



# POSITIONING THE EAC PRIVATE SECTOR TO TAKE ADVANTAGE OF THE AFRICAN CONTINENTAL FREE TRADE AREA (AfCFTA).

## Executive Summary

Regional integration in Africa was envisioned since the early days in the formation of the OAU as a means to sustainably develop African economies through enhancing competitiveness. This agenda was then furthered through the Lagos Plan of Action and was given legal grounds through the Abuja treaty which provided the vision to eventually establish an African Economic Community (AEC) through set stages.

African Continental Free Trade Area (AfCFTA) is a crucial stage in achieving this objective through creating a liberalized single market for goods and services for deeper economic integration of the African continent and in accordance with the vision of Agenda 2063. Upon its operationalization in accordance to the ratifications by AU member states, various frameworks covering Trade in Goods and Services, Investment, Intellectual Property Rights and Competition Policy are currently being negotiated. The agreement has significant opportunities for the private sector through such as larger market and industrial development through economies of scale and cheaper access to raw materials and intermediate goods. Similarly, the agreement provides for a framework of implementing trade facilitation measures and resolving non-tariff barriers which will serve as an incentive to the private sector through reduced costs.

The continental Private sector as the main beneficiaries of the agreement has to be coordinated through the formation of the African Business Council which will aggregate and articulate the views of the private sector in the continental policy formulation processes. Also, the agreement needs to be aligned to the existing framework of the TFTA to ensure there is synergy in taking advantage of the opportunities.

## 1. Overview

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The East African Business Council (EABC) is the regional apex body for the private sector in the EAC, comprising Burundi, Kenya, Rwanda, Tanzania, Uganda and South Sudan. EABC's mission is to promote sustainable private sector-driven growth. EABC provides a regional advocacy platform with observer status in the EAC decision making organs. EABC aims to unlock the economic potential of the region through increased physical access to markets, enhanced trade environment and improved business competitiveness at regional, continental and international levels.

To strengthen the role of EABC in advocating for a stronger private sector in the EAC regional integration agenda, EABC entered in a partnership with GIZ-EAC under the GIZ Program on 'Support to East African Market Driven and People-Centered Integration'.

In this partnership, EABC works closely with the EAC Secretariat, Partner States and the in various activities aimed at increasing the competitiveness of business operators (members) in the EAC and organizes events to collect policy issues that need regional advocacy.

This paper, therefore, seeks to address the evident need for private sector in East Africa to have an informed and harmonised position on African Continental free Trade issues. It gives clarity on the status of negotiations and ratification process of the AfCFTA, its benefits to the private sector, mechanisms for the implementation in light of the private sector, the alignment of the implementation of Tripartite Free Trade Area in tandem with the AfCFTA and finally the need for the establishment of an African Business Council.

## 2. Background and context

### 2.1 Regional Integration in Africa

Regional integration has remained a key objective pursued by many African countries as a means to sustainably develop economies through enhancing competitiveness. The genesis of regional integration at the continental level was envisaged in the 1980 Lagos Plan of Action for Economic Development in Africa during the early days of the formation of the Organization of African Unity (OAU). The plan shaped the political commitment that was deemed necessary for the success of measures (Food and Agriculture, Industry, Natural resources, Human resource development, Science and Technology, Transport and Communications, Trade and Finance and others) put in place to achieve rapid self-reliance and self-sustaining development and economic growth. Following this, its importance was later reaffirmed and given legal grounds through the 1991 Abuja Treaty which developed the vision of establishing the African Economic Community (AEC).

The objective of the treaty was to provide a gateway to gradually establish an African Common Market through adopting common policies and ensuring Integration of all sectors, including the establishment of an African Central Bank and a single African currency, setting up of an African Economic and Monetary Union and creating and electing the first Pan-African Parliament. This was to be achieved through the set stages which are:

- Strengthening the existing Regional Economic Communities (RECs) and creating new ones in regions where they do not exist.
- Liberalizing tariffs and removing non-tariff barriers in each REC.
- Establishing a Free Trade Area and customs union (with a common external tariff and single territory) in each REC.
- Coordinating and harmonizing tariff and non-tariff systems among RECs with a view of establishing a continental customs union.
- Establishing an African common market.

- Establishing the African Economic Community (AEC), including an African Monetary Union and a Pan-African parliament.

In furthering the regional integration agenda, various continental initiatives have been put in place including the 2000 Constitutive Act of the African Union, Protocol on Relations between the AEC and Regional Economic Communities, Agenda 2063, the 2012 Boosting Intra-African Trade action plan and the recently signed 2018 agreement establishing the African Continental Free Trade Area (AfCFTA). Despite these initiatives, the success of integrating Africa is highly dependent on the status of existing Regional Economic Communities which will form as building blocks to establishing the African Economic Community (AEC). Formed and operating independently, RECs in Africa differ in terms of structure, priorities, activities and the level of integration but they are all driven by the same objective of driving efficiency and enhancing competitiveness for socio-economic development.

