information to stakeholders across the continent. It serves as an essential space for co-creation between trade and human rights institutions, particularly to ensure that human rights are integrated into the information platform. The third area for stakeholder action is to build inclusive trade policies, particularly at the national level, through the development of AfCFTA national implementation strategies. The fourth area for stakeholder action is platforms for engagement and research. Existing platforms can be leveraged across both trade and human rights institutions. However, it is also important to establish dedicated desks within both institutions to integrate human rights into trade processes and discussions.



# Introduction

Since independence, Africa's economic landscape has been categorised by undulations.<sup>1</sup> The first decade of independence held enormous potential as post-independence states embarked on a wide array of developmental projects geared towards economically positioning Africa within the global economy. Across the continent, African leaders embarked on projects to create an infrastructural environment to spur national growth in a plethora of areas, including education, healthcare, and transport. However, the private sector – which is arguably a significant engine of economic transformation – was largely underdeveloped. And what this meant was that many of these initiatives were heavily premised on national political structures. However, the crevices in this economic posturing began to give way under waves of national political leadership marked by coups, instability, and conflict. In parts of Africa, statism became associated with the usurpation of power, the marginalisation of certain groups, adverse economic conditions, and, consequently, in this ecosystem, the early progress of the first decade of independence for many African countries witnessed a reversal.

The state-led economic enterprise was also costly, as many state governments undertook industrialisation that ill-prepared bureaucracies could not adequately manage. Coupled with external shocks, such as the fluctuations in commodity prices in the mid-1970s, it became evident that the state-led economic enterprises were 'unsustainable'.<sup>2</sup> The challenge of managing the situation led many countries to pursue structural adjustment programs with World Bank loans, which came with conditions that, in certain respects, enabled effective management of their economies.

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<sup>1</sup> See John M Mbaku, 'Entrenching Economic Freedom in Africa' (2003) 23 *Cato Journal* 217, 218–20; United Nations Economic Commission for Africa *Can the African Continental Free Trade Area be a Catalyst for the Triple Nexus of Humanitarian, Development and Peace Challenges in Africa* (United Nations Economic Commission for Africa 2024) 25–26.

<sup>2</sup> Mbaku (n 1) 220.

However, it soon became clear to many African leaders that sustaining trade beyond external loans and the rhetoric of national development paradigms would require establishing intra-regional cooperation and advancing African integration. In Monrovia, African leaders agreed to redefine the locomotive of Africa's development.<sup>3</sup> The Lagos Plan of Action for the Economic Development of Africa (Lagos Plan) accentuated a paradigm shift in Africa's growth model, with states highlighting the need for intra-regional trade. Following the Lagos Plan, African states within the Organisation of African Unity adopted a continental framework for economic integration, culminating in the Abuja Treaty,<sup>4</sup> which emphasises the establishment of a continental trading system. When the Agreement Establishing the African Continental Free Trade Area (AfCFTA) was finally adopted in 2018, the African Union (AU) ushered in a new era, giving life to the journey that was born in Monrovia, debated in Lagos, and concretised in Abuja.

Upon the adoption of the AfCFTA, African leaders established the world's largest free trade area in 2018.<sup>5</sup> Entering into force on 30 May 2019,<sup>6</sup> the AfCFTA changes the dynamics of trade on the continent, transcending traditional free trade agreements in both scale and scope. It covers a market comprising 55 African countries, with a total population of 1.2 billion and a gross domestic product (GDP) exceeding \$3.1 trillion.<sup>7</sup> Moreover, it focuses on Africa's development and intra-regional trade as vehicles for achieving collective developmental goals among countries at different levels of development. With an emphasis on liberalising trade, removing tariff and non-tariff barriers, and creating common rules for trade regimes across the continent, the AfCFTA addresses the normative fragmentation of the continental trading system. Moreover, the AfCFTA is projected to boost

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3 Monrovia Strategy for the Economic Development of Africa (1979).

4 Treaty Establishing the African Economic Community (Abuja Treaty) (adopted 3 June 1991, entered into force 12 May 1994).

5 Agreement establishing the African Continental Free Trade Agreement (adopted 21 March 2018, entered into force 30 May 2019).

6 African Union, 'The African Continental Free Trade Area' <https://au.int/en/african-continental-free-trade-area> accessed 13 August 2025.

7 Hannah Ryder, Etsehiwot Kebret and Judith Mwai, 'Is the African Union Evolving in the Right Direction?' (CSIS, 26 March 2024) <<https://www.csis.org/analysis/african-union-evolving-right-direction>> accessed 13 December 2025.

intra-regional trade significantly. It is estimated that the AfCFTA will boost intra-regional trade by 52.3% and significantly increase trade across key sectors: agrifood (41.1%), services (39.2%), industry (39.0%), and energy/mining (16.1%).<sup>8</sup> This figure is likely to double when non-trade barriers are also addressed.<sup>9</sup> By combining trade indices and gravity effects, the AfCFTA is poised to enhance trade across the continent, strengthening intra-regional ties, creating new jobs, reducing trade costs, bolstering investment, and ultimately enabling the realisation of the aspirations of Agenda 2063.<sup>10</sup>



## It is projected that with implementation, Africa's exports will increase by **\$560 billion**

(with a significant uptake in the manufacturing industry). Moreover, Africa's income could rise to \$450 billion by 2035, which is 'a gain of 7 percent, the minimum GDP growth rate required to tackle Africa's poverty'.<sup>11</sup> But as the AfCFTA seeks to progressively eliminate 97% of tariffs on goods,<sup>12</sup> it will have an immediate adverse effect on countries that gain revenue from tariffs. In response, however, the AU, through the

<sup>8</sup> African Union, 'Bold Steps Taken to Make Africa Trade Easier, Help Small Businesses' (Press release, 28 September 2020) <https://au.int/en/pressreleases> accessed 13 December 2025; see United Nations Economic Commission for Africa, 'Takeaways from the Expected Impact of AfCFTA's Implementation' <[https://www.uneca.org/sites/default/files/keymessageanddocuments/en\\_afcfta-infographics-11.pdf](https://www.uneca.org/sites/default/files/keymessageanddocuments/en_afcfta-infographics-11.pdf)> accessed 13 August 2025.

<sup>9</sup> *ibid.*

<sup>10</sup> A significant proportion of Africa's trade, around 85%, is with other countries outside Africa. AfCFTA is projected to limit trade dependencies, allowing African countries look inward to unlock the potential of intra-regional trade. See United Nations Economic Commission for Africa (n 8).

<sup>11</sup> African Development Bank Group *Africa Economic Outlook 2025* (African Development Bank Group 2025) 69.

<sup>12</sup> Africa Visa Openness, 'Latest Developments on the AfCFTA' <<https://www.visaopenness.org/pages-not-in-use/latest-developments-on-the-afcfta/>> accessed 13 August 2025.

AfCFTA Secretariat and the African Export–Import Bank (Afreximbank), developed the AfCFTA Adjustment Fund to cushion the effects of tariff losses.<sup>13</sup> In 2021, the first trade under the AfCFTA was recorded in January, with a shipment from Ghana to South Africa.<sup>14</sup> In 2022, the Guided Trade Initiative (GTI) was launched as a pilot programme to test the viability of the AfCFTA with seven participating countries (Cameroon, Egypt, Ghana, Kenya, Rwanda, Mauritius, and Tanzania).<sup>15</sup> As of October 2024, 37 countries participated in the GTI initiative.<sup>16</sup>

Beyond the economic gains of creating a single African market, the AfCFTA is also poised to strengthen Africa’s commitment to human rights through measures such as improving decent work, promoting adequate living standards, advancing workers’ rights, and strengthening gender equality. Although it does not explicitly integrate human rights principles,<sup>17</sup> its provisions have significant human rights potential. Moreover, the AfCFTA creates a bundle of rights through its protocols and annexes that further incorporate human rights norms.<sup>18</sup> In addition, it recognises free

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**13** The AfCFTA Adjustment Fund establishes three credit lines: base fund, general fund and credit fund. The first credit fund deal was closed in 2025. See Afreximbank, ‘AfCFTA Secretariat and Afreximbank Sign an Agreement for the Management of the AfCFTA Adjustment Fund’ (Afreximbank, 9 February 2022) <<https://www.afreximbank.com/afcfta-secretariat-and-afreximbank-sign-an-agreement-for-the-management-of-the-afcfta-adjustment-fund/>> accessed 13 August 2025; Africa Global Funds, ‘African Continental Free Trade Area Adjustment Fund Credit Fund Closes First Deal’ (Africa Global Funds, 8 July 2025) <<https://www.africaglobalfunds.com/news/private-equity/deals/african-continental-free-trade-area-adjustment-fund-credit-fund-closes-first-deal/>> accessed 13 August 2025.

**14** Vera Songwe, Jamie A Macloed and Stephen Karingi ‘The African Continental Free Trade Area: A Historical Moment for Development in Africa’ (2021) 8 *Journal of African Trade* 12.

**15** Tunisia joined shortly after the GTI was launched. Konrad Adenauer Stiftung, African Trade Policy Centre and United Nations Economic Commission for Africa, *The Guided Trade Initiative: Documenting and Assessing the Early Experiences of Trading under the AfCFTA* (Konrad-Adenauer-Stiftung, 2023) 2.

**16** International Trade Administration (US Department of Commerce), ‘AfCFTA update November 2024: Guided Trade Initiative Expands to Key Markets’ <<https://www.trade.gov/market-intelligence/afcfta-update-november-2024>> accessed 13 August 2025.

**17** Except through the Preamble which mentions the importance of human rights. See Agreement Establishing the African Continental Free Trade Agreement (n 5) para 7.

**18** See AfCFTA Protocol on Trade in Goods (2023); AfCFTA Protocol on Trade in Services (2023); Protocol to the Agreement Establishing the African Continental Free Trade Area on Investment (2023); Protocol to the Agreement Establishing the African Continental Free Trade Area on Competition Policy (2023); Protocol to the Agreement Establishing the African Continental Free Trade Area on Intellectual Property Rights (2023); Protocol to the Agreement Establishing the African Continental Free Trade Area on Women and Youth in Trade (2024); Protocol to the Agreement Establishing the African Continental Free Trade Area on Digital Trade (2024); Compiled Annexes to the African Continental Free Trade Area Protocol on Digital Trade (2025). As part of the AfCFTA regime, there is also the Protocol on Rules and Procedures on the Settlement of Disputes (2023) which establishes a dispute settlement mechanism.

movement of persons as a crucial denominator for its implementation, emphasising that it seeks to 'create a single market for goods, services, facilitated by movement of persons to deepen the economic integration of the African continent'.<sup>19</sup>

For Africa, the AfCFTA is the springboard for achieving regional integration aligned with Agenda 2063. It is set against the backdrop of a continental landscape that has norms pertinent to the furtherance of human rights and democracy. And in fact, AfCFTA reinforces the interconnection between these areas as critical to the furtherance of its implementation. Recognising the importance of building synergies between trade and human rights, this study examines how stakeholders across the continent are implementing the AfCFTA through a rights lens.

This study is in two parts. The first part of this report examines how human rights norms find expression in continental trade agreements. This part examines the norms across Phases I and II. This analysis is important to understand how human rights resonate across the frameworks to recognise what areas are crucial for stakeholder engagement and how stakeholders should interpret them through existing human rights frameworks. The second part examines what stakeholders are doing across the continent in implementing the AfCFTA through a human rights-based lens.

In undertaking this study, a desk-based analysis was conducted. This was supplemented by interviews, conducted using purposive sampling, with key institutions in the human rights and trade sectors. The report's findings will be presented at several co-organised events by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) and Konrad-Adenauer-Stiftung (KAS), including the Fourth African Business and Human Rights Forum, which will take place in Zambia in October 2025. Moreover, the findings will also be presented at the sidelines of the 2026 AU summit. It is beyond the scope of this study to develop a human rights-based approach to the AfCFTA. Instead, the study accounts for the normative relations between human rights and the AfCFTA, while also identifying and assessing current initiatives and mechanisms at the interface of the African human rights mechanisms (AHRM) and the AfCFTA.

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<sup>19</sup> Agreement establishing the African Continental Free Trade Agreement (n 5) art 3.

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**Legal  
Frameworks**

## 2.1 Trade-Specific Treaties

This part of the report examines how human rights are embedded in the AfCFTA's normative regime. The specific treaties examined include the instruments from Phases I and II that are integral to trade, namely the Protocols on Trade in Goods, Trade in Services, Digital Trade, Investment, Competition, Intellectual Property, and the Women and Youth in Trade.

### 2.1.1 Protocol on Trade in Goods

As an annex to the AfCFTA, the Protocol on Trade in Goods entered into force in May 2019.<sup>20</sup> The Protocol on Trade in Goods is a continental complement to the General Agreement on Tariffs and Trade (GATT) 1994.<sup>21</sup> It mirrors and refers to the GATT in several provisions, however, with some nuances. For instance, a specific aspect of differentiation is the flexibility accorded to developing countries and least-developed countries (LDCs) through the provision of explicit time periods during tariff negotiations. On non-sensitive goods, developing countries are to liberalise trade within five years, while LDCs are given ten years. For sensitive goods, developing countries are given 10 years, and LDCs are accorded 13 years. Further concessions are made to a group of countries categorised as the G6 (i.e., Ethiopia, Madagascar, Malawi, Sudan, Zambia, and Zimbabwe). These countries are granted a 15-year period to liberalise trade.<sup>22</sup> As the AfCFTA's goal is to achieve 90% liberalisation, the remaining 10% of goods

<sup>20</sup> AfCFTA Protocol on Trade in Goods (n 18).

<sup>21</sup> General Agreement on Tariffs and Trade (1994).

<sup>22</sup> Seun Timi-Koleolu and Hillary Okorotie, 'AfCFTA: Reduction of Tariff on Products Traded in Africa' (Pavestones, 13 June 2025) <https://pavestoneslegal.com/afcfta-reduction-of-tariff-on-products-traded-in-africa/> accessed 13 August 2025; tralac, 'Frequently asked questions (FAQ): African Continental Free Trade Area (AfCFTA)' (tralac, May 2025) <<https://www.tralac.org/documents/resources/faqs/5889-afcfta-frequently-asked-questions-updated-may-2025/file.html>> accessed 13 August 2025; Trade Unions in AfCFTA, 'How Long Will 0% Tariffs Take Under the AfCFTA?' <<https://www.tradeunionsinafcfta.org/wp-content/uploads/2023/07/Timeline-of-trade-liberalisation.pdf>> accessed 13 August 2025; Trudi Hartzenberg, 'The African Continental Free Trade Area Agreement: What is Expected of LDCs in Terms of Trade Liberalisation?' (UN LDC Portal, June 2024) <<https://www.un.org/ldcportal/content/african-continental-free-trade-area-agreement-what-expected-ldcs-terms-trade-liberalisation>> accessed 13 August 2025.

that cannot be liberalised fall into two categories: sensitive goods (7%) and goods not subject to liberalisation (3%).<sup>23</sup> The 3% exclusion includes products that relate to 'food security, national security, fiscal revenue, livelihood, and industrialization'.<sup>24</sup>

Overall, the theme of the Protocol on Trade in Goods (that resonates in article 2) is to promote free cross-border movement of goods across Africa by eliminating tariff and non-tariff barriers to trade. This has important implications from a human rights perspective. It expands the market where Africans can buy and sell, increasing choices that enhance the right to work and, at the same time, promote the right to development. Through progressive elimination of tariffs, states create viable ecosystems for micro, small and medium-sized enterprises (MSMEs) to grow and scale operations.

The Protocol on Trade in Goods also seeks to enhance cooperation on technical barriers to trade and sanitary and phytosanitary measures. The implication of this, from a rights-based perspective, is two-fold. First, it enables consensus among states on health standards, reducing the risk of compromise and protecting the right to health for populations across the continent. The Protocol on Trade in Goods also seeks to foster progressive elimination of non-tariff barriers (i.e., import quotas and licensing requirements). Article 9 of the Protocol on Trade in Goods emphasises the need for states to ensure that they do not impose quantitative restrictions, except under permissible exceptions, such as the exercise of trade remedies (safeguards), balance-of-payments difficulties, or waivers. This has human rights implications, as eliminating non-tariff barriers can expand access to a wide array of goods, foster consumer choice, and lower prices. With reduced inflation and enhanced purchasing power,

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<sup>23</sup> *ibid.*

<sup>24</sup> Komi Tsowou, 'AfCFTA: Business Implications of the Protocols' (United Nations Economic Commission for Africa) <<https://knowledge.uneca.org/stp/sites/default/files/publication/National%20Seminar%20Nigeria%20Materials/Day%202%20AfCFTA%20Protocol%20on%20Trade%20in%20Goods%20%20Komi%20Tsowou.pdf>> accessed 13 August 2025; tralac, *The African Continental Free Trade Area: A TRALAC Guide* (tralac 2024) <<https://www.tralac.org/documents/resources/booklets/5480-afcfta-a-tralac-guide-12th-ed-may-2024-v2/file.html>> accessed 13 August 2025.

populations across societies can access a wider range of options, which, in turn, improve their socio-economic living conditions.

The Protocol on Trade in Goods also emphasises two cardinal doctrines of trade liberalisation with human rights implications: the most-favoured-nation (MFN) treatment and national treatment. This is reinforced in articles 4 and 5 of the Protocol on Trade in Goods, which establish the premise on which trade should be advanced. At the core of the MFN and national treatment rules is non-discrimination, requiring that states accord equal treatment to products from other countries in the furtherance of trade. And as such, it does not impose taxes at the borders and upon customs clearance based on the nationality of goods. From a human rights perspective, this implies that market access increases and consumer choices expand, thereby improving socio-economic conditions. This can result in job creation, the expansion of basic services to further the right to an adequate standard of living, and an increase in national GDP, thereby advancing development goals that enhance the human capital index. However, there is also a downside to applying these principles, especially in non-competitive markets and when small businesses cannot compete favourably with imports.

There is also the argument that the loss of tariff revenue may prevent countries from implementing socio-economic projects, particularly for states that depend on these incomes. Take, for instance, countries such as São Tomé and Príncipe, Cameroon, and Angola that derive significant revenue from customs duties, with rates exceeding 43%.<sup>25</sup> The statistics indicate that in at least 15 African nations, more than 40% of revenue comes from customs duties.<sup>26</sup> Adhering to these principles may evidently raise concerns for the economy.

However, the AfCFTA seeks to address this by extending the period of trade liberalisation, particularly for LDCs. The AfCFTA Adjustment Fund

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<sup>25</sup> Dorcas Agambila, 'Top 10 African Countries Most Reliant on Customs Duties for Tax Revenues' (Business Insider Africa, 3 March 2025) <https://africa.businessinsider.com/local/life-style/top-10-african-countries-most-reliant-on-customs-duties-for-tax-revenue/jqgrkd> accessed 13 August 2025.

<sup>26</sup> *ibid.*

is another critical response. However, it is crucial to emphasise that these principles are not absolute and there are recognised exceptions such as security exceptions and waivers.

Another pertinent aspect of the Protocol on Trade in Goods that has implications from a rights-based perspective is article 24 on infant industries. This provision permits a state to impose trade measures to protect its local infant industries. However, it sets a non-discrimination caveat and allows such a restriction for a stated period. This is a form of industrial policy. The argument in favour of this measure is that it will enable local industries to build up their competitive advantage and thrive without the incursion of dominant foreign competitors into the market in which they operate.

For local industries, it can create sustained socio-economic well-being, stimulate local research and development, and enable local entrepreneurs to grow at their own pace, positioning them for foreign markets. However, the downside is that it can reverse socio-economic conditions, particularly given its potential to catalyse trade disputes between countries. For instance, in 2025, Malawi imposed restrictions on certain agricultural goods, including bananas from Tanzania, to protect its domestic industry.

However, Tanzania responded with an expansive ban on all agricultural products from Malawi, imposed a ban on the export of fertilisers to Malawi, and further threatened to restrict access to the sea, as Malawi is landlocked and relies on ports in Tanzania and Mozambique for access. In the trade row, local farmers were left stranded.<sup>27</sup> However, the dispute

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<sup>27</sup> Charles Pensulo, "We Need Our Bananas Back": Traders Left in Limbo amid Malawi-Tanzania Spat' (Al Jazeera, 14 May 2025) <<https://www.aljazeera.com/features/2025/5/14/we-need-our-bananas-back-traders-left-in-limbo-amid-malawi-tanzania-spat>> accessed 13 August 2025; First Post Africa, 'Trade Row Deepens as Tanzania Bans Imports from Malawi, South Africa' (YouTube, 25 April 2025) <<https://www.youtube.com/watch?v=pCgPdLz6eSE>> accessed 13 August 2025.

was eventually resolved through diplomatic channels, enabled by the East African Community (EAC).<sup>28</sup>

Trade remedies also have significant implications for human rights. For instance, implementing the remedies can enable local industries to thrive, thereby fostering socio-economic development. However, it can affect workers' rights in the host country and limit foreign companies' capacity to compete favourably.

### 2.1.2 Protocol on Trade in Services



The services sector represents

**54%**

of Africa's GDP. However, Africa accounts for only about 2% of global frontier in service exports.<sup>29</sup> Globally, this is the lowest, with Europe at 49.1% and Latin America and the Caribbean at 3.4%.<sup>30</sup> Intra-regionally, services exports stand at around 22%,<sup>31</sup> with a primary focus on travel and transport, which accounts for 42%.<sup>32</sup> Still, there is limited focus on intra-regional service exports in other pertinent areas of services such as construction; information and communications technology (ICT); finance; personal, cultural and recreational services; charges for the

<sup>28</sup> SAT Reporter, 'Tanzania and Malawi Resolve Trade Dispute Following Diplomatic Engagement' (Southern African Times, 4 May 2025) <<https://southernafricantimes.com/tanzania-and-malawi-resolve-trade-dispute-following-diplomatic-engagement/>> accessed 13 August 2025.

<sup>29</sup> Ebrima Faal, 'Raising Productivity Levels in Africa's Trade in Services' (African Development Bank Group, 28 September 2020).

<sup>30</sup> *ibid.*

<sup>31</sup> Stevie Snyman, *Trade Unions and Trade: A Guide to the AfCFTA Protocol on Trade in Services* (2025) 9 <https://library.fes.de/pdf-files/iez/21415.pdf> accessed 13 August 2025.

<sup>32</sup> UN Trade and Development (UNCTAD), *Economic Development in Africa Report 2022: Rethinking the Foundations of Export Diversification in Africa* (United Nations 2022) 73 [https://unctad.org/system/files/official-document/aldcafrica2022\\_en.pdf](https://unctad.org/system/files/official-document/aldcafrica2022_en.pdf) accessed 13 August 2025.

use of intellectual property (IP); insurance and real estate. In response, the Protocol on Trade in Services echoes the need for states to enhance research and technological development in services,<sup>33</sup> which is crucial to diversification.

As with the Protocol on Trade in Goods, the Protocol on Trade in Services entered into force in May 2019. Akin to the General Agreement on Trade in Services (GATS), it describes trade in services as encompassing the four modes of trade in services: cross-border supply, consumption abroad, commercial presence, and presence of natural persons. It also incorporates provisions on MFN and national treatment. However, there are a few nuances in its provisions. For instance, with respect to domestic regulation of services, the AfCFTA Trade in Services goes a step further beyond the GATS by emphasising the need for states to make sure that measures undertaken by states are, in addition to being reasonable, objective and impartial, also transparent.

While having enormous potential to catalyse Africa's development in line with Agenda 2063, the Protocol on Trade in Services has significant human rights implications. By calling for the liberalisation of services, it seeks to expand opportunities and boost intra-regional service exports, thereby reducing unemployment. But crucial to the attainment of this objective is enabling freedom of movement across the continent. For instance, it will be daunting to achieve the liberalisation of services in the personal, cultural, and recreational sectors with limited open borders and onerous visa regimes. Article 4 of the Protocol on Trade in Services (which emphasises the MFN principle) echoes non-discrimination. From a human rights perspective, this has the potential to foster equitable access to markets, expand economic opportunities, and create jobs. Article 5 of the Protocol on Trade in Services mandates the publication of measures on trade in services to further transparency. This has significant implications for the right to access information. As such, individuals can access relevant and timely information on the conditions under which they can conduct their businesses in countries. Article 7 of the Protocol on Trade in Services is

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<sup>33</sup> AfCFTA Protocol on Trade in Services (n 18) art 3(2)(i).

another relevant provision, as it accommodates flexibility in the liberalisation of trade in services by emphasising special and differential treatment across states. From a rights-based perspective, this implies that businesses in countries at a different stage of development (i.e., LDCs) will be afforded the opportunity to grow, boosting the socio-economic livelihoods of business owners and expanding their ability to compete favourably with established markets in developing countries.

Article 10 of the Protocol on Trade in Services on mutual recognition also has human rights implications. This provision encourages states to ensure mutual recognition of education and experiences garnered from other countries. This is crucial, for instance, in advancing the right to work under the African Charter on Human and Peoples' Rights (African Charter)<sup>34</sup> or the right to residence and establishment under the African Free Movement Protocol.<sup>35</sup> Article 11 of the Protocol on Trade in Services mandates states to regulate monopolies and ensure they do not act in a manner inconsistent with the Protocol. Regulating monopolies can tame unfair business practices that stifle MSMEs. Article 12 of the Protocol on Trade in Services also addresses unfair business practices; however, it goes beyond requiring states to regulate monopolies and to eliminate all other situations that create such unfair practices.

Another provision with human rights implications concerns restrictions imposed to safeguard the balance of payments in article 14 of the Protocol on Trade in Services. This can potentially affect human rights as it permits states to restrict trade on essential services on the grounds of economic growth. However, the nature of these essential services is not explicitly defined in the Protocol on Trade in Services. In the absence of external guidance on the description of essential services, this may create leeway

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<sup>34</sup> African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) 1520 UNTS 217 art 15.

<sup>35</sup> Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (2018) (African Free Movement Protocol), arts 16 and 17 [https://au.int/sites/default/files/treaties/36403-treaty-protocol\\_to\\_the\\_treaty\\_establishing\\_the\\_african\\_economic\\_community\\_relating\\_to\\_free\\_movement\\_of\\_persons\\_right\\_of\\_residence\\_and\\_right\\_of\\_establishment\\_e.pdf](https://au.int/sites/default/files/treaties/36403-treaty-protocol_to_the_treaty_establishing_the_african_economic_community_relating_to_free_movement_of_persons_right_of_residence_and_right_of_establishment_e.pdf) accessed 13 August 2025.

for broad restrictions that affect trade, with implications for access to these services in critical areas of need. But by requiring these measures to be 'temporary', this provision reinforces the need for states to ensure they are not unduly prolonged. Moreover, states are required to ensure that restrictions are non-discriminatory. As such, it will not be permissible for a state to target a specific state party in the exercise of such restrictions.

Through provisions on general and security exceptions, the Protocol on Trade in Services also incorporates human rights. For instance, article 15 underscores the fact that restrictions on trade in services may be due to the protection of health or privacy. However, these provisions can also have negative implications for the advancement of human rights, especially in the absence of guidance on the scope of the provision. For instance, what constitutes essential security interests under article 16 of the Protocol on Trade in Services is not explicit. And states may potentially interpret this provision in a manner that limits trade and affects human rights.

Article 17 of the Protocol on Trade in Services permits states to provide subsidies. Subsidies can have significant positive impacts by driving development and enhancing the protection of socio-economically vulnerable groups in society. However, it can also lead to socio-economic deprivations, especially where it is not done through a rights-based lens. Having specific guidance on how states should use subsidies is critical to preventing abuse.

### 2.1.3 Digital Trade Protocol

The Digital Trade Protocol was adopted in February 2024, with its eight annexes adopted in February 2025.<sup>36</sup> The Protocol aims to leverage technology to simplify intra-regional trade across Africa and foster

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<sup>36</sup> The Annexes are Rules of Origin; Criteria for Determining the Legitimate and Legal Public Interest reasons for Disclosure of Source Code; Online Safety and Security; Cross-Border Data Transfers; Emerging and Advanced Technologies; Digital Identities; Cross-Border Digital Payments; Financial Technology. See Protocol to the Agreement Establishing the African Continental Free Trade Area on Digital Trade (n 18); Compiled Annexes to the African Continental Free Trade Area Protocol on Digital Trade (n 18).

interoperability of payment systems while leading to harmonisation of regulatory frameworks among states on the continent.<sup>37</sup> Initially, it was envisaged as a protocol on e-commerce following the AU Assembly's 2020 decision. However, there was a significant shift towards digital trade as the scope of coverage expanded, driven in part by the emergence of new technologies and their implications for trade beyond facilitating cross-border transactions. The ideation of digital trade was to enable a forward-looking document that considers the evolving landscape of trade in goods and services. Take, for instance, situations in which certain services are also traded as goods and, as such, exist in a hybrid form. The Digital Trade Protocol addresses the dichotomy that arises when applying traditional frameworks to trade in goods, on the one hand, and services, on the other. The Digital Trade Protocol defines digital trade as 'digitally enabled transactions of trade in goods and services that can either be digitally or physically delivered, and that involve natural and juridical persons'.<sup>38</sup>

There are several human rights implications of this provision.<sup>39</sup> Article 7 of the Digital Trade Protocol emphasises non-discrimination of digital products. Not only does this provision ensure that digitally traded goods are not subject to arbitrary restrictions, but it also facilitates cross-border business. Article 15 of the Digital Trade Protocol further mandates states to foster participation in digital trade. As such, states should establish mechanisms to increase population involvement across their jurisdictions in digital trade. The implication of this provision is most notably reflected in the pertinence of platforms for MSMEs, marginalised populations, and

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**37** Talkmore Chidede, 'AfCFTA Protocol on Digital Trade and its Annexes' (Sensitisation webinar, AfCFTA Secretariat, 22 July 2025).

**38** Protocol to the Agreement Establishing the African Continental Free Trade Area on Digital Trade (n 18) art 1.

**39** For instance, right to equality as a fundamental ideation is implicit in articles 30 to 33 of the Digital Trade Protocol. Article 30 sets out generally the need for states to ensure the digital inclusion of various categories of persons including 'women, youth, indigenous peoples, rural and local communities, persons with disabilities, and other underrepresented groups'. Article 31 emphasises inclusion of MSMEs, while articles 32 and 33 mandate states to foster digital innovation and promote digital skills. The emphasis of this provision is that states must ensure that there is significant inclusion of various categories of persons in the furtherance of digital trade and as a leverage for development that is inclusive and sustainable. See Protocol to the Agreement Establishing the African Continental Free Trade Area on Digital Trade (n 18), art 30–33.

specific groups such as persons with disabilities. The enhanced access mandate aims to ensure adequate support for the participation of diverse populations in the digital economy. Further, article 15 of the Digital Trade Protocol requires states to ensure interoperability of digital payment platforms. In the Annex on Cross-Border Digital Payments, this is strongly emphasised in article 9. One of the pertinent conditions is the need to address both technical and regulatory impediments.<sup>40</sup> Article 10 of the Annex on Cross-Border Digital Payments also emphasises mutual recognition of digital payment platforms. This enables participation and inclusion of populations in the financial digital payment sector, not just in terms of access but also in terms of development and growth, for instance, of mobile money platforms. In the Annex on Cross-Border Digital Payments, states are mandated to cooperate to lower transaction costs on cross-border digital payments.<sup>41</sup> This is crucial to enabling participation in digital economies, particularly for MSMEs.

Another provision of the Digital Trade Protocol with human rights implications is the protection of personal data in article 21. This provision mandate states to ensure that personal data is protected. This reinforces the right to privacy. In the Annex on Cross-Border Data Transfers, seven core principles integral to personal data protection are emphasised:

- I. Lawfulness, fairness, and transparency;
- II. Data minimisation;
- III. Purpose limitation;
- IV. Storage limitation;
- V. Accuracy;
- VI. Security, confidentiality, and integrity; and
- VII. Accountability.<sup>42</sup>

<sup>40</sup> Annex on Cross-Border Digital Payments in Compiled Annexes to the African Continental Free Trade Area Protocol on Digital Trade (n 18) art 9(c).

<sup>41</sup> *ibid* art 13(2).

<sup>42</sup> *ibid* art 5.

These provisions accentuate core values integral to the furtherance of the right to privacy. Take, for instance, the purpose limitation principle and the concerns that emerge from inference in artificial intelligence (AI) systems. Keeping to this principle enables an important check on such situations. It further creates a ground for action in the event of a violation. Lending credence to this argument is article 21(5), which mandates states to 'develop mechanisms to assist natural persons engaged in digital trade to exercise their rights and submit cross-border complaints regarding the protection of personal data.'<sup>43</sup> Article 21(6) further emphasises measures that states must adopt to protect personal data, including institutional enforcement, capacity building, collaboration, knowledge, and research. Significantly, this provision accentuates the pertinence of taking legislative and other measures in the furtherance of human rights, and specifically in this context, privacy. Reinforcing the protection of the right to privacy is emphasised in article 24 relating to non-disclosure of source codes.<sup>44</sup> In line with this provision, states are required not to force the disclosure of source codes unless for 'legitimate and legal public interest reasons'.<sup>45</sup> The right to privacy also resonates from article 27 of the Digital Trade Protocol, which emphasises online consumer protection.

#### 2.1.4 Investment Protocol

There is a significant flow of investment into Africa, and this has visibly resonated over the last couple of years.

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<sup>43</sup> Protocol to the Agreement Establishing the African Continental Free Trade Area on Digital Trade (n 18) art 21(5).

<sup>44</sup> Protecting source codes can enhance privacy rights as it prevents disclosure of important information (such as application programming interface keys and passwords) that can be misused.

<sup>45</sup> Protocol to the Agreement Establishing the African Continental Free Trade Area on Digital Trade (n 18) art 24(2).



## In 2024, foreign direct investment into Africa rose by

# 75%,

compared with 55% in 2023, totalling \$97 billion and representing an ‘all-time high’.<sup>46</sup> Globally, Africa’s foreign direct investment (FDI) reflects 6% of the total. Many of these investments are centred on renewable energy, transport, and extractive industries. Intra-regionally, however, FDI rates are between 5–17%.<sup>47</sup> Notably, it addresses some key sectors, integral to Africa’s economic development, including tourism, communications, finance, and business. In response to the need to boost intra-regional investment as a condition for advancing integration and fostering trade, the AU Assembly adopted the Investment Protocol in 2023.<sup>48</sup> It sets out regulations on investment in the furtherance of continental trade. This instrument contains several key provisions concerning human rights. In the definition section, the protocol refers explicitly to ‘investment-related human rights’ and defines these as ‘human rights directly related to investment activity, including in particular, environmental, health and core labour rights’.<sup>49</sup>

Also, although not explicitly stated, a pertinent objective of the Investment Protocol is human rights, particularly its emphasis on ‘taking into account

<sup>46</sup> UN Trade and Development (UNCTAD), ‘Africa: Foreign Investment Hit Record High in 2024’ (19 June 2025) <https://unctad.org/press-material/africa-foreign-investment-hit-record-high-2024> accessed 13 August 2025.

<sup>47</sup> Prachi Agarwal, ‘Exploring Data on Foreign Direct Investment to Support Implementation of the AfCFTA Protocol on Investment’ (ODI Global, 9 September 2024) <https://odi.org/en/publications/exploring-data-on-foreign-direct-investment-to-support-implementation-of-the-afcfta-protocol-on-investment/> accessed 13 August 2025.

<sup>48</sup> Protocol to the Agreement Establishing the African Continental Free Trade Area on Investment (n 18).

<sup>49</sup> *ibid* art 1.

the interests of State parties, investments and local communities'.<sup>50</sup> With respect to local communities, there are important provisions that guarantee rights-based safeguards. For instance, article 35 explicitly incorporates free, prior, and informed consent (FPIC) of local communities in investment. This provision is significant on two grounds. First, it is arguably the first continental framework that entrenches FPIC as a legal obligation. Second, it recognises FPIC with respect to non-indigenous communities, thereby expanding the traditional scope of application of FPIC beyond just discussions of indigenous peoples. It is settled law that FPIC is a fundamental right of indigenous peoples. However, for a long time, the extent to which it applies to non-indigenous communities has been a subject of considerable intellectual debate. Across some frontiers, there are evident croons of its application to non-indigenous communities. For instance, the Economic Community of West African States (ECOWAS) Mining Directive recognises FPIC as an imperative.<sup>51</sup> However, this treaty mandates investors and investments to extend FPIC to non-indigenous communities. Another specific guarantee in article 35 is the protection of rights over land, flora, and fauna.<sup>52</sup> Moreover, there is a significant emphasis on environmental and social impacts, which are crucial to the furtherance of the right to the environment and socio-economic rights.

The Investment Protocol incorporates human rights, environmental, and labour standards, mandating that businesses comply with them. Article 33 of the Investment Protocol emphasises labour standards and significantly mandates investors and investments not to use child labour. Article 34 of the Investment Protocol emphasises environmental protection, reinforcing the right to the environment as an imperative. It echoes provisions of the African Charter, including the right to freely dispose of natural resources from an investment perspective. This is incorporated in

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**50** See Protocol to the Agreement Establishing the African Continental Free Trade Area on Investment (n 18) art 2(b).

**51** See Economic Community of West African States (ECOWAS), Directive C/DIR.3/05/09 on the Harmonisation of Guiding Principles and Policies in the Mining Sector (27 May 2009) <[http://ecowas.akomantoso.com/\\_lang/en-US/doc/\\_iri/akn/ecowas/statement/directive/2009-05-27/C\\_DIR.3\\_05\\_09/eng@/!main](http://ecowas.akomantoso.com/_lang/en-US/doc/_iri/akn/ecowas/statement/directive/2009-05-27/C_DIR.3_05_09/eng@/!main)> accessed 13 August 2025.

**52** Protocol to the Agreement Establishing the African Continental Free Trade Area on Investment (n 18) art 35(2).

article 34(2), which provides that '[i]nvestors shall not exploit or use natural resources to the detriment of the rights and interests of the Host State and local communities.'<sup>53</sup> The Investment Protocol further moves beyond voluntary compliance, incorporating investor liability that is actionable both in home and host states.

The Investment Protocol further emphasises non-discriminatory investment practices by incorporating the MFN and national treatment provisions. Article 12 mandates that foreign investors be treated equally, consistent with Article 15 on MFN. And while both provisions recognise exceptions under articles 13 and 15, there is an emphasis on legitimate public policy as the ground of exception. However, it is pertinent to emphasise that this provision creates the possibility for a myriad of interpretations that can affect the right of investors to non-discrimination, particularly through an overly broad interpretation of 'legitimate public policy objectives'.<sup>54</sup> However, article 17 of the Investment Protocol emphasises judicial oversight as an imperative.

There is also a significant emphasis on investors' right to physical integrity through the provision of physical protection and security in article 18 of the Investment Protocol. Moreover, investors' property rights are protected against direct and indirect expropriation, underscoring the importance of guaranteeing the right to property.<sup>55</sup> However, the potential for abuse resonates from the lack of clarity on what 'public purpose' or 'public interest' means. This is also not specifically defined in the Investment Protocol. Moreover, it is pertinent to have clarity on the expropriation provision in article 20 of the Investment Protocol. There are instances where compulsory licensing of IP rights may be crucial in the furtherance of human rights, for instance, in response to pandemics or epidemics. A notable example concerns the human immunodeficiency virus

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<sup>53</sup> *ibid* art 34(2).

<sup>54</sup> *ibid* arts 13 and 15.

<sup>55</sup> *ibid* art 19.

(HIV) pandemic. Compulsory licensing was initiated to promote access to ARVs.<sup>56</sup> However, it is important to ensure that this provision is interpreted in a rights-based manner.

Article 24 of the Investment Protocol, which incorporates the right to regulate, has significant implications for human rights. It allows states to regulate investments to further certain imperatives, including sustainable development, public health, and climate action. However, setting rights-based standards for the implementation of this right is critical to proper implementation that does not violate human rights. Article 25 of the Investment Protocol emphasises environmental, labour, and consumer protection, with significant implications for a range of rights, including the rights to the environment, work, and privacy. Article 26 of the Investment Protocol has a substantial impact on climate action, integral to the right to the environment. Essentially, states are to advance investments that take climate action into account. Article 27 of the Investment Protocol mandates the development of regulations to further public health and promotes investment in this area. Article 28 of the Investment Protocol recognises the fact that states may take specific measures related to investment in the furtherance of developmental goals, including 'addressing economic and development disparities suffered by identifiable ethnic or cultural groups, including historically marginalised groups or geographical regions and localities.'<sup>57</sup>

Article 30 emphasises technology transfer. The implications for human rights are that this can enable the realisation of the right to development. Access to technology can foster populations' capacity to engage in innovation that advances development while also mitigating inequities. For instance, access to AI technologies can enhance local innovation, enabling entrepreneurs to develop appropriate technology-based

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<sup>56</sup> Hilary Wong, 'The Case for Compulsory Licensing During COVID-19' (2020) 10 *Journal of Global Health* 010358 <https://jogh.org/documents/issue202001/jogh-10-010358.pdf> accessed 13 August 2025.

<sup>57</sup> Protocol to the Agreement Establishing the African Continental Free Trade Area on Investment (n 18) art 28(f).

solutions that address societal needs across critical areas, such as health-care and education.

### 2.1.5 Competition Protocol

The Competition Protocol was adopted in 2023 to foster competitive practices in furtherance of the continental vision on trade.<sup>58</sup> The Competition Protocol aims to counter anti-competitive practices that restrict market access, stifle MSMEs, and monopolise and distort markets (i.e., price fixing, collusion, abuse of dominant position, and abuse of economic dependence). Across many African countries, one of the pertinent challenges is the presence of concentrated markets. Existing monopolies make it daunting for new entrants into critical areas such as mining, telecommunications, and capital markets.<sup>59</sup> Reflecting the market capitalisation-to-GDP ratio, many African countries fall below the 30% threshold. This demonstrates a low level of capital in equity markets. And in fact, some countries on the continent lack stock exchanges.



Developing capital equity markets and driving trade will require policies that promote fair competition and limit barriers to market access. Beyond national competition strategies, scaling action at the continental level is crucial. And it is within this context that the Competition Protocol seeks to harmonise regulations and standards, thereby creating a continental policy on the subject. From a rights-based perspective, the implication of its overall aim is that it enables MSMEs to grow and thrive across economies. Through these regulations, it enhances the rights to work and to development and raises socio-economic living standards.

<sup>58</sup> Protocol to the Agreement Establishing the African Continental Free Trade Area on Competition Policy (n 18).

<sup>59</sup> Ronak GopalDas, 'Unlocking Africa's Capital Markets' (NTU-SBF Centre for African Studies, 7 June 2021) <<https://www.ntu.edu.sg/cas/news-events/news/details/unlocking-africa-s-capital-markets>> accessed 13 August 2025.

### 2.1.6 Intellectual Property Protocol

The Intellectual Property Protocol was adopted in 2023.<sup>60</sup> It comprehensively covers a wide range of IP-related areas, establishing harmonised standards to further continental trade. Given the importance of IP in promoting creativity and fostering innovation, the Intellectual Property Protocol seeks to ensure that IP right holders are afforded protection, protected from discriminatory practices, while also balancing the economic imperatives of states. The Intellectual Property Protocol encompasses copyright, patents, marks, geographical indications, plant varieties, utility models, industrial designs, undisclosed information, layout designs of integrated circuits, cultural expressions, emerging technologies, genetic resources, and traditional knowledge. Several of its provisions have pertinent human rights implications. It reinforces the right to non-discrimination and equality by emphasising MFN and national treatment, thereby protecting foreign IP right holders across countries and mandating that states ensure they are not subjected to discriminatory practices.

It also accentuates protection for indigenous and local communities in the IP rights context. Notably, through its provision on traditional knowledge, it protects a range of pertinent rights, including the right to culture, property, and participation of indigenous and local communities. For instance, the Intellectual Property Protocol requires IP right holders to demonstrate that they have obtained the FPIC to utilise traditional knowledge. They are also to present the proof of 'fair and equitable benefit sharing'.<sup>61</sup> Article 19 also protects traditional cultural expressions and folklore, reinforcing the importance of FPIC and benefit sharing. Likewise, article 20, which relates to genetic resources, reinforces these imperatives.

However, there are exceptions to the protection of IP rights. A pertinent example is the limitation of human rights in response to public health emergencies and local production of pharmaceuticals. This is emphasised in article 21 of the Intellectual Property Protocol. Article 21(1) permits

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<sup>60</sup> Protocol to the Agreement Establishing the African Continental Free Trade Area on Intellectual Property Rights (n 18).

<sup>61</sup> *ibid* art 18.

states to 'take any action which they consider necessary for the protection of their essential public health interests during any emergency, including epidemics and pandemics.'<sup>62</sup> Reflecting on the HIV pandemic, the Ebola crisis, and COVID-19, this provision finds legitimacy as an effective response to health emergencies that have national security implications. However, it is crucial that a common continental guidance emerges that strikes a balance between the public health imperative and IP rights. This can come from the Committee on IP Rights, given its oversight mandate. However, this can also come from a continental rights-based institution in balancing the right to health and IP.

### 2.1.7 Women and Youth in Trade Protocol

The Protocol on Women and Youth in Trade was adopted in 2024 to ensure the significant integration of women and youth in the furtherance of continental trade.<sup>63</sup> Although not explicitly stated, the Protocol seeks to give effect to the rights of women and youth by emphasising non-discrimination, inclusion, and affirmative action.<sup>64</sup>

The Protocol on Women and Youth in Trade mandates the elimination of non-tariff barriers that affect women and youth in trade. For instance, the high cost of cross-border trade is a significant impediment.<sup>65</sup> Moreover, there have been incidents of women facing sexual and physical

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<sup>62</sup> *ibid* art 21(1).

<sup>63</sup> See Protocol to the Agreement Establishing the African Continental Free Trade Area on Women and Youth in Trade (n 18).

<sup>64</sup> *ibid* art 4.

<sup>65</sup> UN Women, *Understanding the African Continental Free Trade Area (AfCFTA) and How it Relates to Zimbabwean Women in Trade* (UN Women 2022) 6 [https://africa.unwomen.org/sites/default/files/2022-09/AfCFTA%20Booklet%20\\_0.pdf](https://africa.unwomen.org/sites/default/files/2022-09/AfCFTA%20Booklet%20_0.pdf) accessed 13 August 2025; Rutendo Nyaku, *The Youth and AfCFTA: Perceptions and Experiences of Trading Under the African Continental Free Trade Area* (Discussion Paper 02/2024, June 2024) <[https://www.brenthurstfoundation.org/wp-content/uploads/2024/07/BB\\_2024\\_02\\_Youth-and-AfCFTA.pdf](https://www.brenthurstfoundation.org/wp-content/uploads/2024/07/BB_2024_02_Youth-and-AfCFTA.pdf)> accessed 13 August 2025.

harassment at borders.<sup>66</sup> This provision mandate states to provide adequate gender-sensitive protection in response to the need for meaningful participation of women and youth in trade. In addition to legislative measures, states are also to take measures such as awareness-raising and information sharing on best practices in the furtherance of integration of women and youth in trade.<sup>67</sup> Another pertinent rights-based provision is the emphasis on the participation of women and youth in trade in article 8. The Protocol on Women and Youth in Trade is emphatic on ‘full and active’ participation.<sup>68</sup> As such, it is important that participation is not conceptualised as a rubber-stamp process, but rather as a strategy for the furtherance of integration. For women, a significant gap in the furtherance of participation is the limited access to professional and trade networks. The AU observes that ‘[p]re-existing gender disparities and differences in roles and responsibilities between men and women (including, but not limited to, access to financial resources, distribution of unpaid care work, level of exposure in business and mobility) contribute to an underrepresentation of women in trade-related professional networks and associations.’<sup>69</sup>

Addressing participation is crucial in making trade work for women. Moreover, article 10 emphasises the need for states to ensure financial access for women and youth. Ensuring financial access requires

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**66** Edina Moyo-Mudzwinga, ‘Challenges Women Traders Face at Border Posts and What Can be Done to Address These Challenges’ (tralac Blog, 25 July 2022) <<https://www.tralac.org/blog/article/15701-challenges-women-traders-face-at-border-posts-and-what-can-be-done-to-address-these-challenges.html>> accessed 13 August 2025; UN Women, *Opportunities for women entrepreneurs in the context of the African Continental Free Trade Area* (UN Women 2019) 11–12 <<https://africa.unwomen.org/sites/default/files/Field%20Office%20Africa/Attachments/Publications/2019/Opportunities%20for%20Women%20Entrepreneurs%20in%20the%20Context%20of%20the%20African%20Continental%20Free%20Trade%20Area%20AfCF.pdf>> accessed 13 August 2025.

**67** Protocol to the Agreement establishing the African Continental Free Trade Area on Women and Youth in Trade (n 18) art 7.

**68** *ibid* art 8

**69** African Continental Free Trade Area (AfCFTA) Secretariat, United Nations Development Programme (UNDP) and UN Women, *The Engine of Trade in Africa: Amplifying the Voices of Women Across Africa on How to Make the AfCFTA Protocol on Women and Youth in Trade work for development* (UNDP 2022) ix <<https://www.undp.org/sites/g/files/zskgke326/files/2022-09/Engine%20of%20Trade%20in%20Africa%20report%20Amplifying%20the%20voices%20of%20women%20across%20Africa%20on%20how%20to%20make%20the%20AfCFTA%20Protocol%20on%20Women%20and%20Youth%20in%20Tra.pdf>> accessed 13 August 2025.

addressing structural and legal barriers. For instance, studies have revealed that '[t]raditional lending frameworks often exclude women due to high collateral requirements, a problem compounded by restrictive customary land tenure systems which limit women's inheritance or ownership rights.<sup>70</sup> Creating context-relevant solutions that tackle barriers to access is crucial for achieving solutions.