Despite this, intra-Africa trade is still relatively low at levels of not more than 15% and this can change if Africa effectively addresses supply-side constraints and weak productive capacities, infrastructural bottlenecks, trade information networks, access to finance for businesses, facilitation of trade in services and free movement of people for cross border trade. Globally, countries are concluding Mega-Regional Trade Agreements (MRTAs), thus reshaping and changing the global trading landscape in the process. The establishment of the AfCFTA will allow Africa to strengthen its position vis-à-vis the rest of the world, speak with one voice and act in unison on all continental and international trade issues.

The agreement is, therefore, a crucial stage in realizing the vision of establishing an African Economic Community (AEC) which is set to have the following objectives:

- I. Promotion of economic, social and cultural development and the integration of African economies for the enhancement of economic self-reliance and promote and self-sustained development;
- II. Establishment of a framework for developing, mobilizing and utilizing the resources of the continent.
- III. Promotion of cooperation to raise the standard of living of Africans, and enhancing economic stability, development and the economic integration of the Continent; and
- IV. Coordinating and harmonizing policies that will spearhead the regional integration agenda.

## **2.2 State of Play of the AfCFTA**

The AfCFTA is intended to include all 55 Member States of the African Union (AU), making it the world's largest free trade area since the formation of the World Trade Organization. Currently, 54 AU Member States have demonstrated commitment through signing the agreement which shows consensus in driving the continental regional Agenda.

The general objectives of the agreement as set out in Article 3 are:

- Creation of a single market for goods, services, facilitated the free movement of persons for deeper economic integration of the African continent and in accordance with the vision of Agenda 2063;
- Creation of a liberalized market for goods and services through successive rounds of negotiations;
- Contribution to the movement of capital and natural persons and facilitation of investments building on the initiatives and developments in the State Parties and RECs;
- Laying the foundation for the establishment of a Continental Customs Union;
- Promotion and attainment of sustainable and inclusive socio-economic development, gender equality and structural transformation of the State Parties

In terms of ratification, the Agreement establishing the African Continental Free Trade Agreement (AfCFTA) was entered into force on 30 May 2019 after meeting the threshold. This is in line with Article 23 of the Agreement, which guides the entry into force after the 22nd instrument of ratification is deposited with the Chairperson of the African Union Commission (AUC) – the designated depositary for this purpose. The operational phase of the AfCFTA was launched at the Niamey Extraordinary Summit of Heads of State and Government of the AU on July 7, 2019.

Since then, 30 countries have now ratified the AfCFTA Agreement which are Ghana, Kenya, Rwanda, Niger, Chad, Congo Republic, Djibouti, Guinea, eSwatini (former Swaziland), Mali, Mauritania, Namibia, South Africa, Uganda, Ivory Coast (Côte d'Ivoire), Senegal, Togo, Egypt, Ethiopia, The Gambia, Sierra Leone, Saharawi Republic, Zimbabwe, Burkina Faso, São Tomé and Príncipe, Gabon, Equatorial Guinea and Mauritius. Cameroon and Angola officially approved the ratification of the AfCFTA Agreement on 31 October 2019 and 28 April 2020, respectively. Deposit of these instruments of ratification is pending.

The AfCFTA Agreement is therefore a framework agreement, covering Trade in Goods and Services, Investment, Intellectual Property Rights and Competition Policy. The Protocols on Trade in Goods, Trade in Services, and on Rules and Procedures on the Settlement of Disputes are currently being negotiated in Phase 1. Phase 2 of the negotiations will cover Investment, Competition and Intellectual Property.

### 3. Opportunities for the Private Sector

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#### 3.1 Increased intra-African trade

With expectations of a virtuous cycle of increasing intra-African trade and international investment, the AfCFTA has the potential to promote competitiveness of African micro, small and medium-sized enterprises (MSMEs) through progressively eliminating tariffs and non-tariff barriers to trade in goods and liberalize trade in services. In achieving this target, AfCFTA prioritizes addressing challenges in trade policy, productive capacity, hard and soft infrastructure, trade finance, trade information, and factor market integration.

The agreement entails that member states will have to progressively remove tariffs on at least 97 percent of tariff lines which will account for 90 percent of intra-Africa imports. Upon its commencement, tariffs on 90 percent of tariff lines are expected to be eliminated over a period of five-year for other African countries while for the least developed countries it will be for a 10-year period. Five years after the commencement, tariffs on the additional 7 percent of tariff lines will be eliminated over a five-year period (the eight-year period for LDCs).

Similarly, the agreement provides a framework for resolving Non-Tariff Barriers (NTBs) on both goods and services on a most-favored-nation (MFN) basis. This is expected to action about 50 percent of the NTBs within the context of AfCFTA while benefiting African exporters to non-AfCFTA markets with an additional reduction of NTBs by 20 percent (World Bank, 2020).