The Protocol on Women and Youth in Trade further emphasises capacity building. Article 11 mandate states to ensure education of women and youth in trade and integrate them in trade fairs and events. This is important, particularly reflecting on the fact that 70% of the continent's informal cross-border training is carried out by women.<sup>71</sup> Noting the fact that Africa's youth population accounts for 65% of Africa's population, enhancing their capacities through education in the furtherance of trade is important.<sup>72</sup> Linked to this is the need to access information on trade, including on market access, dynamics, and opportunities as emphasised in article 12 of the Protocol on Women and Youth in Trade. Limited access to trade-related information is a significant obstacle to the participation of women and youth in trade. In a survey of women-owned businesses, it was observed that 55.17% of women who owned MSMEs and 36.1% of those who own larger export firms regarded lack of knowledge on market opportunities as a significant obstacle.<sup>73</sup> Article 12 of the Protocol on Women and Youth in Trade mandates states to ensure access to trade

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**70** Laura Naliaka, 'Blog: The AfCFTA Protocol on Women and Youth in Trade – Africa's Blueprint for Inclusive Trade' (United Nations Economic Commission for Africa, 16 April 2025) <<https://www.uneca.org/stories/blog-the-afcfta-protocol-on-women-and-youth-in-trade-%E2%80%93-africa%E2%80%99s-blueprint-for-inclusive>> accessed 13 August 2025.

**71** UN Women, 'Empowering Women in Trade' (UN Women) <https://africa.unwomen.org/en/what-we-do/womens-economic-empowerment/women-and-the-world-of-work/empowering-women-in-trade> accessed 13 August 2025.

**72** 'Empowering African Youth Through the AfCFTA' <https://africa.unwomen.org/en/what-we-do/womens-economic-empowerment/women-and-the-world-of-work/empowering-women-in-trade> (accessed 13 August 2025); Rutendo Nyaku 'The Youth and AfCFTA: Perceptions and Experiences of Trading under the African Continental Free Trade Area' (n 65).

**73** UN Women 'Improving Women's and Young Women's Access to the Opportunities Created by the AfCFTA: Opportunities and Key Action Areas' (Policy Brief, 2022) 6 [https://africa.unwomen.org/sites/default/files/2022-09/20220908\\_UN%20Women\\_policy%20brief\\_making%20the%20AfCFTA%20work\\_webpages%5B2%5D.pdf](https://africa.unwomen.org/sites/default/files/2022-09/20220908_UN%20Women_policy%20brief_making%20the%20AfCFTA%20work_webpages%5B2%5D.pdf) (accessed 13 August 2025).

information. Notably, it emphasises the need for the state to ensure that the information is ‘simple and easily understandable.’<sup>74</sup>

The Protocol on Women and Youth in Trade further mandates states to enable the IP rights of women and youth, create ‘fair and equitable competition’ that enables youth-led and women-led businesses, and also ensure that women and youth are integrated in digital trade.<sup>75</sup> States are also mandated to pay specific attention to women and youth-led MSMEs.<sup>76</sup> These provisions enable effective inclusion, foster empowerment, and advance the right to work and development. Article 15 of the Protocol on Women and Youth in Trade further mandates states to integrate women in formal cross-border trade. A significant emphasis of this provision that is crucial to action is data. While the extent of participation of women in informal trade is evident, their participation in formal trade is not explicit. Having data is crucial to understanding the gaps and developing workable solutions. Article 16 of the Protocol on Women and Youth in Trade emphasises protection against harassment and related practices, reinforcing the need to ensure that women and youth are protected from violence.

### 2.1.8. African Free Movement Protocol

This part examines how human rights considerations are incorporated in the AfCFTA-related treaty, specifically the African Free Movement Protocol, which is part of the composite arrangement under the Abuja Treaty.<sup>77</sup> The African Free Movement Protocol was adopted in 2018.<sup>78</sup> The Protocol complements the AfCFTA regime by focusing on the free movement of persons. As of 2025, there are only four ratifications of the frameworks. When compared with the AfCFTA, which has 48 ratifications,<sup>79</sup> the ratification of the African Free Movement Protocol is low.

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<sup>74</sup> Protocol to the Agreement Establishing the African Continental Free Trade Area on Women and Youth in Trade (n 18) art 12(2).

<sup>75</sup> *ibid* arts 13, 14 and 17.

<sup>76</sup> *ibid* art 18.

<sup>77</sup> Abuja Treaty (n 4).

<sup>78</sup> African Free Movement Protocol (n 35).

<sup>79</sup> AfCFTA Secretariat (@AfCFTA), ‘AfCFTA Is More Than a Trade Agreement’ (X, 21 March 2025) <https://x.com/AfCFTA/status/1902999327657664590> accessed 13 August 2025.

The African Free Movement Protocol encompasses three component areas: the right to entry (article 6), residence (article 16), and establishment (article 17). It incorporates free movement of students and researchers (article 13), free movement of workers (article 14), emphasises mutual recognition of qualifications (article 18), mandates states to establish procedures for the free movement of specific groups (article 24), and protects border communities (article 12). As of January 2025, only five African countries are visa-free for all Africans, namely Benin, The Gambia, Ghana, Rwanda, and Seychelles.<sup>80</sup> Of these countries, only Rwanda has ratified the African Free Movement Protocol. While many countries have visa-on-arrival arrangements, most countries require visas ahead of travel.<sup>81</sup> There is a constant emphasis on free movement as imperative for trade, particularly trade in services. However, the continental outlook on free movement needs to be improved. The major reasons for impediments are security concerns, weak enforcement mechanisms, socio-political tensions, anti-foreigner sentiments, and limited ratification/domestication efforts. Addressing these impediments is crucial, not only in the furtherance of regional mobility, but also in achieving the objectives of the AfCFTA.

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**80** Rédaction Africanews 'Ghana Ends Visa Requirements for Africans' (Africanews, 2 January 2025) <<https://www.africanews.com/2025/01/02/ghana-ends-visa-requirements-for-africans/>> accessed 13 August 2025.

**81** African Union Commission and African Development Bank Group, *Africa Visa Openness Report 2024* (2024) <[https://www.visaopenness.org/fileadmin/uploads/afdb/Documents/2024\\_AVOI\\_final\\_R3\\_20nov24\\_2.pdf](https://www.visaopenness.org/fileadmin/uploads/afdb/Documents/2024_AVOI_final_R3_20nov24_2.pdf)> accessed 13 August 2025.

# 3

**Stakeholder  
Actions**

This section examines what key African institutions and stakeholders are doing across the continent in implementing the AfCFTA through a human rights-based lens. It examines whether and to what extent synergies between the African trade and human rights mechanisms are being pursued in policy and practice. The discussion is across five parts: political institutions, trade-specific institutions, trade-related institutions, continental human rights institutions, regional economic communities, and initiatives in AU Member States.

## 3.1 Institutions of the African Union

This section examines seven institutions within the AU political structure, namely: the AU Assembly, the AU Executive Council, the Permanent Representative Council, the Specialised Technical Committee, the AU Commission, the Pan-African Parliament, and the Economic, Social and Cultural Council (ECOSOCC).

### 3.1.1 The Assembly

As the highest decision-making body of the AU, the Assembly is a critical institution in the implementation of the AfCFTA. There are three ways in which the AU Assembly has engaged in furthering the AfCFTA through a rights-based lens: standard-setting, institutional formation, and implementation strategies.

First is through standard-setting with the adoption of the AfCFTA normative regime, including the Protocol on Women and Youth in Trade and the African Free Movement Protocol, which seeks to facilitate free movement of persons as an essential precondition to the furtherance of continental trade.

Second, is through establishing institutions on trade across various governance levels. Notably, the AU Assembly established the AfCFTA Secretariat to oversee the implementation of the AfCFTA. But in addition to the AfCFTA Secretariat, the AU Assembly also committed to establishing

AfCFTA National Implementation Committees for 'the meaningful participation of all stakeholders'.<sup>82</sup> As of 2024, 22 countries have established AfCFTA National Implementation Committees.<sup>83</sup>

A third way the AU Assembly has engaged in action in the furtherance of the AfCFTA is through strategies on trade with rights-based implications. A notable example is the declaration of the years 2020 to 2030 as the New African Women Decade on Financial and Economic Inclusion to enable the significant inclusion of women, including women-led MSMEs, in trade and across Africa's financial sector.<sup>84</sup> To implement this project, the Fund for African Women (FAW), established by the Assembly in 2010,

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**82** African Union Assembly, 'Decision on the African Continental Free Trade Area (AfCFTA)' (31st Ordinary Session, 1–2 July 2018) Assembly/AU/Dec.692(XXXI) (Doc. Assembly/AU/3(XXXI)) available at [https://au.int/sites/default/files/decisions/36130-assembly\\_au\\_dec\\_690\\_-\\_712\\_xxxi\\_e.pdf](https://au.int/sites/default/files/decisions/36130-assembly_au_dec_690_-_712_xxxi_e.pdf) accessed 13 August 2025; Million Habte and Dirk Willem te Velde, 'How Implementation Committees Are Moving the African Free Trade Area from Talks to Action' (World Economic Forum, 21 April 2023) <<https://www.weforum.org/stories/2023/04/moving-from-talks-to-implementation-of-the-african-free-trade-area-through-national-implementation-committees/>> accessed 13 August 2025.

**83** African Union Executive Council, 'Decision on the Report of the Secretary General of the AfCFTA on the Implementation of the AU Theme of the Year 2023 "Accelerating the Implementation of the African Continental Free Trade Area"' EX.CL/Dec.1241(XLIV) (14-15 February 2024) para 6 [https://au.int/sites/default/files/decisions/43741-EX\\_CL\\_DEC\\_1233\\_-\\_1264\\_XLIV\\_E.pdf](https://au.int/sites/default/files/decisions/43741-EX_CL_DEC_1233_-_1264_XLIV_E.pdf) accessed 13 August 2025.

**84** African Union Assembly, 'Decision on the New African Women's Decade on Financial and Economic Inclusion of African Women' Assembly/AU/Dec.793(XXXIII) (33rd Ordinary Session of the Assembly of the Union, 9-10 February 2020) [https://au.int/sites/default/files/decisions/38180-assembly\\_au\\_dec\\_749-795\\_xxxiii\\_e.pdf](https://au.int/sites/default/files/decisions/38180-assembly_au_dec_749-795_xxxiii_e.pdf) accessed 13 August 2025; African Union, 'Promising Projections for the New Decade of African Women's Financial and Economic Inclusion' (14 February 2020) <https://au.int/en/pressreleases/20200214/promising-projections-new-decade-african-womens-financial-and-economic> accessed 13 August 2025; African Union, 'A New Decade of Women's Financial and Economic Inclusion: Why Scaling up Actions Is Inevitable' (15 June 2020) <https://au.int/en/pressreleases/20200615/new-decade-womens-financial-and-economic-inclusion-why-scaling-actions> accessed 13 August 2025; African Union, 'Accelerating the Implementation of the African Union Women and Youth Financial and Economic Inclusion Initiative Leveraging the Sokokuu Integrated Ecosystem' (17 December 2024) <https://au.int/en/pressreleases/20241217/accelerating-implementation-african-union-women-and-youth-financial-and> accessed 13 August 2025.

provides financial support.<sup>85</sup> The AU Assembly also adopted the Boosting Intra-African Trade (BIAT) Action Plan,<sup>86</sup> which complements the AfCFTA.<sup>87</sup>

The BIAT Action Plan identifies two groups of priorities. The first set relates to issues such as broadening African markets, eliminating trade barriers, and addressing adjustment costs to trade liberalisation. The second set of issues concerns the promotion of the free movement of persons, considered an 'important ingredient' of continental trade.<sup>88</sup> There are seven clusters of the BIAT Action Plan: trade policy, trade facilitation, productive capacity, trade-related infrastructure, trade finance, and trade information. The review process for progress on the BIAT Action Plan has significantly served as an important platform for engagement among a wide range of stakeholders across the seven priority areas.<sup>89</sup> Declaring 2023 the Year of Acceleration of AfCFTA Implementation also galvanised action on AfCFTA implementation among various stakeholders, including rights-based institutions.

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**85** African Union, *Briefing Note on the Fund for African Women (FAW)* (African Union 2017) [https://au.int/sites/default/files/newsevents/workingdocuments/33442-wd-briefing\\_note\\_on\\_fund\\_for\\_african\\_women.pdf](https://au.int/sites/default/files/newsevents/workingdocuments/33442-wd-briefing_note_on_fund_for_african_women.pdf) accessed 13 August 2025.

**86** See African Union, "Boosting Intra-African Trade": *Issues Affecting Intra-African Trade, Proposed Action Plan for Boosting Intra-African Trade and Framework for the Fast Tracking of a Continental Free Trade Area* (Assembly of the African Union, Eighteenth Ordinary Session, 29 and 30 January 2012) Assembly/AU/2(XVIII) [https://archives.au.int/bitstream/handle/123456789/9083/Assembly%20AU%202%20XVIII\\_E.pdf?isAllowed=y&sequence=1](https://archives.au.int/bitstream/handle/123456789/9083/Assembly%20AU%202%20XVIII_E.pdf?isAllowed=y&sequence=1) accessed 13 August 2025.

**87** Brendan Vickers, 'The AfCFTA: A Game-Changer for Africa's Continental and Global Trade' (Italian Institute for International Political Studies (ISPI), 11 April 2022) <<https://www.ispionline.it/en/publication/afcfta-game-changer-africas-continental-and-global-trade-34556>> accessed 13 August 2025.

**88** African Union, "Boosting Intra-African Trade" (n 87).

**89** Although human rights institutions have not been visibly represented although their work has significant implications for implementing cluster seven, for instance, on factor-market integration which touches on free movement of persons. See United Nations Economic Commission for Africa (ECA), 'Experts Review Progress and Set Future Goals on Advancing Intra-African Trade' (22 June 2024) <<https://www.uneca.org/stories/experts-review-progress-and-set-future-goals-on-advancing-intra-african-trade>> accessed 13 August 2025; African Union Commission, 'AU Conducted Its First Consultative Workshop on the Review of Boosting Intra-African Trade (BIAT) and Its Action Plan' (6 May 2023) <[https://au.int/sites/default/files/pressreleases/42785-pr-PR\\_BIAT\\_REVIEW\\_V3.pdf](https://au.int/sites/default/files/pressreleases/42785-pr-PR_BIAT_REVIEW_V3.pdf)> accessed 13 August 2025; United Nations Economic Commission for Africa, 'The Economic Commission for Africa (ECA) Hosts Expert Group Meeting to Review Progress on Boosting Intra-African Trade' (19 June 2024) <<https://www.uneca.org/eca-events/stories/economic-commission-africa-eca-hosts-expert-group-meeting-review-progress-boosting-intra>> accessed 13 August 2025; African Union, *Action Plan for Boosting Intra-African Trade (BIAT): Progress, Implementation Challenges and Implications for the AfCFTA* (July 2025) (unpublished, on file with author).

### 3.1.2 The AU Executive Council

The AU Executive Council comprises Ministers of Foreign Affairs of AU Member States. As the AU's second-highest decision-making body, it makes critical decisions on a wide range of issues, advises the AU Assembly on pertinent continental matters, and fosters the implementation of the AfCFTA. There are three main avenues through which it has engaged in the furtherance of AfCFTA with implications for human rights.

First, through decisions on the draft of continental treaties. In the Decision on the Reports of the Specialised Technical Committees (STCs) and Other Ministerial Meetings, the AU Executive Council endorsed and recommended the adoption by the AU Assembly of the Protocol on Women and Youth in Trade and the African Digital Trade Protocol.<sup>90</sup> In the Decision on Draft Legal Instruments, the AU Assembly noted the AU Executive Council's recommendation to adopt the frameworks on IP, competition, and investment.<sup>91</sup>

Second, through stock-taking on the implementation of the AfCFTA. The AU Executive Council considers the report of the AfCFTA Secretariat on the implementation of the AfCFTA and provides recommendations, mostly through urging states to act in line with the framework and reinforcing collaborations across various stakeholders on the AfCFTA implementation.<sup>92</sup> While its decisions do not directly emphasise rights in the trade context, they have indirect effects. For instance, in one of its recommendations to the AfCFTA Secretariat, it urged the secretariat to work with Afreximbank

<sup>90</sup> African Union Executive Council, 'Decision on the Reports of the Specialized Technical Committees (STCs) and Other Ministerial Meetings' AU Doc EX.CL/Dec.1234(XLIV) (44th Ordinary Session, 14-15 February 2024, Addis Ababa, Ethiopia) <[https://au.int/sites/default/files/decisions/43741-EX\\_CL\\_DEC\\_1233\\_-\\_1264\\_XLIV\\_E.pdf](https://au.int/sites/default/files/decisions/43741-EX_CL_DEC_1233_-_1264_XLIV_E.pdf)> accessed 13 August 2025 paras 103, 104.

<sup>91</sup> African Union Assembly, 'Decisions on Draft Legal Instruments' Assembly/AU/Dec.856(XXXVI) (36th Ordinary Session, 18-19 February 2023) [https://au.int/sites/default/files/decisions/44015-Assembly\\_AU\\_Dec\\_839\\_-\\_865\\_XXXVI\\_E.pdf](https://au.int/sites/default/files/decisions/44015-Assembly_AU_Dec_839_-_865_XXXVI_E.pdf) accessed 13 August 2025; African Union Assembly, 'Decision on the Annual Report of the Union and Its Organs Including the Specific Thematic Issues by the Heads of States, Champions' Assembly/AU/Dec.854(XXXVI) (36th Ordinary Session, 18-19 February 2023) [https://au.int/sites/default/files/decisions/44015-Assembly\\_AU\\_Dec\\_839\\_-\\_865\\_XXXVI\\_E.pdf](https://au.int/sites/default/files/decisions/44015-Assembly_AU_Dec_839_-_865_XXXVI_E.pdf) accessed 13 August 2025.

<sup>92</sup> African Union Executive Council, 'Decision on the Report of the Implementation of the African Continental Free Trade Area (AfCFTA) Secretariat' EX.CL/Dec.1202(XLII) (15-16 February 2023) [https://au.int/sites/default/files/decisions/42843-EXECUTIVE\\_COUNCIL\\_DECISIONS\\_E.pdf](https://au.int/sites/default/files/decisions/42843-EXECUTIVE_COUNCIL_DECISIONS_E.pdf) accessed 13 August 2025.

‘to fast track the finalization of the operational guidelines’ for the AfCFTA Adjustment Fund, which would provide the much-needed support to states and the private sector as they liberalise trade, preventing negative impacts of such liberalisation on socio-economic conditions across states. Moreover, the AU Executive Council has also alluded to the need for action on trade and free movement. For instance, it requested the Pan-African Parliament (PAP), in close collaboration with other national and regional parliaments, to ‘create an enabling environment for the realization of the African free trade and free movement of persons, in line with the African Union 2023 Theme of the Year’.<sup>93</sup>

A third avenue is through the adoption of continental strategies that synergise trade with human rights. An example is with the adoption of the AU Continental Artificial Intelligence Strategy (AU/AI Strategy). The AU/AI Strategy links trade and human rights by emphasising ethical AI governance in achieving trade goals. It reinforces the need to ‘balance leveraging AI’s benefits for economic development and social progress with addressing potential challenges and ensuring inclusivity, ethics, and cultural preservation’.<sup>94</sup>

### 3.1.3 The Permanent Representative Council

The Permanent Representative Council (PRC) comprises permanent ambassadors of AU Member States to the AU. Primarily, they function as intermediaries between the AU Commission and AU Member States and advise the AU Executive Council. The PRC serves as a significant bridge in liaising with AU Member States on continental processes, while also advising the AU Executive Council on the adoption of frameworks.

Primarily, the PRC advances the AfCFTA through a rights-based lens in its collaboration with stakeholders across the continent. For instance, in

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<sup>93</sup> African Union Executive Council, ‘Decision on the Report of the Pan-African Parliament (PAP) Including Outcome of the PRC-PAP Retreat Held in Johannesburg, South Africa, December 2022’ EX.CL/Dec.1198(XLII) (15–16 February 2023) para 5 [https://au.int/sites/default/files/decisions/42843-EXECUTIVE\\_COUNCIL\\_DECISIONS\\_E.pdf](https://au.int/sites/default/files/decisions/42843-EXECUTIVE_COUNCIL_DECISIONS_E.pdf) accessed 7 August 2025.

<sup>94</sup> African Union, *Continental Artificial Intelligence Strategy: Harnessing AI for Africa’s Development and Prosperity* (African Union 2024) 36 [https://au.int/sites/default/files/documents/44004-doc-EN-\\_Continental\\_AI\\_Strategy\\_July\\_2024.pdf](https://au.int/sites/default/files/documents/44004-doc-EN-_Continental_AI_Strategy_July_2024.pdf) accessed 13 August 2025.

2023, the PRC participated in the Sixth AU/Network of African National Human Rights Institutions (NANHRI) Policy Dialogue on the State of NHRIs in Africa, with the focus on ‘championing a human rights-based approach in the implementation of the AfCFTA: the role of NHRIs and Key Stakeholders’. An important outcome of the meeting was an emphasis on integrating human rights principles into the AfCFTA implementation process.<sup>95</sup> Also, the PRC participated in the Seventh AU/NANHRI Policy Dialogue on the State of National Human Rights Institutions in Africa. At the meeting, a declaration and call to action were adopted.<sup>96</sup> Stakeholders emphasised that, in developing reparative justice in line with the AU theme of 2025, there is a need to reform the global financial system to advance economic representation within the AfCFTA framework.<sup>97</sup>

One of the ways the PRC also engages in embedding human rights into trade is through galvanising the political will of AU Member States. For instance, in 2023, the PRC Sub-Committee on the Whole of Economic and Trade Matters called on AU Member States to ‘reaffirm their political commitment for the expeditious establishment and operationalisation of the AUFIs [AU Financial Institutions], recognizing their pivotal role in advancing Africa’s inclusive growth and sustainable development.’<sup>98</sup>

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**95** Network of African National Human Rights Institutions (NANHRI), *Sixth African Union/ NANHRI Policy Dialogue on the State of NHRIs in Africa: Championing a Human Rights Based Approach in the Implementation of the AfCFTA: The Role of NHRIs and Key Stakeholders: Declaration and Call to Action* (15–17 May 2023) <<https://www.nanhri.org/wp-content/uploads/2023/07/EN-Addis-Ababa-DECLARATION-6th-AU-NANHRI-Policy-Forum.pdf>> accessed 13 August 2025.

**96** Network of African National Human Rights Institutions (NANHRI) and African Union Commission, *Seventh African Union/NANHRI Policy Dialogue on the State of NHRIs in Africa: Justice for Africans and People of African Descent Through Reparations: The Role of NHRIs and Other Human Rights Actors: Declaration and Call to Action* (9 May 2025) <<https://www.peaceau.org/uploads/outcome-declaration-9-may-11-30-pmdocx-1-.pdf>> accessed 13 August 2025.

**97** *ibid.*

**98** African Union Executive Council, ‘Decision on the Reports of the Sub-Committees of the Permanent Representatives’ Committee (PRC) EX.CL/Dec.1233(XLIV) (44th Ordinary Session, 14–15 February 2024) [https://au.int/sites/default/files/decisions/43741-EX\\_CL\\_DEC\\_1233\\_-\\_1264\\_XLIV\\_E.pdf](https://au.int/sites/default/files/decisions/43741-EX_CL_DEC_1233_-_1264_XLIV_E.pdf)

accessed 13 August 2025 para 125.

### 3.1.4 Specialised Technical Committees

The STCs are an important institution within the AU political structure. They consist of ministers of African countries with a thematic mandate over the specific subject area of focus.<sup>99</sup> The STCs are notably the first point of call in the negotiation of policies developed by the AU Commission. On the technical level, they review all the policies that are to be adopted before they move up to the AU Executive Council and the AU Assembly. They also make policies that are integral to the furtherance of trade, with human rights impacts. Within the STC is the Sub-Committee on Tourism, Trade, Industry and Minerals. The STC on Tourism, Trade, Industry and Minerals adopted the African MSME Strategy.<sup>100</sup>

One of the core pillars of the MSME strategy is to further inclusive entrepreneurship, with an emphasis on women and youth.<sup>101</sup>

The STC on Tourism, Trade, Industry and Minerals also adopted a unified definition of MSMEs to address a gap at the continental level.<sup>102</sup> For a long time, there was no harmonised definition of MSMEs, hindering the application of frameworks applicable to them. The STC on Tourism, Trade, Industry and Minerals adopted a definition to unify understanding and enable the implementation of the MSME Strategy.<sup>103</sup>



In 2024, the STC also adopted an AU Fashion Strategy. The AU Fashion Strategy is particularly responsive to women's inclusion in intra-regional trade in two ways. First, the stakeholder majority in the fashion value chain on the continent is women. What the AU Fashion Strategy seeks to do is to enhance the capacity of stakeholders in the fashion value chain to produce and process cotton into textiles and not just export the raw materials. Moreover, it seeks to protect the IP of stakeholders in the

<sup>99</sup> Interview with a staff member of the African Union Commission (3 August 2025).

<sup>100</sup> African Union, *AU Strategy for SME/ I Development in Africa* (African Union 2019) [https://au.int/sites/default/files/newsevents/workingdocuments/43060-wd-AU\\_SME\\_Strategy.pdf](https://au.int/sites/default/files/newsevents/workingdocuments/43060-wd-AU_SME_Strategy.pdf) accessed 13 August 2025.

<sup>101</sup> *ibid.*

<sup>102</sup> Interview with a staff member of the African Union Commission (n 100).

<sup>103</sup> African Union, 'African Union Definition for MSMEs: As Adopted by African Ministers of Trade & Industry' (29 October 2024) [https://au.int/sites/default/files/documents/44211-doc-MSME\\_Definitions\\_in\\_Africa\\_Red.pdf](https://au.int/sites/default/files/documents/44211-doc-MSME_Definitions_in_Africa_Red.pdf) accessed 13 August 2025.

fashion value chain to ensure that local and traditional knowledge is not expropriated.<sup>104</sup>

### 3.1.5 AU Commission

The AU Commission is an important institution that advances the implementation of the AfCFTA through a human rights-based lens. Within the AU Commission is the Department of Economic Development, Trade, Tourism, Industry, and Minerals (ETTIM), which has the specific mandate on trade-related issues. ETTIM engages in activities on industrialisation and economic development within the AU Commission. ETTIM coordinates activities geared towards creating the new narrative of Africa's prosperity with a stronger and inclusive economic growth, job creation, addressing inequality, and tackling poverty, which centres on human rights.<sup>105</sup> Instructive in this regard is its stakeholder engagements geared towards advancing the participation of MSMEs, along with women and youth-led enterprises, in regional trade.<sup>106</sup> ETTIM coordinates the AU Youth Start-Up Programme, the African Women in Processing (AWIP), and the Enterprise African Network Fellowship Programme (EAN).<sup>107</sup> Along with Afreximbank, it co-organises the Intra-African Trade Fair (IATF).<sup>108</sup>

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**104** Interview with a staff member of the African Union Commission (n 100).

**105** Interview with Dr Patrick N Olomo, Acting Director, Economic Development, Integration and Trade and Head of Economic Policy, AU-ETTIM (31 July 2025).

**106** See African Union, 'Connecting Africa's MSMEs: African Union to Host the 4th MSME Forum in Abuja, Nigeria' (Press Release, 13 June 2025) <https://au.int/en/pressreleases/20250613/connecting-africas-msmes-african-union-host-4th-msme-forum-abuja-nigeria> accessed 13 August 2025.

**107** Interview with Dr Brian Mureverwi, Senior Trade Advisor, ETTIM, AU Commission (5 August 2025). The EAN emerged from the 2022 Niamey decision of the AU Assembly at which the AU Small and Medium Strategy was adopted. The AU Commission was mandated to 'establish and operationalize the African Enterprise Network'. See African Union, 'Draft Decision on Africa's Industrialization and Economic Diversification' (AU Doc Ext/Assembly/AU/Draft/Dec.1 (XVII), 25 November 2022); African Union, 'AUC Unveils 50 Small Businesses for Inaugural Enterprise African Network (EAN) Fellowship' (Press Release, 26 August 2024) <https://au.int/en/pressreleases/20240826/auc-unveils-50-small-businesses-inaugural-ean-fellowship> accessed 16 December 2025.

**108** While serving as a forum for intra-regional engagement on fostering trade and market access, the IATF is also a platform for showcasing women and youth-led businesses. See 'Highlights from Past IATF Events' (IATF2025) <https://2025.iatf.africa/newfront/page/iatf-past-events#pastevent2021> accessed 13 August 2025.

Another important initiative of ETTIM, in furtherance of the AfCFTA and in support of human rights, is the African Trade Observatory (ATO).<sup>109</sup> The ATO reinforces one of the clusters of the BIAT Action Plan on trade information.<sup>110</sup> Following the adoption of the AfCFTA in Kigali, the AU Commission entered into a partnership with the International Telecommunication Union (ITU) and the EU to establish the ATO. This was endorsed by the AU Assembly in Niger on 7 July 2019.<sup>111</sup> The first phase of its implementation focuses on trade in goods. The second phase will start in 2026 and focus on trade in services.<sup>112</sup> The ATO is housed within ETTIM as an open information resource that enables African entrepreneurs make informed decisions on trade and investment.<sup>113</sup>

Three other crucial departments implementing AfCFTA through a rights-based lens are the Women, Gender and Youth Directorate (WGDY) and the Department of Political Affairs, Peace and Security (PAPS). Notably, the WGDY advances trade-related rights-based activities through the AU Women and Youth Financial and Economic Inclusion.<sup>114</sup> Also, the WGDY advances human rights in the context of trade through the management of the FAW.<sup>115</sup> One way the Department of PAPS has advanced the AfCFTA through a rights-based lens is by promoting the free movement of persons. It organises an annual humanitarian symposium, at which it emphasises the pertinence of achieving free movement of persons. Moreover, it provides training on the African Free Movement Protocol through the Livingstone Syllabus and advances the implementation of the AU's vision

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**109** Interview with Dr Brian Mureverwi (n 108).

**110** *ibid.*

**111** *ibid.*

**112** *ibid.*

**113** African Union ETTIM, 'Achievements of the Department of Economic Development, Trade, Tourism, Industry, and Minerals, AUC' (YouTube, 16 May 2024) <<https://www.youtube.com/watch?v=j4-gXpFzXys>> accessed 7 August 2025.

**114** 'Accelerating the implementation of the African Union Women and Youth Financial and Economic Inclusion Initiative leveraging the Sokokuu Integrated Ecosystem' (n 85).

**115** African Union, 'Disbursement of the African Union Fund for African Women: A Call to Beneficiaries of Grants between 2014 to 2020' (2023) <https://23.111.128.195/ar/node/43012> accessed 13 August 2025; African Union, 'Briefing Note on the FAW' (n 86); African Union, '8th Specialized Technical Committee on Gender Equality and Women's Empowerment: Scaling up Actions on Commitments to Gender Equality and Women's Empowerment' (Press Release, 8 November 2023) <https://au.int/en/newsevents/20231108/8th-specialized-technical-committee-gender-equality-and-womens-empowerment> accessed 13 August 2025.

for the African passport. Moreover, PAPS (formerly within the context of the Department of Political Affairs) developed a policy framework on business and human rights. Moreover, PAPS has also engaged in the furtherance of human rights in the context of trade through its High-Level Dialogue on Democracy, Human Rights and Governance in Africa (HLD).<sup>116</sup>

### 3.1.6 Pan-African Parliament

The PAP has also been engaged in advancing the AfCFTA, giving effect to human rights. One important area of work is active engagement in advancing the African Free Movement Protocol as an integral part of the AfCFTA process.<sup>117</sup> In 2023, it adopted a set of resolutions on the AfCFTA, committing to organising ‘high-level sensitization events’ on the African Free Movement Protocol in furtherance of the AfCFTA.<sup>118</sup> Within PAP, the Committee on Trade, Customs and Immigration Matters has been actively advancing the free movement objective. It is actively engaging with countries to achieve the African Free Movement Protocol.<sup>119</sup> In 2024, the PAP Committee on Trade, Customs and Immigration Matters conducted a fact-finding mission to Tanzania to assess the country’s progress in implementing the AfCFTA. During the mission, the PAP engaged with

**116** In 2023, it convened the 12th edition of the HLD on ‘delivering peace dividends through the implementation of the AfCFTA’. Preceding the HLD was a youth consultation and a gender pre-forum. Through these events, it provided the space for stakeholders across the continent to discuss how trade can deliver lasting peace that addresses conflict and reverse trends in human rights violations. African Union, ‘Continental Youth Consultation on Delivering Peace Dividends through the Implementation of the AfCFTA Kicks Off’ (Press Release, 3 October 2023) <https://au.int/en/pressreleases/20231003/continental-youth-consultation-delivering-peace-dividends-through> accessed 13 August 2025; African Union, ‘AU High Level Dialogue on Democracy and Governance Explores Trade as a Bridge for Peace’ (Press Release, 5 October 2023) <https://au.int/en/pressreleases/20231005/au-high-level-dialogue-democracy-and-governance-explores-trade-bridge-peace> accessed 16 December 2025.

**117** Pan-African Parliament, ‘Role of the Pan-African Parliament in Advancing Free Movement of Persons Reaffirmed’ (Press Release, 25 February 2025) <https://pap.au.int/en/news/press-releases/2025-02-25/role-pan-african-parliament-advancing-free-movement-persons-reaffirm> accessed 13 August 2025.

**118** Pan-African Parliament, ‘Resolution on Accelerating the Implementation of the African Continental Free Trade Area (AfCFTA): The Strategic Significance of the Pan-African Parliament’ (AU Doc PAP.6(II)/PLN/RES/06/JUN.23, 1 June 2023) para 3 [https://pap.au.int/sites/default/files/files/2023-08/finalresolutionsrecommendationsof2ndsessionjune2023en\\_0.pdf](https://pap.au.int/sites/default/files/files/2023-08/finalresolutionsrecommendationsof2ndsessionjune2023en_0.pdf) accessed 13 August 2025.

**119** Interview with Hon John Bideri, Chairperson of the PAP Committee on Trade, Customs and Immigration Matters (11 August 2025).

government representatives on the need to build synergies between the implementation of the AfCFTA and the African Free Movement Protocol.<sup>120</sup>

The PAP Committee on Trade, Customs and Immigration Matters is also developing a Model Law on Labour Migration in Africa.<sup>121</sup> The Model Law seeks to provide guidance on how AU Member States can advance labour migration in the furtherance of intra-regional trade. It focuses on advancing migrant protection and reinforces key safeguards, including non-discrimination, access to employment, pension repatriation, and the protection of women.<sup>122</sup> The first broad consultation on the Model Law was held in June 2025 in Kenya, bringing together a range of stakeholders, including trade union leaders, members of regional economic communities (RECs), and women's groups, to provide input and reflect on the law's design.<sup>123</sup> The second consultation was held in Accra, Ghana, in September 2025. An important discussion point was on the intersection of labour migration and trade.<sup>124</sup> A plethora of inputs were also made to further the implementation of the framework once finalised.<sup>125</sup>

### 3.1.7 The Economic, Social and Cultural Council

As the continental body that enhances civil society engagement with the AU, ECOSOCC plays an important role in continental governance. Regional integration is a key focus for ECOSOCC, particularly with respect

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**120** Pan-African Parliament, 'Free Movement in Focus as Pan-African Parliament Committee Launches Fact-Finding Mission in Tanzania' (Press Release, 21 October 2024); Pan-African Parliament, 'Role of the Pan-African Parliament in Advancing Free Movement of Persons Reaffirmed' (Press Release, 25 February 2025).

**121** Interview with Hon John Bideri (n 120); Pan-African Parliament, 'African Lawmakers Rally Behind Harmonized Legal Framework on Labour Migration' (Press Release, 18 June 2025) <https://pap.au.int/en/news/press-releases/2025-06-18/african-lawmakers-rally-behind-harmonized-legal-framework-labour> accessed 13 August 2025; Pan-African Parliament, 'Final Communiqué: Continental Consultation on the Draft Model Law on Labour Migration in Africa' (Press Release, 18 June 2025) <https://pap.au.int/en/news/press-releases/2025-06-18/final-communication-continental-consultation-draft-model-law-labour-mig> accessed 13 August 2025.

**122** Interview with Hon John Bideri (n 120).

**123** *ibid.*

**124** See Aderomola Adeola, 'Model Law on Labour Migration in Africa: Trade and Artificial Intelligence' (Paper presented at the Expert Meeting on the Draft Model Law on Labour Migration in Africa) (on file with author).

**125** Interview with Hon John Bideri (n 120).

to migration and the free movement of persons.<sup>126</sup> In the furtherance of the AfCFTA, ECOSOCC has been particularly visible in fostering regional consultations on free movement of persons as an imperative for trade.<sup>127</sup> It galvanises action on free movement, drawing attention to the importance of ratifying the African Free Movement Protocol and providing a space for dialogue on the instrument, its challenges, and potential solutions to achieve free movement.<sup>128</sup>

In 2024, it launched a project on: ‘championing free movement of persons, towards African prosperity, through youth advocacy’.<sup>129</sup> The goal of the project is to sensitise stakeholders across the continent, including AU Member States, institutions, civil society, academia, and citizens, on the importance of free movement as an imperative for the AfCFTA. At the end of 2024, it organised a women and gender advocacy workshop on the AU Free Movement Protocol, adopting the Johannesburg Action Plan, which sets out commitments to integrating gender in free movement in the

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**126** Interview with Mr. Bright Sefah, Programme Officer, ECOSOCC (9 August 2025).

**127** ECOSOCC, ‘Communiqué of the Regional CSO Sensitization Forum on the AU’s Continental Free Movement Protocol’ (Press Release, 27 May 2022); ECOSOCC, ‘Southern and Eastern Africa CSOs Urged to Promote the AU’s Free Movement Protocol’ (Press Release, 20 September 2022); ‘ECOSOCC Northern African Regional CSO Sensitization Forum on the Free Movement Protocol’ (AI Aoula TV, 9 November 2022) <https://ecosocc.au.int/en/videos/2022-11-09> accessed 13 August 2025; ECOSOCC, ‘National Dialogue Series on the AU Free Movement Protocol in Zambia, Mauritius, and Kenya’ (Media Advisory, 22 March 2023); ECOSOCC, ‘Second Edition of the National Dialogue Series on the AU Free Movement’ (Meeting, 17 May 2023) <https://ecosocc.au.int/en/events/2023-05-17/second-edition-national-dialogue-series-au-free-movement> accessed 13 August 2025; ECOSOCC, ‘ECOSOCC Wraps Up National Dialogue Series on the African Union’s Free Movement Protocol’ (Press Release, 18 September 2023); ‘Achieving Free Movement of People and Labour: Social Protection of Labour Migrants, Skills Development, Recognition and Transfer’ (Shape the Future of Africa at the AU-FMP Webinar Series, October 2023); ‘Balancing Free Movement of Persons and Security’ (Shape the Future of Africa at the AU-FMP Webinar Series, 22 February 2024); ECOSOCC, ‘ECOSOCC’s High Level Technical Consultative Forum on Free Movement in Africa: A Path to Continental Integration’ (Event, 24 April 2024); ECOSOCC, ‘ECOSOCC Webinar Series: Advancing the AfCFTA and Free Movement Protocol’ (Press Release, 11 October 2024) <https://ecosocc.au.int/en/news/press-releases/2024-10-11/ecosocc-webinar-series-advancing-afcfta-and-free-movement-protocol> accessed 13 August 2025; ECOSOCC, ‘Women and Gender Advocacy Workshop on the African Union Free Movement Protocol Concludes 3-Year Initiative with Adoption of Johannesburg Declaration’ (Press Release, 19 November 2024).

**128** Interview with Mr. Bright Sefah (n 127).

**129** African Union, ‘Concept Note: Colloquium on Women and Gender Advocacy on the African Free Movement Protocol (FMP)’ (2025) <https://ecosocc.au.int/sites/default/files/files/2025-03/csw69colloquium-conceptnote260225.pdf> accessed 13 August 2025.

furtherance of the AfCFTA.<sup>130</sup> Through the Parliamentary Outreach campaign, ECOSOCC engaged with PAP on free movement, emphasising synergies between the two frameworks to advance continental integration.<sup>131</sup>

### 3.1.8 Reflection

Various stakeholders within the political institutional space are engaging in activities that further the AfCFTA from a rights-based perspective. However, the most notable actions come from three institutions: the AU Commission, PAP, and ECOSOCC. From the AU Commission, the ATO is an important initiative that fosters access to trade information. At present, the information captured in the observatory relates to trade in goods. From 2026, the dataset will be updated to include trade in services. This is an important entry point for implementing the AfCFTA from a rights-based perspective, particularly in ensuring that part of the trade information relates to human rights and in fostering inclusion for specific groups, particularly persons with disabilities (PWDs). Engaging with ETTIM is important to ensure that this is a reality.

The PAP is another important institution to engage with, particularly in connecting the AfCFTA to the African Free Movement Protocol. Within the PAP, a crucial entry point is the Committee on Trade, Customs and Immigration Matters, which broadly has a mandate on trade and migration. The PAP has developed a draft Model Law on Labour Migration in Africa. The Model Law seeks to integrate the AfCFTA and mobility. Once adopted, the Model Law will be implemented across national parliaments. This is a crucial entry point, particularly for sensitising national parliaments to the development of norms that integrate trade and migration. ECOSOCC's civic sensitisation is another important entry point. However, a significant challenge that needs to be addressed is the underrepresentation of the AfCFTA Secretariat and national trade mechanisms in

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**130** Johannesburg Declaration: Plan of Action on Addressing the nexus between the African Continental Free Trade Area, Free Movement Protocol and Women and Youth in Trade (2024).

**131** ECOSOCC, 'ECOSOCC Holds Working Session with PAP on the Free Movement Protocol' (Press Release, 12 March 2024) <https://ecosocc.au.int/en/news/press-releases/2024-03-12/ecosocc-holds-working-session-pap-free-movement-protocol> accessed 13 August 2025.

discussions on trade and migration. Addressing this issue requires exploring and developing a platform for mutual engagements between law-making platforms across both aisles, especially at the national level.

## 3.2. AfCFTA Secretariat

The AfCFTA Secretariat has the primary mandate to facilitate the implementation of the AfCFTA. Through policy, monitoring, and stakeholder engagement, it enhances the capacity of AU Member States to formulate policies for the Council of Ministers on Trade and to engage with stakeholders in furtherance of the AfCFTA, its Protocols, and annexes. In furthering trade, the interventions of the AfCFTA Secretariat advance human rights in several ways. For instance, it coordinates online monitoring and reporting of non-tariff barriers towards strengthening action on the elimination of these barriers in the furtherance of free trade and market access through the Non-Tariff Barriers Reporting, Monitoring, and Eliminating Mechanism.<sup>132</sup> The online mechanism is open to all African businesses, including MSMEs, women, and youth-led businesses. The system operates as follows: once a non-tariff barrier is reported, the relevant government authority works to resolve it.<sup>133</sup> The AfCFTA coordinates this mechanism through the non-tariff barriers (NTB) Coordination Unit in the AfCFTA Secretariat, across the RECs and national authorities.<sup>134</sup> On tariff barriers, it operates an online AfCFTA e-Tariff Book to facilitate access to information for African businesses and also foster transparency in trade relations across the continent.<sup>135</sup>

The AfCFTA has several committees integrated into its governance structure, as approved by the Council of Ministers of Trade and, ultimately, by the AU Assembly.<sup>136</sup> These standing committees (the official structure

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**132** African Union and UNCTAD, 'Non-Tariff Barriers Reporting, Monitoring and Eliminating Mechanism' (Tradebarriers.africa) <<https://www.tradebarriers.africa>> accessed 13 August 2025.

**133** *ibid.*

**134** *ibid.*

**135** AfCFTA Secretariat, 'AfCFTA e-Tariff Book' <<https://etariff.au-afcfta.org>> accessed 13 August 2025.

**136** Interview with Mr. Gatien Gildas, Programme Officer, AfCFTA Secretariat Liaison Office at the AU Commission (11 August 2025).

of the AfCFTA Secretariat and subsidiary bodies established under the AfCFTA normative regime) include committees on trade in goods and services, rules of origin, trade remedies and NTBs, and a committee on sanitary and phytosanitary measures.<sup>137</sup> This structure allows AU Member States and stakeholders (the private sector, trade unions, women's organisations, and youth organisations) to participate in the development of programmes and to integrate social considerations (decent work, gender equality, youth inclusion).<sup>138</sup>



The AfCFTA Secretariat organises an AfCFTA Youth Symposium to foster the inclusion of young persons in continental free trade.<sup>139</sup> It also engages in knowledge creation in the furtherance of the AfCFTA.<sup>140</sup>

The AfCFTA Secretariat also administers significant programmes in collaboration with stakeholders, including the AfCFTA Adjustment Fund (with Afreximbank), the IATF (with Afreximbank and AU-ETTIM), and the Automotive Fund (Afreximbank).<sup>141</sup> The AfCFTA Adjustment Fund was established to mitigate the impact of tariff losses on countries as they implement the AfCFTA, while also addressing infrastructure deficits

**139** The inaugural edition was held in Lusaka, Zambia (2023). At the Symposium, the significant emphasis was on harnessing the demographic dividend of Africa's youth population (which is at least 70%) while building an inclusive continental trade landscape that allows youths engage more productively in intra-regional trade, creating new opportunities and fostering market access in response to existing barriers to trade, unemployment rates and impediments to youth innovation. The AfCFTA also launched a Moot Court Competition in 2023 with the objective of developing the capacity of future trade experts. Moreover, it launched a Digital Innovation Challenge with the vision of empowering young innovators 'to develop digital solutions that address cross-border trade barriers for MSMEs.' AfCFTA Secretariat (@AfCFTA), 'The #AfCFTAYouthSymposium aims to create a dedicated platform for youth to engage in the implementation of the #AfCFTA' (X, 20 August 2023) <https://x.com/AfCFTA/status/1693132288442179776> accessed 13 August 2025; Issoufou Mahamadou, 'Report on the Implementation of the African Continental Free Trade Area (AfCFTA)' (Report to the 5th Mid-Year Coordination Meeting of the African Union and the Regional Economic Communities, Nairobi, 16 July 2023) [https://portal.africa-union.org/DVD/Documents/DOC-AU-WD/MYCM%20AU%202%20\(V\)%20b%20\\_E.pdf](https://portal.africa-union.org/DVD/Documents/DOC-AU-WD/MYCM%20AU%202%20(V)%20b%20_E.pdf) accessed 13 August 2025; 'AfCFTA Youth Symposium: Igniting the Future of Youth in Intra-African Trade' (African Newspaper, 4 September 2023) <<https://www.africannewspage.net/2023/09/afcfta-youth-symposium-igniting-the-future-of-youth-in-intra-african-trade/>> accessed 13 August 2025; AfCFTA Secretariat (@AfCFTA), 'The 3-day #AfCFTAYouthSymposium2023 in Lusaka, Zambia has successfully come to an end' (X, 27 November 2023) <https://x.com/AfCFTA/status/1729222439777849384>. accessed 13 August 2025; AfCFTA Secretariat, 'AfCFTA Digital Innovation Challenge' (AfCFTA Events) <https://events.au-afcfta.org/digital-innovation-challenge> accessed 13 August 2025.

**140** A pertinent example is the 'Futures Report on Making the AfCFTA work for Women and Youth' which reinforces how the AfCFTA can enhance the capacity of women and youth in trade. Moreover, with respect to all AfCFTA instruments, the AfCFTA Secretariat is raising awareness in the furtherance of access to information on trade rules. This is done both through virtual and in-person meetings. On digital trade, for instance, the AfCFTA Secretariat held a sensitization webinar on the AfCFTA Protocol on Digital Trade and its annexes on 22 July 2025. They aim to remove gender-related barriers and improve market access. AfCFTA Secretariat and UNDP, 'The Futures Report: Making the AfCFTA Work for Women and Youth' (2020) <<https://www.undp.org/africa/publications/futures-report-making-afcfta-work-women-and-youth>> accessed 13 August 2025; AfCFTA Secretariat, 'Sensitisation Webinar: AfCFTA Protocol on Digital Trade and its Annexes' (Webinar, 22 July 2025); Interview with Mr. Gatien Gildas (n 137).

**141** Gerhard Erasmus, 'How is the AfCFTA's Industrial Development Agenda Shaping Up?' (Tralac Blog, 18 October 2023) <<https://www.tralac.org/blog/article/16167-how-is-the-afcfta-s-industrial-development-agenda-shaping-up.html>> accessed 13 August 2025.

and potential supply chain disruptions.<sup>142</sup> The fund supports both the public and private sectors (including MSMEs, women, and youth-led businesses).<sup>143</sup> There are three kinds of funds: base fund, general fund, and credit fund.<sup>144</sup> The base fund will comprise AfCFTA member state contributions, grants, and technical support and will be used to address tariff losses, infrastructure deficits, and disruptions in the supply chain. The general fund leverages concessional funding to finance trade infrastructure. The credit fund will draw on commercial funding to enable private and public sector projects geared towards implementing the AfCFTA. The Automotive Fund provides financing to compensate for lost revenue and support industrial diversification, while imposing conditions to ensure compliance with social standards. Financing agreements with Afreximbank include clauses on local employment and community protection.<sup>145</sup>

### 3.2.1 Reflection

As the continental body for trade, the AfCFTA Secretariat is a key institution advancing the AfCFTA through a rights-based lens. Within the AfCFTA Secretariat, there is a desk office dedicated to women and youth in trade. It also co-organises the IATF programme, runs a youth symposium, and implements the AfCFTA Adjustment Fund to provide funding to enable the effective implementation of the AfCFTA. While many of its activities have significant human rights implications, it does not have a formalised working relationship with continental human rights

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**142** Afreximbank, 'Promoting African Integration Through Trade: The Vital Role of Financial Institutions in the Implementation of the AfCFTA Agreement: The Afreximbank Approach' (2024) 38 (on file with author); Afreximbank, 'AfCFTA Secretariat and Afreximbank Sign AfCFTA Adjustment Fund Host Country Agreement with the Republic of Rwanda' (Press Release, 13 March 2023).

**143** AfCFTA Secretariat and Afreximbank, 'AfCFTA Adjustment Fund Portal' <https://microsite.peaqock.com/about-us> accessed 13 August 2025.

**144** 'What You Should Know About the AfCFTA Adjustment Fund' (Africa International Trade and Commerce Research, 26 May 2025); AfCFTA Adjustment Fund Portal (n 144); Afreximbank, 'AfCFTA Adjustment Fund Credit Fund Closes its First Deal – US\$ 10 Million Investment in Telecel Global Services Ltd' (Press Release, 7 July 2025); Alice Kagina, 'Rwanda: AfCFTA Adjustment Fund Makes \$10m Disbursement to Telecel' *The New Times* (Kigali, 8 July 2025); 'What is the African Continental Free Trade Area (AfCFTA)' *AU Echo 2023: Acceleration of AfCFTA Implementation* (2023).

**145** Interview with Mr. Gatien Gildas (n 137).

institutions. It significantly works with various trade-related institutions, including the AU Commission, the African Union Development Agency-New Partnership for Africa's Development (AUDA-NEPAD), and the African Development Bank (AfDB). However, it is yet to build significant interactions with the African human rights institutions, particularly the African Commission and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC). Establishing such active platforms is crucial, particularly given the close connection between trade and human rights, which is also acknowledged in the AfCFTA regime. This significant gap needs to be addressed and affects efforts to bridge the AfCFTA and human rights norms.

### 3.3 Trade-related Institutions in Africa

This section examines trade-related institutions. These institutions – although not specifically created by the AfCFTA regime – are integral to advancing trade and, consequently, regional integration in Africa. These institutions include: the African Trade Policy Centre (ECA), AfDB, AUDA-NEPAD, and Afreximbank.

#### 3.3.1 African Trade Policy Centre

The African Trade Policy Centre (ATPC) is housed in United Nations Economic Commission for Africa (UNECA). It is a formidable institution that is significantly engaged in advancing trade law and policy in Africa. It provides policy and strategic guidance to advance continental trade law and policy. The ATPC engages in three crucial areas of work along with partners that are relevant to the furtherance of the AfCFTA through a rights-based lens, namely: trade policy reform, gender, and private sector development.<sup>146</sup>

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<sup>146</sup> Interview with Dr Melaku Desta, Coordinator, African Trade Policy Centre (UNECA) (8 August 2025).

**Overall, the ATPC advances human rights in its work on trade through its:**

support to African countries in the development of national implementation strategies;

technical assistance in the drafting of the continental treaties;

stakeholder engagement;

capacity building for MSMEs;

gender mainstreaming; and

research and analysis of the AfCFTA from a rights perspective.

With regard to support for African countries in developing national implementation strategies, the ATPC has enabled 50 African countries to develop their AfCFTA strategies.<sup>147</sup> For instance, it assisted Ethiopia in developing its national AfCFTA Implementation Strategy, bringing together various stakeholders to drive robust engagement in advancing the AfCFTA. One important area of discussion is ensuring that trade policies are gender-responsive, youth-inclusive, and environmentally sustainable.<sup>148</sup> While human rights are not specifically mentioned, women and youth are mainstreamed across the national strategies.<sup>149</sup>

With respect to technical assistance in the drafting of the continental treaties, the ATPC has been notably engaged. In 2022, the ATPC provided significant support to the AfCFTA Secretariat by seconding a technical expert to draft AfCFTA norms.<sup>150</sup> The ATPC also organised consultative meetings to discuss context-specific issues that needed to be addressed under the Protocol on Women and Youth in Trade. The consultative meetings were geared toward examining the challenges that women and youth were facing and proffering solutions to these issues. Some of these concerns

**147** Interview with Ms. Mahlet Girma Bekele, Trade Analyst African Trade Policy Centre (UNECA) (8 August 2025).

**148** UNECA, 'Concept Note: National Forum on the Development of Ethiopia's National AfCFTA Implementation Strategy' (2024) <[https://www.uneca.org/eca-events/sites/default/files/resources/documents/ritd/atpc/development-ethiopia-national-afcfta-implementation-strategy/concept\\_note-national\\_forum\\_on\\_the\\_development\\_of\\_ethiopias\\_national\\_afcfta\\_implementation\\_strategy.pdf](https://www.uneca.org/eca-events/sites/default/files/resources/documents/ritd/atpc/development-ethiopia-national-afcfta-implementation-strategy/concept_note-national_forum_on_the_development_of_ethiopias_national_afcfta_implementation_strategy.pdf)> accessed 13 August 2025.

**149** Interview with Ms. Mahlet Girma Bekele (n 148).

**150** Interview with Dr Melaku Desta (n 147).

included: trade information, access to financial mechanisms, IP rights, and technical support to improve the export capacity of women and youth.<sup>151</sup> The final adopted Protocol on Women and Youth in Trade significantly addresses these issues.

The ATPC also engages in stakeholder engagement.<sup>152</sup> It hosts a series of webinars that empower women and youth entrepreneurs on the AfCFTA. Between May and July 2025, for instance, it held three webinars, at which it trained at least 132 people on the AfCFTA.<sup>153</sup> These were mostly women and youth.<sup>154</sup> Moreover, through the African Trade Forum jointly held with the AU in 2016, the ATPC convened experts to examine how the then-proposed AfCFTA could be implemented, taking into account a range of key areas, including human rights. The forum was geared toward raising awareness on the AfCFTA while also providing insights on how to achieve regional integration through trade.<sup>155</sup>

The ATPC also enables MSMEs to participate in continental trade processes. For instance, the ATPC supported MSMEs to participate in the IATF in 2021 and 2023.<sup>156</sup> Prior to the start of the IATF, the ATPC provided training to MSMEs on the AfCFTA and how they could benefit from it.<sup>157</sup> This support has proven impactful for the MSMEs. In a follow-up conducted by the ATPC, some participants reported that their participation in the IATF enabled them to network with peers in their respective fields and, in fact, opened new opportunities. The ATPC is also developing a step-by-step

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**151** UNECA, 'The AfCFTA Protocol on Women and Youth in Trade – Africa's Blueprint for Inclusive Trade' (UNECA, 16 April 2025) <<https://www.uneca.org/stories/blog-the-afcfta-protocol-on-women-and-youth-in-trade-%E2%80%93-africa%E2%80%99s-blueprint-for-inclusive>> accessed 13 August 2025.

**152** 'Concept Note: Conference on Digital Trade in Africa: Implications for Inclusion and Human Rights' (2018) [https://archive.uneca.org/sites/default/files/uploaded-documents/ATPC/Digital-Trade-Africa/concept\\_note.pdf](https://archive.uneca.org/sites/default/files/uploaded-documents/ATPC/Digital-Trade-Africa/concept_note.pdf) accessed 13 August 2025; UNECA, 'Experts Call for Inclusive Growth and Decent Work under AfCFTA' (UNECA, 15 March 2025) <<https://www.uneca.org/stories/experts-call-for-inclusive-growth-and-decent-work-under-afcfta>> accessed 13 August 2025.

**153** Interview with Dr Moukaila Takpara. Trade Policy Analyst, African Trade Policy Centre (UNECA) (7 August 2025).

**154** *ibid.*

**155** 'The Africa Trade Forum' (2016) <<https://archive.uneca.org/sites/default/files/uploaded-documents/ATPC/ATW2016/atf-programme-as-at-26th-nov.pdf>> accessed 13 August 2025.

**156** Interview with Dr. Moukaila Takpara (n 154).

**157** Interview with Ms. Mahlet Girma Bekele (n 148).

guide for MSMEs to enable them trade under the AfCFTA.<sup>158</sup> The guide is an easy, practical tool that was started in Ethiopia as a pilot country.<sup>159</sup> The ATPC is also working with other countries, including Namibia, Tanzania, Seychelles, Sierra Leone, and Cameroon.<sup>160</sup> This guide is essential in fostering access to information for MSMEs.<sup>161</sup>

ATPC also works with AU Member States to promote gender mainstreaming in trade.<sup>162</sup> For instance, the ATPC is working with national statistics agencies to build capacity on producing sex-disaggregated data essential for gender-responsive trade policies and programmes.<sup>163</sup> At present, the ATPC supports six African countries: Zambia, Eswatini, Chad, the Central African Republic, Côte d'Ivoire, and Rwanda.<sup>164</sup>

With respect to research and analysis, the ATPC has also adopted a rights-based approach to advancing trade. For instance, it has developed research at the intersection of human rights and trade,<sup>165</sup> it has also reflected digital trade through a rights-based lens.<sup>166</sup> Moreover, it works extensively on gender mainstreaming.<sup>167</sup> It engages in knowledge formations on how RECs can implement trade policies through a gender lens,<sup>168</sup>

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**158** *ibid.*

**159** *ibid.*

**160** *ibid.*

**161** *ibid.*

**162** Interview with Josephine Hazvinei Nyakatawa, Economic Affairs Officer, African Trade Policy Centre (UNECA) (8 October 2025).

**163** *ibid.*

**164** *ibid.*

**165** James Thuo Gathii, 'Scoping Study: Designing the Continental Free Trade Area: An African Human Rights Perspective' (UNECA, OHCHR and FES 2016) [https://archive.uneca.org/sites/default/files/PublicationFiles/hria-of-the-cfta\\_scopingstudy\\_thuo-gathii-james\\_may2016.pdf](https://archive.uneca.org/sites/default/files/PublicationFiles/hria-of-the-cfta_scopingstudy_thuo-gathii-james_may2016.pdf) accessed 13 August 2025.

**166** UNECA, OHCHR and FES, 'Digital Trade in Africa: Implications for Inclusion and Human Rights: Executive Summary and Policy Recommendations' (2018) [https://archive.uneca.org/sites/default/files/PublicationFiles/dthr\\_executive\\_summary\\_and\\_policy\\_recommendations\\_en.pdf](https://archive.uneca.org/sites/default/files/PublicationFiles/dthr_executive_summary_and_policy_recommendations_en.pdf) accessed 13 August 2025.

**167** UNECA, 'African Trade Policy Centre and Gender – In Brief' (2019) [https://archive.uneca.org/sites/default/files/PublicationFiles/atpc\\_genderbrief\\_en-19-00409.pdf](https://archive.uneca.org/sites/default/files/PublicationFiles/atpc_genderbrief_en-19-00409.pdf) accessed 13 August 2025.

**168** *ibid.*

empowering women and youth through the AfCFTA<sup>169</sup> and how gender outcomes can be actualised in the implementation of the AfCFTA.<sup>170</sup>

### 3.3.2 African Development Bank

As Africa's premier financial development bank, the AfDB is a key institution in advancing the AfCFTA.<sup>171</sup> It provides institutional support to the AfCFTA Secretariat.<sup>172</sup> The AfDB does this in three pertinent areas. First, it provides the AfCFTA Secretariat with technical capacity to implement the protocols, including the Protocol on Women and Youth in Trade. Second, it provides support to the activities of the AfCFTA in the furtherance of training to MSMEs, including women and youth. Third, it supports the development of climate-resilient value chains to boost intra-regional trade, contributing to agricultural development and food security.<sup>173</sup>

Aside from enabling the establishment of the AfCFTA Secretariat,<sup>174</sup> the AfDB also supports the public and private sectors in the realisation of the AfCFTA framework for the furtherance of regional integration. One of the five high-level lenses of the AfDB's operation is 'integrate Africa' through which it seeks to establish the necessary infrastructural conditions

**169** UNECA and World Trade Organization, 'An Inclusive African Continental Free Trade Area: Aid for Trade and the Empowerment of Women and Young People' (2019) <[https://archive.uneca.org/sites/default/files/PublicationFiles/aidfortrade2019\\_en\\_rev4.pdf](https://archive.uneca.org/sites/default/files/PublicationFiles/aidfortrade2019_en_rev4.pdf)> accessed 13 August 2025.

**170** UNECA, 'Advancing Gender-Equitable Outcomes in African Continental Trade Area (AfCFTA) Implementation' (White Paper, 2021) <[https://www.uneca.org/sites/default/files/keymessageanddocuments/22May\\_Final\\_WhitePaper\\_Advancing\\_gender\\_equitable\\_outcomes.pdf](https://www.uneca.org/sites/default/files/keymessageanddocuments/22May_Final_WhitePaper_Advancing_gender_equitable_outcomes.pdf)> accessed 13 August 2025; World Trade Organization, 'Gender-Based Analysis and Trade' (2018) <[https://www.wto.org/english/tratop\\_e/womenandtrade\\_e/gba\\_dl\\_tps\\_120318\\_hsls.pdf](https://www.wto.org/english/tratop_e/womenandtrade_e/gba_dl_tps_120318_hsls.pdf)> accessed 13 August 2025.

**171** 'AfDB Offers \$5m Grant to Establish African Continental Free Trade Area Secretariat' (PACCI) <<https://www.pacci.org/sw/afdb-offers-5m-grant-to-establish-african-continental-free-trade-area-secretariat/>> accessed 13 August 2025; 'AfDB Supporting to Accelerate AfCFTA Implementation, Boost Intra-Africa Trade' (Ethiopian News Agency) <[https://www.ena.et/web/eng/w/en\\_43307](https://www.ena.et/web/eng/w/en_43307)> accessed 13 August 2025.

**172** Interview with Patrick Kanyimbo, regional integration coordinator, African Development Bank East African Regional Hub (RDGE) (13 August 2025).

**173** African Development Fund, 'Multinational: Institutional Support Project to the AfCFTA Secretariat for an Effective AfCFTA Implementation (Phase II)' (Project Appraisal Report, 2022) 4 <[https://www.afdb.org/sites/default/files/documents/projects-and-operations/multinational\\_institutional\\_support\\_project\\_to\\_the\\_afcfta\\_secretariat\\_for\\_an\\_effective\\_afcfta\\_implementation.pdf](https://www.afdb.org/sites/default/files/documents/projects-and-operations/multinational_institutional_support_project_to_the_afcfta_secretariat_for_an_effective_afcfta_implementation.pdf)> accessed 13 August 2025.

**174** *ibid.*

integral to the implementation of the AfCFTA. One of its flagship projects is the Côte d'Ivoire, Liberia, Sierra Leone, and Guinea Electricity Network Interconnection Project which is part of the West African Power Pool Master Plan through which it seeks to address the electrification challenge in the region and by this, enable the effective provision of services including health and educational services across communities while also enabling about '1,500 small businesses, 25 percent of them operated by women.'<sup>175</sup>

Also, the AfDB invests in trade-carrying infrastructure.<sup>176</sup> The trade-carrying infrastructure, notably transport corridors, is essential for facilitating the free movement of goods, services, and people. To further this process, the AfDB invests in transport corridors, ports, railways, and airports.<sup>177</sup> An example is the Tanzania-Burundi Railway project, which was approved in 2023.<sup>178</sup> Also, an airport development project is the Kotoka International Airport, developed by the Ghana Airports Company Limited Capital Investment Programme.<sup>179</sup> The AfDB also invests in power, water, and ICT. These are critical to powering the industry and vital to increasing production and spurring trade.<sup>180</sup>

The AfDB also supports the Biashara Afrika,<sup>181</sup> which has been endorsed by the AU Executive Council as 'the premier AfCFTA programme key to advancing continental market integration policies under the AfCFTA'.<sup>182</sup> Biashara Afrika seeks to foster public-private sector engagement to realise the AfCFTA. At the inaugural edition of the Biashara Afrika, the AfCFTA

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**175** African Development Bank Group, 'Integrate Africa' (Annual Report) <<https://www.afdb.org/en/annual-report/financial-report/bank-group-operations-through-high-5-lens/integrate-africa>> accessed 13 August 2025.

**176** Interview with Patrick Kanyimbo (n 173).

**177** *ibid.*

**178** *ibid.*

**179** *ibid.*

**180** *ibid.*

**181** African Development Bank, 'African Development Bank Supports BIASHARA Africa 2024 Business Forum' (Press Release, 15 October 2024) <https://afdb.africa-newsroom.com/press/african-development-bank-supports-biashara-africa-2024-business-forum?lang=en> accessed 13 August 2025.

**182** African Union, 'Decision on the African Continental Free Trade Area (AfCFTA) Agreement' (AU Doc EX.CL/Dec.1304 (XLVI), 2025) [https://au.int/sites/default/files/decisions/45117-EX\\_CL\\_Dec\\_1279\\_-\\_1309\\_XLVI\\_E.pdf](https://au.int/sites/default/files/decisions/45117-EX_CL_Dec_1279_-_1309_XLVI_E.pdf) accessed 13 August 2025.

NTB Online Mechanism Mobile Application was launched to facilitate the effective monitoring and elimination of NTBs.<sup>183</sup> In the furtherance of free movement of persons, the AfDB publishes the Africa Visa Openness, which provides information on the 'extent to which each country in Africa is open to visitors from other African countries.'<sup>184</sup>

It is also crucial to note that human rights considerations are incorporated into its activities.<sup>185</sup> These include the rights of communities that are affected by Bank-funded projects (i.e., project-affected persons).<sup>186</sup> Project-affected persons are offered adequate compensation in accordance with the applicable laws of the country concerned.<sup>187</sup> The AfDB also applies Environmental and Social Impact Assessments, and project implementers develop an Environmental and Social Impact Implementation Plan, which includes human rights issues.<sup>188</sup> Other rights issues include gender equity, which is mainstreamed through the Bank's Gender Marker.<sup>189</sup> The gender lens is applied to every project, and appropriate interventions to empower women and youth are mainstreamed.<sup>190</sup> In addition, the Bank's Civil Society Department works with civil society organisations, including those focused on human rights issues.<sup>191</sup>

### 3.3.3 AUDA-NEPAD

The core theme of AUDA-NEPAD's work is the implementation of Agenda 2063 and its flagship programmes, particularly the AfCFTA. In furtherance of the AfCFTA, AUDA-NEPAD has implemented several initiatives that reinforce human rights. There are three major activities related to

<sup>183</sup> Mahamadou Issoufou, 'Progress Report on the African Continental Free Trade Area (AfCFTA)' (African Union, AU Doc Assembly/AU/9 (XXXVIII), 2025) para 9.

<sup>184</sup> African Development Bank and African Union, 'Africa Visa Openness Index' <<https://www.visaopenness.org>> accessed 13 August 2025.

<sup>185</sup> Interview with Patrick Kanyimbo (n 173).

<sup>186</sup> *ibid.*

<sup>187</sup> *ibid.*

<sup>188</sup> *ibid.*

<sup>189</sup> *ibid.*

<sup>190</sup> *ibid.*

<sup>191</sup> *ibid.*

AfCFTA implementation: support for MSMEs, trade facilitation, impact assessment, and policy support.<sup>192</sup>

AUDA-NEPAD's MSME initiative aligns with the AfCFTA.<sup>193</sup> This was launched in 2020.<sup>194</sup> It is designed to build entrepreneurs' capacity to benefit from the AfCFTA.<sup>195</sup> The significance of this initiative resonates from the fact that about 90% of businesses across Africa are MSMEs. Moreover, MSMEs account for 70% of jobs across the continent.<sup>196</sup>



The project aims to build capacity for

**100 million**

MSMEs across Africa by equipping them with the training and skills needed to participate in trade and enhance market access. There are four aspects of the programme: the MSME Academy, MSME Finance, MSME Marketplace, and MSME Digital Platform.<sup>197</sup> The programme began with a target of 100,000 MSMEs, with the ultimate goal of reaching 100 million. Between 2020 and 2021, the programme achieved significant success, reaching more than three million people.<sup>198</sup> As of 2024, several lectures

<sup>192</sup> Interview with Mr. Abdel-Nasser Daoud Kinefour, Senior Programme Officer, AUDA-NEPAD (11 August 2025).

<sup>193</sup> AUDA-NEPAD, 'AUDA-NEPAD, UNDP Partnership on 100,000 Micro, Small and Medium Scale Enterprises Initiative to Review Strategy' (30 March 2021) <<https://www.nepad.org/news/auda-nepad-undp-partnership-100000-micro-small-and-medium-scale-enterprises-initiative>> accessed 13 August 2025.

<sup>194</sup> Interview with Mr. Abdel-Nasser Daoud Kinefour (n 193).

<sup>195</sup> *ibid.*

<sup>196</sup> UNDP, 'Silencing the Guns: A Developmental Approach' (2022) 11 <<https://www.undp.org/africa/publications/silencing-guns-developmental-approach>> accessed 13 August 2025.

<sup>197</sup> African Union, 'Annual Report of the Permanent Representatives Committee Sub-Committee on NEPAD' (AU Doc EX.CL/1464 (XLIV), 2024) [https://portal.africa-union.org/DVD/Documents/DOC-AU-WD/EX%20CL%201464%20\(XLIV\)%20\\_E.pdf](https://portal.africa-union.org/DVD/Documents/DOC-AU-WD/EX%20CL%201464%20(XLIV)%20_E.pdf)

accessed 13 August 2025.

<sup>198</sup> AUDA-NEPAD (n 194).

and training sessions had been held in 19 African countries.<sup>199</sup> One of the programme's key highlights is training for women and youth. At least 60% of those benefitting from the programme are women and youth.<sup>200</sup> In Comoros, for instance, women and youth were specifically targeted when the programme was launched in 2023.<sup>201</sup> An online platform was also created with more than 200 courses in several African languages.<sup>202</sup> Moreover, AUDA-NEPAD is reframing the training programme through Akili-AI to provide a tailored advisory service to replace the in-person training programme for MSMEs.<sup>203</sup> A pilot was launched in two countries – Nigeria and Senegal – working closely with the government. The government provided the data for training Akili on the regulatory frameworks.<sup>204</sup>

Regarding trade facilitation, AUDA-NEPAD also developed the One-Stop Border Post (OSBP) initiative to enable seamless cross-border trade.<sup>205</sup> An efficient trade corridor is crucial to the AfCFTA's success.<sup>206</sup> This is why AUDA-NEPAD spearheaded the OSBP in partnership with other organisations. Basically, the objective of the OSBP is to locate customs and immigration for two countries at a single stop with harmonised inspections.<sup>207</sup> Through this initiative, AUDA-NEPAD provides training for border officials, streamlines cross-border processes at border posts to reduce

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**199** AUDA-NEPAD, 'Celebrating Africa Month!' (Facebook, 25 May 2025) <<https://www.facebook.com/watch/?v=1389738912066961>> accessed 13 August 2025.

**200** Interview with Mr. Abdel-Nasser Daoud Kinefour (n 193); Nardos Bekele-Thomas, 'Delivering the Africa of the Future: AUDA-NEPAD's Role in Achieving Agenda 2063 and the SDGs' (Brookings, 20 March 2025) <<https://www.brookings.edu/articles/delivering-the-africa-of-the-future-auda-nepad-s-role-in-achieving-agenda-2063-and-the-sdgs/>> accessed 13 August 2025.

**201** AUDA-NEPAD, 'AUDA-NEPAD to Launch Its 100 Million MSMEs Initiative in Comoros' (11 July 2023) <<https://nepad-aws.assyst-uc.com/news/auda-nepad-launch-its-100-million-msmes-initiative-comoros>> accessed 13 August 2025.

**202** AUDA-NEPAD, 'Transforming Africa's Future: The 100 Million MSME Initiative by AUDA-NEPAD' <<https://www.nepad.org/file-download/download/public/140278>> accessed 13 August 2025.

**203** Interview with Mr. Abdel-Nasser Daoud Kinefour (n 193).

**204** AUDA-NEPAD, 'Akili AI' <<https://akili-ai.nepad.org/en>> accessed 13 August 2025; Interview with Mr. Abdel-Nasser Daoud Kinefour (n 193).

**205** Interview with Mr. Abdel-Nasser Daoud Kinefour (n 193); AUDA-NEPAD, 'Breaking Borders: How Africa's One-Stop Border Posts are Transforming Trade' (2 April 2025) <<https://www.nepad.org/news/breaking-borders-how-africas-one-stop-border-posts-are-transforming-trade>> accessed 13 August 2025.

**206** Interview with Mr. Abdel-Nasser Daoud Kinefour (n 193).

**207** *ibid.*

trade bottlenecks, and provides logistical support. In terms of success, the first OSBP was operated between Zambia and Zimbabwe.<sup>208</sup> An important observation is that transit time at borders plummeted.<sup>209</sup> Over 20 border posts are being developed.<sup>210</sup> AUDA-NEPAD is working on linking OSBP to Akili-AI.<sup>211</sup> AUDA-NEPAD has also worked with specific RECs to develop simplified solutions for customs clearance and support. A notable example is SimpliClear, which is empowering informal traders, particularly women and youth in the Common Market for Eastern and Southern Africa (COMESA) region.<sup>212</sup>

With regard to impact assessment and policy support, AUDA-NEPAD has also been significantly advancing the AfCFTA.<sup>213</sup> The objective of the AfCFTA impact assessment and policy support is to enable policymakers to maximise the AfCFTA through research, strategy, and capacity building.<sup>214</sup> In 2020, AUDA-NEPAD launched a continental study titled *Conditions for Success in the Implementation of the African Continental Free Trade Agreement*.<sup>215</sup> The report emphasised the importance of investing in human capital to harness the demographic dividend of the continent's labour force. Evidently, this will require significant skills development and accelerated efforts towards fostering the right to work. In this regard, AUDA-NEPAD also developed a guide titled *Guide for Country*

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**208** *ibid.*

**209** *ibid.*

**210** *ibid.*

**211** *ibid.*

**212** AUDA-NEPAD (@NEPAD\_Agency), 'Post on X' (X, 16 July 2025) [https://x.com/NEPAD\\_Agency/status/1945402318066745774](https://x.com/NEPAD_Agency/status/1945402318066745774) accessed 13 August 2025; AUDA-NEPAD, 'Once Invisible, Now Unstoppable: With SimpliClear' (Facebook, 22 July 2025) <[https://www.facebook.com/nepad.page/photos/once-invisible-now-unstoppable-with-simpli-clear-afri-cas-small-scale-cross-border-/1158704659619673/?\\_rdr](https://www.facebook.com/nepad.page/photos/once-invisible-now-unstoppable-with-simpli-clear-afri-cas-small-scale-cross-border-/1158704659619673/?_rdr)> accessed 13 August 2025; AUDA-NEPAD, 'Introducing SimpliClear: Revolutionizing Cross-Border Trade in the COMESA Region' (Facebook, 15 November 2024) <<https://www.facebook.com/nepad.page/posts/-introducing-simpli-clear-revolutionizing-cross-border-trade-in-the-comesa-region/968710475285760/>> accessed 13 August 2025; Ministry of Commerce, Trade and Industry (Zambia), 'Boosting Intra-African Trade through Trade Logistics Data Governance' (23 April 2025) <<https://www.mcti.gov.zm/?p=8837>> accessed 13 August 2025.

**213** Interview with Mr. Abdel-Nasser Daoud Kinefour (n 193).

**214** *ibid.*

**215** University of Denver and AUDA-NEPAD, 'Conditions for Success in the Implementation of the African Continental Free Trade Agreement' (2020) <https://au.int/sites/default/files/documents/38076-doc-afcftaenglishfinal20200123-2.pdf> accessed 13 August 2025.

Impact Assessments on Accelerated Industrial Development for Africa (AIDA) and the AfCFTA with the objective of enabling countries evaluate the extent of implementation of these initiatives.<sup>216</sup> There are three pertinent tools in this guide: the AfCFTA Potential Impact Assessment, AfCFTA Enabling Environment Monitoring Tool, and the Industrialisation Progress Assessment.<sup>217</sup> In this guide, areas of assessment include labour and working standards, community health, and protection of indigenous peoples.<sup>218</sup>

Another important initiative of AUDA-NEPAD is the homegrown solution. This project was born out of COVID-19.<sup>219</sup> The project aims to foster Africa's resilience to pandemics by leveraging local capacities and aligning with the AU Agenda 2063.<sup>220</sup> This project supports enterprises developing locally manufactured medical devices and drugs.<sup>221</sup> It accelerates the development of homegrown solutions in the medical and health sector. In 2025, AUDA-NEPAD expanded the initiative to agribusiness.<sup>222</sup> This project will create jobs and contribute to the revenues of businesses.<sup>223</sup>

### 3.3.4 Afreximbank

As a continental multilateral financial institution with a mandate to address Africa's trade finance gap, Afreximbank plays a significant role in advancing the AfCFTA.<sup>224</sup> Afreximbank has a broader environmental, social, and governance and sustainability framework that guides its initiatives. This framework prioritises the United Nations Sustainable Development Goals

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**216** Interview with Mr. Abdel-Nasser Daoud Kinefour (n 193).

**217** *ibid.*

**218** African Union and AUDA-NEPAD, 'Guide for Country Impact Assessments on Accelerated Industrial Development in Africa (AIDA) & the African Continental Free Trade Area (AfCFTA)' (2024) 41–54 <https://nepad.org/publication/guide-country-impact-assessments-accelerated-industrial-development-africa-aida> accessed 13 August 2025.

**219** Interview with Mr. Abdel-Nasser Daoud Kinefour (n 193).

**220** AUDA-NEPAD, 'Home Grown Solutions (HGS) Accelerator for Pandemic Resilience in Africa' <<https://www.nepad.org/microsite/home-grown-solutions-hgs-accelerator-pandemic-resilience-africa>> accessed 13 August 2025.

**221** Interview with Mr. Abdel-Nasser Daoud Kinefour (n 193).

**222** *ibid.*

**223** *ibid.*

**224** Benedict Oramah, 'Afreximbank in the Era of the AfCFTA' (2021) 8 *Journal of African Trade* 24.

(SDGs), including human welfare, social and community impact, gender equality, and climate action.<sup>225</sup>

It undertakes several initiatives to advance the AfCFTA, with implications for human rights. One such initiative is the AfCFTA Adjustment Fund. Another pertinent initiative is the IATF – the largest trade fair in Africa – which Afreximbank co-coordinates with AU-ETTIM. Since 2021, the IATF has been a key platform for advancing the inclusion of women and youth in intra-regional trade. However, human rights are not a key feature of the programme.<sup>226</sup>

Moreover, Afreximbank, along with partners, including the AU, developed the Africa Automotive Strategy, which provides crucial support to stakeholders in the automobile industry.<sup>227</sup> This fund operates on the heels of the AfCFTA Rules of Origin and will significantly enhance regional value chains,<sup>228</sup> enabling players in this sector and enhancing their developmental capacities to participate in intra-regional trade.

Afreximbank also leads the Pan-African Payment and Settlement System (PAPSS).<sup>229</sup> Launched in 2022 and endorsed by the AU Assembly,<sup>230</sup> PAPSS is a 'financial market infrastructure for the economic and financial integration of Africa.'<sup>231</sup> Under the PAPSS system, there are three payment structures: PAPSS Instant Payment System (enables instant cross-border

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**225** Interview with Mr. Patrick Utomi, Trade Policy Advisor, Afreximbank (13 August 2025).

**226** At the 2025 IATF, for instance, key sectors and groups included: agriculture and agro-processing, automotive, clothing and textile, construction and infrastructure, consumer goods, creative industries and entertainment, diaspora, education, energy and power, engineering, finance, health and pharmaceuticals, ICT, research, innovation and development, logistics, manufacturing, mining and mineral beneficiation, standards and quality infrastructure, aviation and tourism, transport, youth startup. See 'IATF2025' <https://2025.iatf.africa/newfront> (accessed 3 October 2025).

**227** Afreximbank, 'Promoting African Integration Through Trade' (n 143).

**228** *ibid.*

**229** Stanley Obinna, 'PAPSS, Afreximbank-led Payment Initiative Expands to 16 Countries' African Business (29 June 2025); Pan-African Payment and Settlement System, 'About PAPSS' <https://papss.com/about-us/> accessed 13 August 2025

**230** African Union, 'Decision on the African Continental Free Trade Area (AfCFTA)' (AU Doc Assembly/AU/Dec.831 (XXXV), 2022) para 43.

**231** Afreximbank, 'Promoting African Integration Through Trade' (n 143).

fund transfers without currency conversion),<sup>232</sup> PAPSS African Currency Marketplace (enables seamless local African currency exchange across African countries without needing to rely on foreign currencies)<sup>233</sup> and the PAPSSCARD (enabling retail payments across Africa).<sup>234</sup> The PAPSS provides a significant platform for financial integration by creating a centralised system for cross-border cash flows with limited risk.<sup>235</sup> It works with central banks across African countries to enable seamless financial transactions in the furtherance of the AfCFTA.

In addition, Afreximbank leads the African Collaborative Transit Guarantee Scheme, which enables the movement of goods across Africa through a 'single technology-enabled continental customs bond'.<sup>236</sup> A pilot initiative was launched in the COMESA region, and Afreximbank is working with the AfCFTA to scale this initiative.<sup>237</sup> Another important initiative of Afreximbank is the development of Africa Quality Assurance Centres to enhance export compliance with standards and specifications across countries.<sup>238</sup>

Afreximbank launched a pilot initiative of this project in Nigeria. And is working towards scaling this programme. This initiative will significantly ease cross-border exports while enabling MSMEs to comply effectively with standards, thereby facilitating quicker and more meaningful access to markets.

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**232** 'Afreximbank: With PAPSS, Africa Builds Its Transactions System' (Africa24 TV, 27 June 2025) <https://africa24tv.com/afreximbank-with-papss-africa-builds-its-transactions-system> accessed 17 December 2025; 'Africa's SWIFT Alternative PAPSS Just Hit 17 Members. Here's Why That Matters' (Launch Base Africa, 7 July 2025) <https://launchbaseafrica.com/2025/07/07/africas-swift-alternative-papss-just-hit-17-members-heres-why-that-matters> accessed 17 December 2025.

**233** Afreximbank, 'PAPSS and Interstellar Unveil African Currency Marketplace Eliminating \$5 Billion Trade Bottleneck' (Press Release, 7 July 2025) <<https://www.afreximbank.com/papss-and-interstellar-unveil-african-currency-marketplace-eliminating-5-billion-trade-bottleneck>> accessed 17 December 2025.

**234** Afreximbank, 'Africa Launches First Pan-African Card Scheme – PAPSSCARD' (Press Release, 30 June 2025) <<https://www.afreximbank.com/africa-launches-first-pan-african-card-scheme-papsscard/>> accessed 17 December 2025.

**235** *ibid.*

**236** Afreximbank, 'Promoting African Integration Through Trade' (n 143).

**237** *ibid.*

**238** *ibid.*

Afreximbank also launched the AfCFTA training programmes to build the capacity of businesses on the AfCFTA, with the objective of providing insights into how its potential can be harnessed to strengthen regional integration.<sup>239</sup> As such, strengthening access to information and education on continental trade instruments is essential.

### 3.3.5 Reflection

Pertinent actions are emerging from trade-related institutions on the AfCFTA from a rights-based lens. However, two specific institutions require significant engagement. These institutions are AUDA-NEPAD and Afreximbank.

With regard to AUDA-NEPAD, a key area of engagement is its OSBP initiative, which provides training for border officials to facilitate seamless cross-border collaboration. This platform can be utilised to train border officials to address NTBs to trade, particularly for informal women traders across the continent, who face significant challenges. Through this initiative, training can be developed for border officials to protect women in informal trade relations and prevent harassment, violence, and impediments to women seeking to engage in intra-regional trade, in line with the AfCFTA. Another key initiative of the AUDA-NEPAD is its MSME initiative. The MSME initiative significantly responds to the importance of capacity building for small businesses across the continent to take advantage of the AfCFTA through its four arms: Academy, Finance, Marketplace and Digital Platform. Since 90% of African businesses fall within this sector, AUDA-NEPAD's work in this area has substantial potential impact. As this is an ongoing programme, it is important to engage with AUDA-NEPAD

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**239** Afreximbank, 'Afreximbank Announces Specialized African Continental Free Trade Area (AfCFTA) Training to Empower African Businesses' (Press Release, 28 April 2025) <https://afreximbank.africa-newsroom.com/press/afreximbank-announces-specialized-african-continental-free-trade-area-afcfta-training-to-empower-african-businesses> accessed 17 December 2025; Afreximbank, 'Afreximbank Announces Specialized AfCFTA Training to Empower African Businesses' (Press Release, 24 April 2025) <<https://www.afreximbank.com/afreximbank-announces-specialized-afcfta-training-to-empower-african-businesses>> accessed 17 December 2025; Afreximbank, 'Afreximbank Academy to Host Training Programme to Assist African Corporates to Benefit From the AfCFTA' (Press Release, 10 July 2024) <<https://www.afreximbank.com/afreximbank-academy-to-host-training-programme-to-assist-african-corporates-to-benefit-from-the-afcfta>> accessed 17 December 2025.

to integrate human rights indicators into the project design. A notable gap that exists at present is the lack of engagement with the continental human rights institutions. This gap can be closed by formalising engagement platforms between the two institutions.

With respect to Afreximbank, the IATF, which is co-organised with AU-ETTIM, is an important entry point. It is an important initiative that brings together stakeholders across the continent and advances MSMEs, including women and youth-led enterprises, in the furtherance of intra-regional trade and in the realisation of human rights. It is a critical entry point, particularly in providing a platform for engagement between human rights and trade institutions. At the same time, it brings together a plethora of stakeholders across the continent. Human rights are not a significant focus at the IATF.

In bridging this gap, it is important that rights-based institutions actively and visibly engage to foster discussions between trade and human rights.



## 3.4 Continental Human Rights Institutions

This section examines how continental human rights institutions are advancing the AfCFTA through a human rights lens. The institutions examined in this section are the African Commission on Human and Peoples' Rights (African Commission), the African Court on Human and Peoples' Rights (African Court), and the ACERWC. Together they facilitate the implementation of the African Charter on Human and Peoples' Rights (African Charter).<sup>240</sup>

### 3.4.1 The African Commission on Human and Peoples' Rights

As the principal institution for the furtherance of human and peoples' rights in Africa, the African Commission has an important role in strengthening the human rights and trade connection.<sup>241</sup>

Through the Working Group on Extractive Industries, Environment and Human Rights in Africa (WGEI), the African Commission has developed important guidance on implementing the AfCFTA through a rights-based lens. Specifically, the focus is on the rights to freely dispose of natural resources and the right to the environment, as set out in the State Reporting Guidelines and Principles on Articles 21 and 24 of the African Charter relating to the Extractive Industries, Human Rights and

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<sup>240</sup> The African Charter is the chief regional human rights treaty aimed at ensuring the respect, promotion and protection of human rights in Africa. The Charter has been ratified by 54 AU Member States. It provides a set of rules, norms and standards which guarantee the enjoyment of fundamental individual freedoms and rights. The African Charter is also unique in that it recognises certain group rights or 'peoples rights' which are to be enjoyed collectively such as the right to development, the right to self-determination, the right to peace, and the rights to healthy environment and free disposition of natural resources. While the Africa Charter establishes the African Commission based in Banjul, The Gambia, as its main supervisory organ which acts as the guardian of the Charter and is in charge of overseeing its full implementation by its signatories, the Charter is also supplemented by several key protocols including the Protocol Establishing the African Court on Human and Peoples' Rights. The ACERWC is on the other hand established through the African Charter on the Rights and Welfare of the Child (ACRWC), an instrument which comprehensively sets out and defines the key norms and principles specific to children's rights, and is concurrently implemented with the African Charter.

<sup>241</sup> African Charter on Human and Peoples' Rights (n 34).

the Environment, developed in 2017.<sup>242</sup> The State Reporting Guidelines do not reference the AfCFTA, and this is understandably premised on the fact that the AfCFTA had not been adopted by the AU Assembly.

In 2023, the African Commission adopted a resolution emphasising the need to integrate a human rights-based approach to the implementation and monitoring of the AfCFTA. Significantly, it stated that it would ‘conduct a human rights impact assessment of the AfCFTA Agreement, in line with its established best practices, focusing on the human rights implications and the proffering of recommendations to address any governance or other gaps and issues that detract from compliance with the standards under the African Charter’.<sup>243</sup>

Also in 2023, it adopted a Resolution on Business and Human Rights in Africa, reinforcing the importance of addressing human rights impacts of business operations, leveraging the AfCFTA, and working with stakeholders.<sup>244</sup> Moreover, in 2024, it adopted a resolution on promoting the use of indigenous local languages as a medium for learning and communication in the implementation of the AfCFTA.<sup>245</sup> This resolution urged states to utilise indigenous knowledge to further the AfCFTA.

However, the Commission has yet to engage in operational activities to implement the AfCFTA in collaboration with the AfCFTA Secretariat. Of

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**242** African Commission on Human and Peoples’ Rights, ‘State Reporting Guidelines and Principles on Articles 21 and 24 of the African Charter Relating to Extractive Industries, Human Rights and the Environment’ (7 May 2018) <https://achpr.au.int/sites/default/files/files/2022-08/statereportingguidelinesandprinciplesonarticles21and24eng.pdf> accessed 17 December 2025.

**243** African Commission on Human and Peoples’ Rights, ‘Resolution on a Human Rights-Based Approach to the Implementation and Monitoring of the African Continental Free Trade Area Agreement’ (ACHPR/Res.551 (LXXIV) 2023, 21 March 2023) <https://achpr.au.int/en/adopted-resolutions/resolution-human-rights-based-approach-implementation-monitoring-achprres551> accessed 17 December 2025.

**244** African Commission on Human and Peoples’ Rights, ‘Resolution on Business and Human Rights in Africa’ (ACHPR/Res.550 (LXXIV) 2023, 21 March 2023) <https://achpr.au.int/index.php/en/adopted-resolutions/550-resolution-business-and-human-rights-africa-achpr-res550-lxxiv-2023> accessed 17 December 2025.

**245** African Commission on Human and Peoples’ Rights, ‘Resolution on Promoting the Use of Indigenous and Local Languages as a Medium for Learning and Communication in the Implementation of the African Continental Free Trade Area’ (ACHPR/Res.615 (LXXXI) 2024, 14 November 2024) <https://achpr.au.int/en/adopted-resolutions/615-indigenous-and-local-languages-medium-learning-and-communication> accessed 17 December 2025.

note, however, is the activity of the African Commission Working Group on Economic, Social, and Cultural Rights, which reflects the extent to which human rights resonate across national development plans of countries in Africa.<sup>246</sup> According to the African Working Group's reflection, 3 of 55 AU Member States incorporate the right to development in their development plans.<sup>247</sup> The African Commission Working Group is working on developing a general comment on the right to development, and one of the areas of focus will be on integrating the AfCFTA.<sup>248</sup>

### 3.4.2 The African Court on Human and Peoples' Rights

As the AU's principal judicial body, the African Court plays an important role. While it does not specifically have a mandate over the AfCFTA normative regime, it can interpret provisions of the African Charter that have implications for trade and, by extension, provide clarity on the AfCFTA normative regime.<sup>249</sup> An important decision that underscores the crucial role of human rights in trade and investment is *Ligue Ivoirienne des Droits de l'Homme (LIDHO) v Republic of Côte d'Ivoire*.<sup>250</sup> In this case, the African Court held that in not providing adequate protection against the dumping of toxic waste by the multinational company (Trafigura), Côte D'Ivoire had violated provisions of the African Charter, including the right to life, health, and environment.

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**246** Frans Viljoen, 'Presentation, African Commission Working Group on Economic, Social and Cultural Rights' 8 October 2025 (on file with author).

**247** *ibid.*

**248** *ibid.*

**249** Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (adopted 9 June 1998, entered into force 25 January 2004) OAU Doc OAU/LEG/EXP/AFCHPR/PROT (III) art 3(1).

**250** *Ligue Ivoirienne des Droits de l'Homme (LIDHO) v Republic of Cote D'Ivoire* (Application 041/2016) [2023] AfCHPR 21 (5 September 2023).

### 3.4.3 The African Committee of Experts on the Rights and Welfare of the Child



The ACERWC is the continental institution responsible for advancing the protection of children's rights in Africa. With oversight over the African Children's Charter,<sup>251</sup> it works in ensuring that the best interests of the child are integrated in all matters that concern children.

While most AfCFTA trade regimes do not explicitly integrate children's rights, the Investment Protocol integrates the prevention of child labour into business ethics, human rights, and labour standards under article 33.<sup>252</sup> Moreover, children, particularly those falling within the bracket of youths (ages 15–17), are covered under the Protocol on Youth and Women on Trade. Moreover, the implementation of the AfCFTA trade regime has significant implications for children's rights. For instance, facilitating trade can enable informal traders to gain better access to markets in other regions and, consequently, improve their children's living standards. Also, it can reduce incidences of child labour, for instance, by enabling the implementation of rights-centred continental labour standards, notably article 15 of the African Children's Charter.

In 2023, the ACERWC developed a Study on Children's Rights and Business, emphasising the need to link child rights to the AfCFTA.<sup>253</sup> The study examines the AfCFTA and its implications for children's rights. It underscores that while the AfCFTA recognises the importance of human rights, it does not incorporate children's rights. It underscores the need for the AfCFTA to incorporate children's rights. It is important to note that at the time of the Study, the Investment Protocol had not been adopted. However, the study anticipated that the Investment Protocol may include a reference to

<sup>251</sup> African Charter on the Rights and Welfare of the Child (adopted 11 July 1990, entered into force 29 November 1999) OAU Doc CAB/LEG/24.9/49.

<sup>252</sup> Protocol to the Agreement Establishing the African Continental Free Trade Area on Investment (n 18) art 33.

<sup>253</sup> African Committee of Experts on the Rights and Welfare of the Child, Study on Children's Rights and Business in Africa (2023) <[https://www.acerwc.africa/sites/default/files/2023-08/Study\\_Children%27s%20Rights%20and%20Business\\_English.pdf](https://www.acerwc.africa/sites/default/files/2023-08/Study_Children%27s%20Rights%20and%20Business_English.pdf)> accessed 17 December 2025. This report was funded by France through the European Union (EU).

children.<sup>254</sup> This was subsequently done under article 33 of the Investment Protocol with reference to the prohibition of child labour.<sup>255</sup> However, a specific child rights impact assessment of the AfCFTA will be an important addition. Notably, in 2024, the ACERWC Working Group on Children's Rights and Business adopted a resolution on integrating a child-rights-based approach into the implementation and monitoring of the AfCFTA.<sup>256</sup> There were 12 key outcome areas, one of which emphasised integrating a child rights-based approach into the implementation and monitoring of the AfCFTA. Another way the ACERWC advances children's rights in trade-related issues is through its concluding observations on the implementation of the African Children's Charter. For instance, in its concluding observation on Zimbabwe's first periodic report, it spotlighted the prevalence of child labour in rural communities and the midlands and emphasised the need for the state to implement legal standards in collaboration with relevant stakeholders.<sup>257</sup> However, an entry point for action, specifically for the ACERWC, is to draw closer synergies between the AfCFTA and the African Children's Charter. While the resolution by the ACERWC Working Group on Children's Rights and Business is a first step, there is a need for more detailed guidance for states and other stakeholders on how to integrate children's rights into the AfCFTA.

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**254** *ibid* 156.

**255** Protocol to the Agreement Establishing the African Continental Free Trade Area on Investment (n 18), art 33.

**256** African Committee of Experts on the Rights and Welfare of the Child (ACERWC) Working Group on Children's Rights and Business, 'Resolution No 20/2024 of the ACERWC Working Group on Children's Rights and Business on the Integration of a Child Rights-Based Approach in the Implementation and Monitoring of the African Continental Free Trade Area Agreement' (25 April 2024) <<https://www.acerwc.africa/sites/default/files/2024-06/Resolution%20on%20the%20integration%20of%20a%20child%20rights%20based%20approach%20in%20the%20implementation%20of%20the%20AfCFTA.pdf>> accessed 17 December 2025.

**257** African Committee of Experts on the Rights and Welfare of the Child (ACERWC), 'Concluding Observations and Recommendations by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on the First Periodic Report of the Republic of Zimbabwe on the Status of Implementation of the African Charter on the Rights and Welfare of the Child' (July 2024) <<https://www.acerwc.africa/sites/default/files/2025-03/Concluding%20Observations%20of%20ACERWC%201st%20Periodic%20Report%20of%20ZIMBABWE.pdf>> accessed 17 December 2025.

### 3.4.4 Reflection

Human rights institutions are crucial for implementing the AfCFTA in a manner consistent with African human rights standards and obligations. Significantly, they have adopted critical resolutions on bridging the gap between the AfCFTA and human rights norms. Moreover, the ACERWC Study on Business and Children's Rights is significant.

However, more concrete steps are required, particularly in engaging with trade-specific and trade-related institutions. Of primary importance is fostering engagement with the AfCFTA Secretariat. This gap needs to be bridged, specifically between the African Commission and the AfCFTA Secretariat. And, between the ACERWC and the AfCFTA Secretariat. For this purpose, it is crucial to emphasise the need to formalise engagements between institutions across both aisles. For the African Commission, for instance, a starting point could be the development of the proposed human rights assessment of the AfCFTA Agreement. In this regard, technical assistance to the African Commission will be important to achieve this objective. Another pertinent entry point is the African Commission Working Group on Economic, Social and Cultural Rights' general comment on the right to development, which offers a crucial path for incorporating the AfCFTA.

## 3.5 Emerging Practice Across the RECs

RECs have also been involved in advancing the AfCFTA through a rights-based lens and are developing AfCFTA implementation strategies to give effect to the frameworks. Under the AfCFTA, they are recognised as building blocks of the AU.<sup>258</sup> This section provides updates on selected RECs.

In 2022, for instance, the EAC developed an EAC AfCFTA Tariff Schedule in response to tariff reduction.<sup>259</sup> The EAC is also developing an AfCFTA

<sup>258</sup> See Agreement Establishing the African Continental Free Trade Agreement (n 5).

<sup>259</sup> East African Community, 'The EAC Schedule of Tariff Concessions for the African Continental Free Trade Area (AfCFTA) for Category A Products' (2022) <<https://www.eac.int/trade/trade-documents/category/african-continental-free-trade-area-afcfta-trade>> accessed 13 August 2025.

Implementation Strategy for the region.<sup>260</sup> Likewise, COMESA has developed an AfCFTA Implementation Strategy.<sup>261</sup> However, beyond this, it has taken specific initiatives that give effect to the AfCFTA from a rights-based lens. For instance, it launched SimpliClear to empower informal traders, including women and youth, along with AUDA-NEPAD.<sup>262</sup> In 2025, in partnership with others, it hosted an Advanced Training Workshop on AfCFTA Rules of Origin for the private sector in Madagascar.<sup>263</sup> Through Afreximbank, COMESA is also enabling the movement of goods across the continent by leveraging technology.<sup>264</sup>

In 2022, Intergovernmental Authority on Development (IGAD) validated its AfCFTA National Implementation Strategy, and one of the policy's highlights is the mainstreaming of gender and youth.<sup>265</sup> As with IGAD, Southern African Development Community (SADC) is also advancing the AfCFTA. In addition to participating in negotiations on the AfCFTA instruments, it provides strategic guidance to SADC Member States to advance the AfCFTA. An important initiative it has undertaken in this regard is the validation of the SADC AfCFTA Coordination Plan,<sup>266</sup> with an emphasis on expanding access to financial services for MSMEs. Since 2023, the SADC Business Council has also been significantly involved in sensitising local business organisations across SADC Member States to the AfCFTA regime

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**260** United Nations Economic Commission for Africa (ECA), 'ECA, Stakeholders Hold AfCFTA Implementation Strategy Workshop for the East African Community' (16 March 2021) <<https://www.uneca.org/stories/eca%2C-stakeholders-hold-afcfta-implementation-strategy-workshop-for-the-east-african>> accessed 17 December 2025.

**261** Interview with Vonesai S Hove, Trade Expert, Common Market for Eastern and Southern Africa (COMESA) Secretariat (6 October 2025).

**262** AUDA-NEPAD (@NEPAD\_Agency), 'Post on X' (n 213); AUDA-NEPAD, 'Once Invisible, Now Unstoppable;' (n 213); AUDA-NEPAD, 'Introducing SimpliClear' (n 213); Ministry of Commerce, Trade and Industry (Zambia), 'Boosting Intra-African Trade through Trade Logistics Data Governance' (n 213).

**263** World Customs Organization, 'COMESA Private Sector Gears Up to Unlock the AfCFTA Potential Through Origin Competency' (11 April 2025) <<https://www.wcoomd.org/en/media/newsroom/2025/april/comesa-private-sector-gears-up-to-unlock-the-afcfta-potential-through-origin-competency.aspx>> accessed 17 December 2025.

**264** Afreximbank, 'Promoting African Integration Through Trade' (n 143).

**265** United Nations Economic Commission for Africa, 'IGAD Validates Its AfCFTA Implementation Strategy' (5 December 2022) <<https://www.uneca.org/stories/igad-validates-its-afcfta-implementation-strategy>> accessed 13 August 2025.

**266** Southern African Development Community, 'SADC Reaches Milestone in the Region's Commitment to Implement the AfCFTA' (10 March 2025) <<https://www.sadc.int/latest-news/sadc-reaches-milestone-regions-commitment-implement-afcfta>> accessed 13 August 2025.

and how to leverage the framework. The significant majority of those trained are women and youth-led enterprises.<sup>267</sup> Within the SADC region, the five countries that are members of the Southern African Customs Union (SACU) have developed a SACU AfCFTA Tariff Schedule<sup>268</sup> and plan to develop an AfCFTA Implementation Strategy.<sup>269</sup>

The ECOWAS region has also been visible in driving the AfCFTA. In addition to developing an ECOWAS AfCFTA Tariff Schedule,<sup>270</sup> it also enables states within the ECOWAS region align their policies with the AfCFTA. An important initiative to advance the AfCFTA is the adoption of the ECOWAS Regional Strategy on the AfCFTA, adopted in 2023 in Guinea-Bissau.<sup>271</sup> The strategy focuses on deepening regional integration, harmonising member state priorities on the AfCFTA, promoting trade and product capacity, using the AfCFTA as a trade policy tool, and inclusion. With respect to inclusion, the strategy emphasises the need to ensure the AfCFTA benefits all, including women and youth.<sup>272</sup> To enable MSMEs to optimise opportunities under the AfCFTA, ECOWAS developed a guide in 2021.<sup>273</sup>

ECOWAS has also been significantly engaged in capacity building through national bootcamps for traders on how to take advantage of the AfCFTA. In Nigeria, it empowered 50 women traders over a six-month period with the knowledge and skills to enable them to engage in trade, and provided

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**267** Interview with Lynne Jongwe, Regional Coordinator, SADC Business Council (3 October 2025).

**268** Southern African Customs Union, 'Finalisation of the SACU Tariff Offer to AfCFTA and Ratification by the Republic of Botswana' (2023) <<https://www.sacu.int/uploads/documents/b21141b0cf1a39a36188e72e48ca76cf41ade2e2.pdf>> accessed 13 August 2025.

**269** Southern African Customs Union, 'Implementation AfCFTA in SACU' <https://www.sacu.int/what-we-do/key-projects/implementation-afcfta-in-sacu> accessed 13 August 2025.

**270** American Chamber of Commerce Ghana, 'ECOWAS AfCFTA Tariff Concession Schedule' (2021) <<https://amchamghana.org/download/ecowas-afcfta-tariff-concession-schedule/>> accessed 17 December 2025.

**271** Economic Community of West African States, 'The ECOWAS Commission Accelerates AfCFTA's Implementation in the ECOWAS Region' (4 September 2023) <https://ecowas.int/the-ecowas-commission-accelerates-afcftas-implementation-in-the-ecowas-region/> accessed 17 December 2025.

**272** Interview with Dr. Kolawole Sofola, Director, Trade ECOWAS Commission (3 October 2025).

**273** Economic Community of West African States (ECOWAS) and United Nations Development Programme (UNDP), Understanding the AfCFTA: Guide for Small and Medium-Sized Enterprises in the ECOWAS Region (2021) <<https://www.undp.org/africa/publications/understanding-afcfta-guide-small-and-medium-sized-enterprises-ecowas-region>> accessed 17 December 2025.

mentorship.<sup>274</sup> To further free movement, it has a robust framework that complements the African Free Movement Protocol.<sup>275</sup> Moreover, ECOWAS has a Labour Migration Strategy and Action Plan (2025–2035), which it validated in Ghana in May 2025.<sup>276</sup> One of the objectives of the Strategy is ‘promoting gender equality and empowering women migrant workers by enhancing the protection of their labour rights and ensuring gender responsiveness’.<sup>277</sup>

### 3.6 Notable Initiatives by AU Member States

As of 2025, 48 AU Member States have ratified the AfCFTA. At least 22 states have developed AfCFTA National Implementation Committees to give effect to the AfCFTA.<sup>278</sup> Notably, 50 countries have developed national implementation strategies on the AfCFTA.<sup>279</sup> It is important to note that some countries are developing AfCFTA national implementation strategies before ratifying the AfCFTA. For instance, Liberia and the Comoros ratified the AfCFTA after validating their national implementation strategies.<sup>280</sup> Also, while Sudan has yet to ratify the AfCFTA, it has developed a national implementation strategy with support from partners, including IGAD.<sup>281</sup>

<sup>274</sup> Interview with Dr. Kolawole Sofola (n 273).

<sup>275</sup> See Protocol A/P.1/5/79 Relating to Free Movement of Persons, Residence and Establishment (adopted 29 May 1979, entered into force provisionally 29 May 1979).

<sup>276</sup> African Union, ‘ECOWAS Validates Labour Migration Strategy to Strengthen Regional Mobility and Rights Protection’ (Press Release, 15 May 2025) <https://au.int/en/press-releases/20250515/ecowas-validates-labour-migration-strategy-strengthen-regional-mobility> accessed 17 December 2025.

<sup>277</sup> Economic Community of West African States (ECOWAS), ECOWAS Labour Migration Strategy and Action Plan (2025–2035) (Draft Report, May 2025) 35 [https://au.int/sites/default/files/documents/44767-doc-ECOWAS\\_Draft\\_Labour\\_Migration\\_Strategy.pdf](https://au.int/sites/default/files/documents/44767-doc-ECOWAS_Draft_Labour_Migration_Strategy.pdf) accessed 17 December 2025.

<sup>278</sup> Decision on the Report of the Secretary-General of the AfCFTA on the implementation of the AU Theme of the Year 2023 ‘Accelerating the implementation of the African Continental free Trade Area’ (n 84).

<sup>279</sup> Interview with Ms. Mahlet Girma Bekele (n 148).

<sup>280</sup> *ibid.*

<sup>281</sup> Intergovernmental Authority on Development (IGAD), ‘Draft National AfCFTA Strategy for Sudan Reviewed and Validated by Stakeholders’ (14 February 2022) <https://igad.int/draft-national-afcfta-implementation-strategy-for-sudan-reviewed-and-validated-by-stakeholders> accessed 13 August 2025.

Across all strategies, which began development in 2019, women and youth are included.<sup>282</sup> However, more recent strategies, developed after the Protocol on Women and Youth in Trade, integrate women and youth more robustly by leveraging the framework.<sup>283</sup> Notable countries in this regard are: Ethiopia, Seychelles, Cape Verde, Liberia, and Botswana.<sup>284</sup> Although the national strategies do not specifically mention human rights, they emphasise empowerment of these demographics as an imperative for government action. For instance, one of the strategic objectives of Namibia's AfCFTA National Implementation Strategy is to empower MSMEs, women, and youth-led businesses by providing them with enabling entry points into regional and continental markets.<sup>285</sup> The strategy recognises that one of the factors limiting Namibia's capacity to participate in regional and global markets is the lack of adequate skills among women and youth, limited support for export promotion, and limited financial access.<sup>286</sup> In response, the strategy emphasises empowering these demographics to take advantage of the AfCFTA.<sup>287</sup>

The Mauritius AfCFTA National Implementation Strategy also echoes the importance of considering 'gender-distinct barriers that limit the ability of women-owned businesses to leverage the benefits of export trade, in general, and specifically in the context of the AfCFTA.'<sup>288</sup> It highlights the importance of the Ministry of Gender Equality and Family Welfare through its National Women Entrepreneur Council as 'pivotal' for 'advocating the interests of women entrepreneurs'.<sup>289</sup>

Also, the government of Seychelles, in its AfCFTA National Implementation Strategy, outlines specific obligations it will undertake under the AfCFTA

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**282** Interview with Ms. Mahlet Girma Bekele (n 148).

**283** *ibid.*

**284** The strategies of these countries also integrate the Phase II protocols. Interview with Ms. Mahlet Girma Bekele (n 148).

**285** *Namibia National Strategy for Implementation of the Agreement Establishing the African Continental Free Trade Area* (2022–2027) 10.

**286** *ibid* 27–28, 39–40.

**287** *ibid* 41–42.

**288** Mauritius, *The Mauritian Strategy to Leverage Opportunities in the African Continental Free Trade Area (AfCFTA)* (2021) 90.

**289** *ibid.*

Protocol on Women and Youth. The government recognises that the Protocol requires Seychelles to take specific measures that support women and youth in trade to overcome challenges they face, so that they can benefit from the AfCFTA opportunities by setting up the institutional mechanisms needed to ensure that these categories effectively participate in digital trade and competition. This includes providing trade information, capacity building and training, promoting access to finance, supporting them in IP rights protection, promoting competitive and digital trade, and guaranteeing such categories an adequate participation in policy formulation and implementation. In this regard, based on the Protocol, a Ministerial Regulation on Preferential Market Access is being prepared, which is expected to help ease market access and other trading conditions for women and youth traders.<sup>290</sup> Another key issue emphasised in the AfCFTA national implementation strategies is job creation, which reinforces the right to work. For instance, this resonates in the AfCFTA national implementation strategies of Cameroon and Zambia.<sup>291</sup>

Environmental protection is also a key priority in national AfCFTA strategies. In Malawi's AfCFTA national implementations strategy, for instance, there is an emphasis on the fact '[i]n the context of the AfCFTA, use of biodegradable plastics, if produced and sold at affordable prices, can be a mitigation strategy for environmental degradation and climate change while at the same time enhancing value addition and competitiveness in international markets.'<sup>292</sup> The AfCFTA National Implementation Strategy of Côte d'Ivoire also reinforces the importance of sustainability, underscoring the fact that the AfCFTA can be a 'source of eco-development investments, such as the development of renewable energy.'<sup>293</sup>

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<sup>290</sup> Seychelles, *National AfCFTA Implementation Strategy* (2025) 58.

<sup>291</sup> See Cameroon, *National Strategy for the Implementation of the African Continental Free Trade Area* (2020); Zambia, *National Strategy for the Implementation of the Agreement Establishing the African Continental Free Trade Area* (2021).

<sup>292</sup> Malawi, *Africa Continental Free Trade Area (AfCFTA) National Strategy (2021–2026)* (2021) 43.

<sup>293</sup> Côte d'Ivoire, *National Implementation Strategy of the African Continental Free Trade Area Agreement (AfCFTA)* 33 <[https://www.cnzlecaf.gouv.ci/uploads/doc/Strategie\\_Nationale\\_de\\_mise\\_en\\_oeuvre\\_de\\_la\\_ZLECAf.pdf](https://www.cnzlecaf.gouv.ci/uploads/doc/Strategie_Nationale_de_mise_en_oeuvre_de_la_ZLECAf.pdf)> accessed 13 August 2025.

### 3.7 Pertinent Actions by Civil Society and Trade Unions

Since the adoption of the AfCFTA, there have been pertinent actions by civil society and trade unions. These actions are reflected across research and policy dialogues.

With respect to research, there has been significant knowledge creation on the AfCFTA and human rights across numerous institutions.<sup>294</sup> The ITUC-Africa, for instance, developed a study reflecting on a rights-based approach to trade from a trade union perspective.<sup>295</sup> NANHRI published a set of guidelines on mainstreaming human rights in AfCFTA,<sup>296</sup> which the African Commission, through the Chairperson of the WGEI, welcomed as a 'timely' development.<sup>297</sup> NANHRI has also conducted a survey on how national human rights institutions across the continent engage in trade, to provide momentum and increase their capacity in furtherance of the AfCFTA.<sup>298</sup> The studies by the Friedrich-Ebert-Stiftung (FES)

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**294** See Friedrich-Ebert-Stiftung, 'Report: Human Rights and the African Continental Free Trade Area: Taking Stock and Navigating the Way Forward' (May 2022) <https://library.fes.de/pdf-files/bueros/genf/19225.pdf> accessed 23 September 2025; Guillaume G erout and Ana is Cren-Larvor, 'Tariffs and Human Rights: A Pilot Analysis of the AfCFTA Tariff Schedules' (Friedrich-Ebert-Stiftung, January 2024) <https://library.fes.de/pdf-files/bueros/genf/20771.pdf> accessed 23 September 2025; Dominic N Dagbanja and Roslyn Ng'eno, 'Sustainable Development Under the AfCFTA Protocol on Investment' (ODI Global, 23 April 2025) <https://odi.org/en/publications/sustainable-development-under-the-afcfta-protocol-on-investment/> accessed 23 September 2025; Kwame S Ofori and Hod Anyigba, 'Human Rights-Based Approach to Trade in Africa: A Trade Union Perspective' (ALREI Policy Brief 005, February 2025) <[https://www.ituc-africa.org/IMG/pdf/policy\\_brief\\_afcfta\\_human\\_rights\\_in\\_trade\\_13dec2024.pdf](https://www.ituc-africa.org/IMG/pdf/policy_brief_afcfta_human_rights_in_trade_13dec2024.pdf)> accessed 23 September 2025; Tony Ojukwu, 'The AfCFTA and Human Security: Maximizing the Human Rights Potentials of Economic Integration in Africa' <https://afribar.org/wp-content/uploads/2023/08/PP-02-THE-AFCFTA-AND-HUMAN-SECURITY-MAXIMIZING-THE-HUMAN-RIGHTS-POTENTIALS-OF-ECONOMIC-INTEGRATION-IN-AFRICA.pdf> accessed 23 September 2025; Kiiza Africa, 'Assessing Five Years of the African Continental Free Trade Area (AfCFTA): Proposals on Potential Amendments' (South Centre Research Paper 215, 23 January 2025) <[https://www.southcentre.int/wp-content/uploads/2025/01/ResearchPaper215\\_Assessing-Five-Years-of-the-African-Continental-Free-Trade-Area-....pdf](https://www.southcentre.int/wp-content/uploads/2025/01/ResearchPaper215_Assessing-Five-Years-of-the-African-Continental-Free-Trade-Area-....pdf)> accessed 23 September 2025.

**295** Ofori and Anyigba (n 295).

**296** Network of African National Human Rights Institutions, Guidelines on Mainstreaming Human Rights in AfCFTA (2023) <<https://nanhri.org/docs/pdf/Guidelines%20on%20mainstreaming%20human%20rights%20in%20AfCFTA.pdf>> accessed 23 September 2025.

**297** *ibid* 9.

**298** Interview with Fuhara Charo, Lead (Business & Human Rights and Sustainable Oceans), Network of African National Human Rights Institutions (30 September 2025).

on human rights and the AfCFTA are also notable contributions. In 2017, FES developed an ex ante assessment of the AfCFTA with UNECA, providing policymakers with pertinent recommendations for the rights-based implementation of the AfCFTA.<sup>299</sup> A follow-up study was conducted in 2022, utilising 'colour-score cards' to assess areas' achievements, gaps, and overall opportunities for strengthened human rights efforts.<sup>300</sup> The Overseas Development Institute (ODI) has also provided significant support and capacity for AfCFTA implementation from a rights-based perspective, through evidence-based research, for instance, on the implementation of the Protocol on Women and Youth in Trade in Ghana.<sup>301</sup>

In policy dialogues, the NANHRI has provided a significant platform for stakeholders across both aisles to interact in advancing the AfCFTA from a rights-based lens.<sup>302</sup> Moreover, the Africa Prosperity Network is another important organisation engaged in policy discussions on the AfCFTA. Through its Africa Prosperity Dialogues, it provides a forum for discussion of the AfCFTA.<sup>303</sup> In 2023, its first-ever dialogue was on the AfCFTA. This dialogue focused on delivering prosperity through the continental trade. This dialogue brought together various stakeholders across governments, business associations, thought leaders, investors, civil servants, researchers, AU (including the AfCFTA Secretariat), and United Nations (UN) institutions. In this dialogue, there was a strong emphasis on the need for inclusion in facilitating intra-regional trade under the AfCFTA, with the participation of all groups, including women, youth, MSMEs, and traders.<sup>304</sup> Subsequent dialogues built on the first dialogue, focusing on value addition and the need to build infrastructure, including leveraging the youth demographic and fostering women's involvement in advancing

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**299** Friedrich-Ebert-Stiftung (n 295).

**300** *ibid.*

**301** ODI, 'Supporting Investment and Trade in Africa (SITA)' <https://odi.org/en/about/our-work/supporting-investment-and-trade-in-africa/> accessed 30 September 2025; Prachi Agarwal and others, 'Implementing the AfCFTA Women and Youth Protocol in Ghana' (ODI Global, August 2025) [https://media.odi.org/documents/Implementing\\_the\\_AfCFTA\\_Women\\_and\\_Youth\\_Protocol\\_in\\_Ghana.pdf](https://media.odi.org/documents/Implementing_the_AfCFTA_Women_and_Youth_Protocol_in_Ghana.pdf) accessed 30 September 2025.

**302** NANHRI (n 96); NANHRI (n 97).

**303** Interview with Mr. Godlove Lartey Asirifi, Chief Finance and Research Officer, Africa Prosperity Network (29 September 2025).

**304** *ibid.*

intra-regional trade.<sup>305</sup> The next dialogue for 2026 will specifically focus on the role of youth, women, and MSMEs in delivering on the single market. This will be done in collaboration with the AfCFTA Secretariat.<sup>306</sup>

There have also been notable actions by other civil society organisations (CSOs). For instance, PALU advocates for the adoption of the AfCFTA regime and, in 2018, held its annual conference on the AfCFTA, bringing together legal practitioners across the continent to examine pathways to advance the AfCFTA and free movement.<sup>307</sup> In 2023, the International Service for Human Rights organised a Non-Governmental Organisation Forum reflecting on the pertinence of integrating CSOs in the implementation of the AfCFTA for rights-based results.<sup>308</sup> A Civil Society Coalition for the AfCFTA also seeks to advance the implementation of the AfCFTA, advocating for the inclusion of women and youth-led businesses.<sup>309</sup> Trade unions have also been significantly engaged in the furtherance of the AfCFTA implementation from a rights-based lens. For instance, the Organisation of Trade Unions of West Africa has pushed for the integration of labour rights in the implementation of the AfCFTA.<sup>310</sup>

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**305** *ibid*; see Africa Prosperity Network, 'Africa Prosperity Dialogues Breakfast Meetings Set for 30 January 2025' (25 January 2025) <https://africaprosperitynetwork.com/africa-prosperity-dialogues-breakfast-meetings-set-for-30-january-2025/> accessed 29 September 2025.

**306** Interview with Mr. Godlove Lartey Asirifi (n 304).

**307** Interview with Mr. Don Deya, Chief Executive Officer, Pan African Lawyers Union (5 October 2025).

**308** International Service for Human Rights, 'NGO Forum: Enhancing Civil Society Engagement with the AfCFTA' (27 October 2023) <https://ishr.ch/latest-updates/ngo-forum-enhancing-civil-society-engagement-with-the-afcfta/> accessed 29 September 2025.

**309** Ghana News Agency, 'Civil Society Coalition for AfCFTA Marks One Year of Impact' (26 March 2025) <https://gna.org.gh/2025/03/civil-society-coalition-for-afcfta-marks-one-year-of-impact/> accessed 29 September 2025.

**310** Nelly Nyajah, 'Trade Integration Requires Worker Mobility' (ITUC-Africa, 11 September 2025) <https://tradeunionsinafcfta.org/trade-integration-requires-worker-mobility/> accessed 29 September 2025.

### 3.8 Technical Support from International Partners

International partners are also involved in implementing the AfCFTA to further human rights. The United Nations Development Programme (UNDP) and Office of the United Nations High Commissioner for Human Rights (OHCHR), for instance, have been significantly involved in implementing the AfCFTA through various activities. A pertinent initiative is the African Business and Human Rights (BHR) Forum, which provides a platform for discussion among stakeholders on business and human rights issues across the continent.<sup>311</sup> Since 2022, when the BHR Forum started, there have always been panel sessions on the AfCFTA.<sup>312</sup> A significant focus of discussion of the forum is the AfCFTA and its potential in driving regional integration and strengthening action on human rights protection.

UNCTAD has also been engaged in enabling the integration of environmental protection within national AfCFTA implementation strategies.<sup>313</sup> Further, the International Trade Centre provided support in the establishment of the ATO along with the EU. Moreover, the World Customs Organization has also provided significant support for the implementation of the AfCFTA, particularly in addressing custom barriers and strengthening the capacities of national custom services.<sup>314</sup> Another pertinent initiative, led by the UNDP, is the 'HerAfCFTA initiative', which seeks to advance the inclusion of women in intra-regional trade.<sup>315</sup> The UNDP also engages in knowledge generation and training, for instance, through the Futures Report and the Youth Alliance for Leadership and

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**311** Interview with Mr. Ononuju S Okwararogoma, Programme Analyst, United National Development Programme (8 October 2025); African Business and Human Rights Forum, 'Agenda 2025' <<https://www.bhrafricaforum.org/agenda2025>> accessed 1 October 2025.

**312** Interview with Mr. Ononuju S Okwararogoma (n 312). At the 2025 BHR Forum, there was also a specific panel on the AfCFTA co-organized by the OHCHR, RWI, and KAS.

**313** United Nations Conference on Trade and Development (UNCTAD), 'Inclusion of Green Initiatives in AfCFTA National Implementation Strategies of 20 African Countries' <<https://unctad.org/project/inclusion-green-initiatives-afcfta-national-implementation-strategies-20-african-countries>> accessed 30 September 2025.

**314** 'WCO, AfCFTA deepen partnership to tackle barriers' *TrustTV News* 6 November 2025.

**315** United Nations Development Programme (UNDP) Nigeria, 'HerAfCFTA Initiative' <<https://www.undp.org/nigeria/herafcfta-initiative>> accessed 30 September 2025.

Development in Africa Umoja Africa Campaign Short Course, enabling youth gain knowledge on the AfCFTA and how to leverage the continental arrangement for their empowerment.<sup>316</sup> Moreover, the Youth in Trade Innovation Challenge empowers young people to take advantage of the AfCFTA. The programme has given young people an opportunity to scale their businesses, while providing market access and networking opportunities through the IATF.<sup>317</sup>

There have also been notable initiatives by the United Nations World Tourism Organization (now rebranded as UN Tourism) and the International Labour Organization (ILO). For instance, the World Trade Organization collaborates with Africa Tourism Partners to host the African Youth in Tourism Innovation Challenge, which fosters the participation of African youth in the tourism services sector.<sup>318</sup> The programme provides mentorship, market access, and financial capital to enable young people to engage in the tourism services sector in furtherance of intra-regional trade. ILO also provides significant support, particularly through its involvement in labour mobility, in seeking to foster synergies between the AU Free Movement Protocol and the AfCFTA. It also launched the Youth Empowerment Strategy for Africa (YES-Africa) in collaboration with the AU Commission, with the aim of enabling decent work for Africa's youth population.<sup>319</sup>

Other important schemes such as the Team Europe Technical Assistance Facility (TE-TAF) also contribute towards the implementation of AfCFTA. Operated through the Team Europe<sup>320</sup> initiative – a collaborative approach

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**316** See AfCFTA Secretariat and UNDP (n 141); YALDA Network, 'YALDA AfCFTA Umoja Africa Campaign Short Course – Module 1 May 2022' (YouTube, 31 May 2022) <<https://www.youtube.com/watch?v=mV52ErVMetM>> accessed 30 September 2025.

**317** United Nations Development Programme (UNDP), 'Youth in Trade Challenge: Propelling Youth-Led Economic Integration Through the AfCFTA' (30 August 2023) <<https://www.undp.org/africa/news/youth-trade-challenge-propelling-youth-led-economic-integration-through-afcfta>> accessed 30 September 2025.

**318** 'Africa Youth in Tourism Innovation Summit and Challenge' <<https://youthtourismsummit.com>> accessed 30 September 2025.

**319** International Labour Organization (ILO), 'AU-ILO Youth Employment Strategy for Africa (YES-Africa)' <<https://www.ilo.org/yes-africa>> accessed 30 September 2025.

**320** The Team Europe consists of the EU and specific EU member states including: Belgium, Finland, Germany, Italy, Sweden, Denmark, France, Ireland and Netherlands.

by the EU, its member states, and financial institutions to coordinate development and external actions for greater impact – the TE-TAF provides support that aims to complement the capacities of the AfCFTA Secretariat as well as the AU Commission and relevant RECs.<sup>321</sup> Further to strengthening the technical capacities of African countries and institutions to successfully implement the AfCFTA and gradually step towards a single market, the EU Team Europe initiative also advances the integration of human rights standards in the implementation of trade agreements.

Generally, interventions through the Official Development Assistance (ODA) scheme are known to provide support to the AfCFTA with a typical focus on inclusive development and an emphasis on women and youth as mentioned above. Actors such as The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) also support AfCFTA's implementation by offering technical assistance and strategic advice to the AfCFTA Secretariat and the AU Commission and by providing tailored support to selected RECs, government institutions, civil society and private sector actors (including MSMEs), in areas such as digital trade, investment and intellectual property rights.<sup>322</sup> Moreover, it supports multistakeholder engagement and the deployment of technical support to strengthen the institutional capacity towards the implementation of the AfCFTA.<sup>323</sup>

### 3.9 Business Sector

The business sector approached AfCFTA implementation from a rights-based perspective. In this regard, the Pan-African Chamber of Commerce and Industry (PACCI) has been particularly significant. PACCI is Africa's foremost chamber with more than 50 African chambers of commerce.

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**321** Fundación para la Internacionalización de las Administraciones Públicas (FIAP), 'TE-TAF Support to the AfCFTA and Continental Economic Integration' <[https://www.fiap.gob.es/en/proyectos\\_fiiapp/te-taf-para-apoyar-el-afcfta-y-la-integracion-economica-continental-africana/](https://www.fiap.gob.es/en/proyectos_fiiapp/te-taf-para-apoyar-el-afcfta-y-la-integracion-economica-continental-africana/)> accessed 30 September 2025.

**322** GIZ, 'Facilitating the Growth of Intracontinental Trade in Africa' <<https://www.giz.de/en/projects/support-african-continental-free-trade-area-afcfta-ii>> accessed 30 January 2026.

**323** GIZ, 'Creating one African Market: Implementation of the African Continental Free Trade Area' (2020) <[https://africatradeagreements.tn/wp-content/uploads/2024/11/doc1-AfCFTA\\_CREATING-ONE-AFRICAN-MARKET.pdf](https://africatradeagreements.tn/wp-content/uploads/2024/11/doc1-AfCFTA_CREATING-ONE-AFRICAN-MARKET.pdf)> accessed 28 January 2026.

One of the ways it engages in this process is through its biennial Prosperity Africa conference, which provides a platform for stakeholder engagement across the continent, including MSMEs, women, and youth-led enterprises.<sup>324</sup> Another way through which it engages in this process is through capacity building on the AfCFTA, particularly for the business sector. In 2024, it launched a Certification Course on the AfCFTA Implementation Capacity in partnership with the University of Nairobi.<sup>325</sup> The next cohort will start in November 2025.<sup>326</sup>

Additionally, PACCI advances the AfCFTA from a rights-based perspective through knowledge generation. This is notably achieved through its briefs (called policy pointers), which provide brief reflections on key action areas for translating trade into action.<sup>327</sup> In August 2024, it published a brief on enhancing the role of women and youth in the furtherance of the AfCFTA, reinforcing the need for an enabling trade environment that provides support for women and youth-led enterprises to participate in trade.<sup>328</sup> In September 2024, it further provided a significant critique of the AfCFTA Competition Policy, observing that it lacked a 'clear focus on inclusive

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**324** Pan African Chamber of Commerce and Industry (PACCI), '6th Prosperity Africa 2024' <https://pacci.org/prosperityafrica/> accessed 29 September 2025; Pan African Chamber of Commerce and Industry (PACCI), *Prosperity Africa 2024 Summary Report (2024)* <<https://www.pacci.org/wp-content/uploads/2024/12/Prosperity-Africa-2024-Summary-Report.pdf>> accessed 30 September 2025.

**325** University of Nairobi, 'Certificate Training on AfCFTA Implementation Capacity' <https://eskills.uonbi.ac.ke/course/index.php?categoryid=8> accessed 29 September 2025.

**326** Interview with Wincate Muthini, Senior Program Manager, Pan African Chamber of Commerce and Industry (1 October 2025).

**327** *ibid.*

**328** In the brief, PACCI emphasized the need for specific measures to enhance the Protocol on Women and Youth in Trade including the need to '(a) establish a Continental MSME Development Fund to provide direct financial support and technical assistance to women and youth-led businesses, particularly in underserved regions; (b) create preferential trade schemes and incentives that encourage large corporations to source goods and services from women and youth-led businesses, fostering greater market integration; (c) implement regional value chain development programs to help women and youth access high-value sectors such as manufacturing, agriculture, and services; (d) promote public-private partnerships (PPPs) that engage the private sector in capacity-building initiatives for women and youth in trade; (e) monitor and evaluate the protocol's implementation through regular reporting and consultations with women and youth-led business associations to ensure that their voices are heard and their needs are addressed.' See Pan African Chamber of Commerce and Industry (PACCI), 'AfCFTA: PACCI's Perspective' (Policy Pointer, August 2024) <<https://www.pacci.org/wp-content/uploads/2024/12/Enhancing-the-Role-of-Women-and-Youth-in-Afcfta-min.pdf>> accessed 29 September 2025.

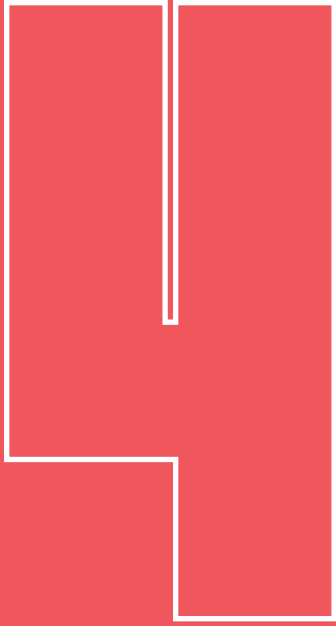
growth' and also noted that it 'does not provide enough safeguards to ensure that ... marginalized groups are integrated into the new trade landscape'.<sup>329</sup> Notably, it recommended a continent-wide programme that can equip women and youth with the requisite capacity to operate within the AfCFTA ecosystem.

Another pertinent way in which PACCI advances the AfCFTA from a rights-based lens is through sensitising its members to the Charter on the Private Sector Bill of Rights.<sup>330</sup> PACCI is engaged in sensitising its African chambers of commerce on the need to adopt the private sector bill of rights to create an enabling environment for the private sector to implement the AfCFTA.

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**329** Aminou Akadiri and Wincate M Muthini, 'Addressing the Shortcomings of the AfCFTA Competition Policy' (Policy Pointer, September 2024) <[https://www.pacci.org/wp-content/uploads/2024/12/New\\_PACCI\\_Perspective\\_on\\_the\\_AfCFTA\\_Protocol\\_AfCFTA-Competition-Policy-min.pdf](https://www.pacci.org/wp-content/uploads/2024/12/New_PACCI_Perspective_on_the_AfCFTA_Protocol_AfCFTA-Competition-Policy-min.pdf)> accessed 29 September 2025.

**330** Interview with Wincate Muthini (n 331); see also Pan African Chamber of Commerce and Industry (PACCI), 'Charter on Private Sector Development, Rights and Protection Environment in Africa: Private Sector Bill of Rights (PSBoR) for an Enabling Business Environment in Africa' (October 2023) <<https://www.pacci.org/wp-content/uploads/2023/12/PSBoR-Charter-October-2023.pdf>> accessed 1 October 2025.



# Building Momentum

While the institutional landscape on the AfCFTA with respect to human rights is promising, there are significant gaps and a need for more concrete action. In building momentum, this section examines the entry point for action and the risks and challenges that need to be addressed to enable the implementation of the AfCFTA from a rights-based lens.

## 4.1 Entry Points for Action

There are four crucial entry points for action:



The first area is with respect to the empowerment of MSMEs (primarily women and youth). This is evident, for instance, in AUDA-NEPAD's MSME initiative. Through a mix of training, financial support, and market access, more than 3 million people have benefited from the initiative, with about 84 million mobilised in financial support for the benefit of MSMEs. The project provides an important entry point for integrating human rights. Specifically, AUDA-NEPAD can be supported in integrating human rights across the four arms of the MSME initiative: Academy, Finance, Marketplace and Digital Platform. In addition to the AUDA-NEPAD's MSME initiative, the AU Commission's MSME initiatives also provide an important entry point. Specifically, the AU Youth Start-Up Programme, AWIP and the EAN provide skills and market access to MSMEs across the continent (particularly women and youth-led enterprises). Currently, the EAN is

being evaluated, with 20 MSMEs being reviewed.<sup>331</sup> What is evident from the review is that participants in the programme have significantly gained access to markets and investment opportunities. The inaugural cohort started in 2024,<sup>332</sup> with the aim of building the capacity of MSMEs for export-readiness to take advantage of the AfCFTA on a plethora of issues, including conformity assessment, standard harmonisation, IP, marketing, and branding. The EAN also primes entrepreneurs to attract investors at the IATF.<sup>333</sup> One of the cohorts in this initiative, through the programme's mentorship and capacity building, received a \$25,000 grant to implement a project in Uganda to teach IDP women to use banana fibres to make handicrafts.<sup>334</sup> However, achieving a more rights-based impact through these initiatives will require supporting the AU Commission in building a rights-based evaluation and implementation model. With the EAN, for instance, this can start with the ongoing review process.

The second area is access to trade information. Within this context, the ATO, housed by AU-ETTAM, is a crucial innovation. The ATO responds to the gap in trade information, which is an imperative for market access. This initiative is a direct consequence of the adoption of the AfCFTA in Kigali. The development of the ATO is currently phased. The first phase focuses on trade in goods (mainly cross-border trade intelligence, including market access information and applicable tariffs). The project is moving into its next phase on trade in services. This presents an important opportunity to design a rights-based system. In its current design, there is no explicit reference to human rights. However, in the next phase, which begins in 2026 and focuses on trade in services, there is an opportunity to support the AU Commission in developing the ATO to integrate human rights. In addition to ensuring that human rights are integrated into trade information, human rights should also feature in the design of the digital interface, particularly to facilitate access for persons with disabilities. In its current form, this information may be difficult for persons with visual

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**331** Interview with a staff of African Union Commission (23 September 2025).

**332** African Union (n 108).

**333** *ibid.*

**334** Interview with a staff member of the African Union Commission (n 100).

impairments to access, as it is not readily available in a digital format that accommodates their needs.

The third area is inclusive trade policies. This is primarily reflected in the specific inclusion of women and youth in AfCFTA national implementation strategies, following the adoption of the Women and Youth in Trade Protocol. Some countries may be in the process of updating their action plans due to the lapse of the existing action plans.<sup>335</sup> These strategies provide a critical normative space to ensure the inclusion of human rights norms in the domestic implementation of the AfCFTA. The Private Sector Bill of Rights is another important entry point. This Bill seeks to create an enabling environment for private sector engagement with the AfCFTA. Another important entry point is the draft AU Policy on BHR. This draft Policy was developed prior to the AfCFTA. However, it anticipated the AfCFTA, incorporating the need to integrate BHR into trade norms and action plans. The policy is yet to be adopted. One reason for the slow pace of policy adoption is the absence of technical support within the AU Commission, particularly for the policy-making process. Providing support to the AU Commission to galvanise action is crucial. In the furtherance of this, the draft Policy can be revised to incorporate the AfCFTA, particularly expanding on the Investment Protocol and its human rights provisions.

The fourth area is platforms for engagement and institutional collaboration. Increasingly, stakeholders are developing platforms for engagement on the AfCFTA with human rights implications. Significant entry points are the IATF, Africa Prosperity Dialogues, PACCI's Prosperity Africa conference, and NANHRI Policy Dialogues. However, a significant gap relates to engagements between continental and national trade institutions.

Specifically, African human rights institutions need to engage with the AfCFTA Secretariat and vice versa. A crucial entry point is the African Commission Working Group on Economic, Social and Cultural Rights' general comment on the right to development. Another pertinent entry point

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<sup>335</sup> For instance, countries that developed AfCFTA National Implementation Strategies between 2019 and 2021 (including Algeria, Congo Brazzaville, DRC, Malawi, Mauritania, Sierra Leone, Zimbabwe, and Togo).

is in the African Commission and ACERWC human rights (and child rights) impact assessment tools. Both institutions have adopted resolutions on the need for rights-based implementation of the AfCFTA. The institutions can be supported in developing these tools with respect to the AfCFTA regime. The Investment Protocol can serve as a crucial starting point.

At the national level, the national AfCFTA implementation committees are an important entry point. Furthermore, there needs to be an inclusive space for rights-based institutions to participate (including national human rights institutions (NHRIs), labour and trade unions, and civil society). There are some notable instances of research-based dialogue that need to be continued and multiplied. For instance, NANHRI Policy Dialogues, the Business and Human Rights Forum, and studies supported by FES, ATPC, ODI Global, and ITUC-Africa. However, having more of these studies is critical in driving synergies between trade and human rights. It is important that continental trade and human rights institutions also lead these studies. For this purpose, there is a need for structure to enable frequent interactions between both communities. A crucial starting point is to establish trade and human rights desks within institutions across both aisles.<sup>336</sup>

## 4.2 Risks and Challenges

There are risks and challenges that also need to be addressed to ensure that the AfCFTA is properly implemented through a rights-based lens. Four of these are identified in this section.

The first issue that needs to be addressed is the marginalisation of specific groups in the AfCFTA implementation. Many of the institutional actions are centred on women and youth. While the focus on these groups is imperative and must be continued, there is an obvious exclusion of other groups captured within the African human rights system, specifically PWDs, children, and older persons. To mitigate the risk of marginalisation,

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336 Ojukwu (n 294).

significant attention needs to be given to these groups during AfCFTA implementation.

The second issue that needs to be addressed is the fragmentation of standards. This is across two fronts. First, there is potential for fragmentation in the understanding of norms. For instance, in the trade space, the integration of women and children into trade policies is conceptualised through an inclusion lens that is not always rights-centred. However, there are human rights standards applicable to these groups across AU Member States that ought to be included. A second level of risk is with institutional action on similar issues. Take, for instance, the PAP is developing a Model Law on Labour Migration (Model Law). ECOWAS adopted a labour migration strategy for 2025–2035. However, it is unclear to what extent the two strategies are synergised, particularly given that countries in the region will need to leverage both in framing their national policies. Such potential for fragmentation affects the effective implementation of standards.

The third issue is the absence of formal collaborations between the AfCFTA Secretariat and the AHRMs. Both institutions appear to work in silos. And there is limited interaction between them. This is a challenge that stakeholders in the human rights context at the national level also face, particularly national human rights institutions when engaging with national AfCFTA implementation committees. The absence of formal structures makes synergistic actions daunting. And the consequence of this is that the institutions mandated to implement the AfCFTA and human rights norms do not work collaboratively to expound on how both regimes should be interpreted. To bridge this gap, it is recommended that a formal memorandum of understanding (MOU) be developed. This can provide the necessary basis for interaction and solidify the relationship between the two institutions. Beyond the MOU, it is crucial to create engagement platforms through joint workshops, seminars, and events.

The fourth issue is the silo in the institutional interaction on the free movement protocol vis-à-vis the AfCFTA regime. Under the Abuja Treaty, free movement of goods, services, and persons was contemplated. However,

the eventual separation of the African Free Movement Protocol from the AfCFTA regime on goods and services has created an institutional silo. While it is laudable that the African Free Movement Protocol is being implemented by the AU Commission, placing the Protocol within the institutional ambit of the AfCFTA Secretariat is crucial to ensure that the free movement of goods, services, and persons is accorded equal emphasis in trade liberalisation rhetoric. Addressing this challenge will require an emphasis on both regimes as co-dependent. Moreover, it is crucial to establish a dedicated office within the AfCFTA Secretariat to facilitate this synergy.

### 4.3 Directions for Further Research

While this study is an important first step toward examining the AfCFTA regime through a rights-based lens, several pertinent areas for further research and analysis have been identified. This section highlights three areas for further research.

The first area for further research is focusing on the AfCFTA National Implementation Committees. These committees are important platforms for implementing the AfCFTA, which is currently being developed across AU Member States. Given their responsibility for national implementation of the AfCFTA, it will be crucial to examine how their actions advance human rights in this process. As such, an in-depth reflection of these mechanisms and how they integrate, advance, and interpret human rights in their actions is crucial.

The second area for further research is an in-depth focus on specific groups. In essence, it is important to examine the AfCFTA through specific group-based lenses, with a focus on stakeholders within these spaces. For instance, further research is needed in considering the AfCFTA through a disability rights lens. Moreover, there is a need to strengthen the gender dimensions of the discussion on the AfCFTA, leveraging on the AfCFTA Protocol on Women and Youth and specifically, rights-related frameworks

at various governance levels, including the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

A third area for further research is the analysis of how access to remedies can be strengthened in the furtherance of human rights–AfCFTA relations. This analysis will be crucial across various governance levels, particularly at the national level, with a focus on the AfCFTA dispute settlement mechanisms and the jurisprudence from AHRMs in subsequent periods.



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Charo F, Lead (Business & Human Rights and Sustainable Oceans), Network of African National Human Rights Institutions (30 September 2025)

Desta M, Coordinator, African Trade Policy Centre (UNECA) (8 August 2025)

Deya D, Chief Executive Officer, Pan African Lawyers Union (5 October 2025)

Gildas G, Programme Officer, AfCFTA Secretariat Liaison Office at the AU Commission (11 August 2025)

Hove VS, Trade Expert, Common Market for Eastern and Southern Africa (COMESA) Secretariat (6 October 2025)

Jongwe L, Regional Coordinator, SADC Business Council (3 October 2025)

Kanyimbo P, Regional Integration Coordinator, African Development Bank East African Regional Hub (RDGE) (13 August 2025)

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Mureverwi B, Senior Trade Advisor, ETTIM, AU Commission (5 August 2025)

Muthini W, Senior Program Manager, Pan African Chamber of Commerce and Industry (1 October 2025)

Nyakatawa JH, Economic Affairs Officer, African Trade Policy Centre (UNECA) (8 October 2025)

Okwararogoma OS, Programme Analyst, United National Development Programme (8 October 2025)

Olomo PN, Acting Director, Economic Development, Integration and Trade and Head of Economic Policy, AU-ETTIM (31 July 2025)

Sefah B, Programme Officer, ECOSOCC (9 August 2025)

Sofola K, Director, Trade ECOWAS Commission (3 October 2025)

Staff member of the African Union Commission (3 August 2025)

Staff member of the African Union Commission (23 September 2025)

Takpara M, Trade Policy Analyst, African Trade Policy Centre (UNECA) (7 August 2025)

Utomi P, Trade Policy Advisor, Afreximbank (13 August 2025)

# Annex I: List of Organisations Interviewed

AfCFTA Secretariat

Afreximbank

Africa Prosperity Network

African Commission on Human and Peoples' Rights

African Committee of Experts on the Rights and Welfare of the Child

African Development Bank

African Trade Policy Centre

African Union Commission

African Union Development Agency

Common Market for Eastern and Southern Africa

Economic Community of West African States

Economic, Social and Cultural Council

Network of African National Human Rights Institutions

Pan-African Chamber of Commerce and Industry

Pan-African Lawyers Union

Pan-African Parliament

Southern African Development Community (Business Council)

United Nations Development Programme

# Annex II:

## Questions for Interviews

With respect to the political institutions, there are seven specific institutions, namely: the AU Assembly, the AU Executive Council, the Permanent Representative Council, the Specialised Technical Committee, the AU Commission, the Pan-African Parliament, and ECOSOCC. For the AU Assembly, AU Executive Council, PRC, Specialised Technical Committee, and AU Commission, questions are posed to the AU Commission, given that they serve as the secretariat of these institutions. Specifically, the questions that guide the interview are:

- ❓ **What initiatives are being taken to further the AfCFTA and its Protocols?**
- ❓ **What have been the successes/impacts of these initiatives?**
- ❓ **Are human rights frameworks considered when developing these initiatives? And how?**
- ❓ **Do you work specifically with any of the human rights institutions or departments?**

With respect to the trade-specific institution in Africa, the primary institution that is considered is the AfCFTA Secretariat. The AfCFTA Secretariat is the primary institution saddled with the implementation of the AfCFTA and its protocols at various governance levels. Specifically, the questions that guided the interviews were:

- ❓ **What initiatives are being taken to implement the AfCFTA and its protocols through a rights lens?**
  - ❓ **Protocol on Trade in Goods: What is your institution doing to address non-tariff barriers to trade in goods?**
  - ❓ **Protocol on Trade in Services: What is your institution doing to address barriers to trade in services?**

- ❓ Digital Trade Protocol: What is your institution doing to promote participation in digital trade, and how are you protecting personal data?
- ❓ Investment Protocol: What is your institution doing to protect local populations in investment across Africa?
- ❓ Competition Protocol: What specific initiatives are you taking to counter unfair trade practices and ensure entrants trade?
- ❓ IP Protocol: What specific initiatives are you taking to protect IP Right holders across Africa?
- ❓ Protocol on Women and Youth in Trade: What is your institution doing to specifically *ensure non-discrimination and foster participation of women and youth in trade?*
- ❓ **What have been the successes/impacts of these initiatives?**
- ❓ **Are human rights frameworks considered when developing these initiatives? And how?**
- ❓ **Do you work specifically with any of the human rights institutions or departments?**

The third category of institutions that will be considered is: trade-related institutions in Africa. These include: Afreximbank, African Trade Policy Centre (ECA), African Development Bank (AFDB), and AUDA-NEPAD. Specifically, the questions that guided the interviews were:

- ❓ **What initiatives are being taken to further the AfCFTA in achieving regional economic integration?**
- ❓ **What have been the successes/impacts of these initiatives?**
- ❓ **Are human rights frameworks considered when developing these initiatives? And how?**
- ❓ **Do you work specifically with any of the human rights institutions or departments?**

The fourth category of institutions that is considered were: regional human rights institutions in Africa. Specifically, the questions that guided the interviews were:

- ❓ **What initiatives are you undertaking to further the AfCFTA through a human rights-based lens?**
- ❓ **What have been the successes/impacts of these initiatives?**
- ❓ **Do you work specifically with any of the trade institutions or departments?**

The fifth category of institutions that are considered are: sub-regional institutions. The questions that guided the interview were:

- ❓ **What initiatives are being taken to further the AfCFTA across your regional economic community?**
- ❓ **What have been the successes/impacts of these initiatives?**
- ❓ **Are human rights frameworks considered when developing these initiatives? And how?**
- ❓ **Do you work specifically with any of the human rights institutions or departments?**