Driven by the objective of increasing intra-EAC trade, AfCFTA provides an opportunity to improve trade facilitation extensively in the continent at borders and along corridors between African countries. The trade facilitation agreement provides the framework and

guides such improvements, and AfCFTA provides the drive, force and momentum required to push for progress in its broad implementation. The benefits of TFA implementation have multiplier effects as neighboring countries implement it, due to the socio-economic benefits of reduced trade costs.

These are significant reforms that will facilitate trade by enhancing market access and ensure smooth trade flows. This is a signal for businesses to strategize in acquiring and taking advantage of future opportunities availed by the agreement.

### **3.2 Target Market**

The projected benefits of the agreement are significant. The agreement will connect about 55 countries and will encompass a population of about 1.3 billion people. Projections further show that this target market for the AfCFTA is estimated to rise from an estimated 1.27 billion to 1.7 billion by 2030, out of which about 600 million will be in the middle class (Bramdeo 2018).

The combined gross domestic product (GDP) of AfCFTA economies is valued at US\$3.4 trillion. In terms of aggregate gross domestic product (GDP), this will range from \$2.1 trillion to \$3.4 trillion or \$6.7 trillion at Purchasing Power Parity terms. In terms of investments and consumer spending, the AfCFTA is expected to attract an estimated \$4 trillion (Azikiwe, 2018). This provides African businesses with a great opportunity to implement forward-looking business decisions so they can maximize the benefits from the AfCFTA and integrate seamlessly with regional and global value chains.

### **3.3 Industrial Development.**

The African business community is a key beneficiary of the agreement. Potential advantages to the private sector include increasing economies of scale and access to cheaper raw materials and intermediate inputs. This is due to the reduction in tariffs which will lower the prices of imported goods for consumers, as well as for producers using intermediate inputs. Implementation of trade facilitation reforms will reduce the time and cost of compliance thus reducing the price of exports and imports. Therefore, the overall trade costs will reduce, making the price of a unit of imports less expensive, thereby

increasing the competitiveness of local production either sold on the domestic market or exported.

AfCFTA provides better conditions for regional value chains and integration into global value chains which is a catalyst to the transformation of African economies towards greater utilization of technology and knowledge. This is expected to facilitate both intra-African and external direct capital flows to African countries, and creating a labour market and a demand-pull throughout the continent. Better market access to regional markets allows businesses to benefit from faster growth of exports, whereas reduction of a country's own barriers coupled with a reduction of barriers in regional markets leads to lower prices of imports which will spur industrial development.

Similarly, the biggest expansion of exports to regional partners is estimated to be in manufactures, followed by energy-intensive manufacturing; chemical, rubber, and plastic products; and processed food products (World Bank, 2020). The findings further report that the biggest expansion to regional partners is expected to be in health and education services; air, road, and rail transport services; and other business services.

Currently, intra-Africa trade is limited to 15% of Africa's total trade, indicating that the intra-regional value chain is very weak in contrast to Asia, where it stands at 80%. The trade volume in Africa is also constrained by the relatively slow economic growth in the continent, which averages 4.6% since 2000 in contrast to Asia's 7.4%.

#### 4. Mechanisms for the implementation of the AfCFTA Agreement and its Annexes in light of the private sector.

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The implementation of international trade agreements is about achieving the objectives agreed upon. This is ultimately for this case about ensuring active private sector participation. Importers, exporters, investors and service providers must be able to trade under improved conditions and better rules so that consumers benefit, without the prospect of real benefits, investing in new cross-border commercial ventures will be unviable. Tariffs should be reduced and procedures at intra-African borders must become easier and more transparent. Domestic arrangements such as national tariff books and certification procedures must be in line with the new inter-state undertakings. In all the implementation mechanisms, the private sector should be at the center of what is being done. This among others include the following;

- a. **Need for an active institutional framework:** There is an urgent need to establish and operate an institutional framework at the continental level to coordinate the activities of the Africa private sector in the implementation of AfCFTA. This alludes to the proposed Africa Business Council, which will be solely responsible for articulating the views of the private sector in the policy formulation process.
- b. **Private sector as Actors in compliance mechanism:** Private sector in Africa should implement AfCFTA by exploring an approach that provides for a framework for private sector whistleblowing through continuous monitoring of the implementation of agreed policies. This can be done by establishing a way for companies and citizens to report either online or via their associations – the trade barriers they experience. Today regional organizations use different approaches and instruments to identify, verify and resolve non-compliance This can be benchmarked from the European Union’s SOLVIT tool being a good model. SOLVIT includes an online portal that EU citizens and

businesses can use to report and find solutions to problems pertaining to EU law. Another good example is the COMESA-EAC-SADC 'Tripartite' online mechanism for reporting, monitoring and eliminating NTBs and ASEAN's ASSIST are modeled on this approach, though operationalized to varying degrees of success.

- c. Private sector as owners of dialogue platforms:** For the thorough implementation of AfCFTA, the private sector and other non-state actors must be part of dialogue platforms useful in the identification of non-compliance issues. There is a need to learn from the Tripartite NTB monitoring mechanism and the EAC's Time-bound Programme for the Elimination of NTBs and come up with a continental tool. These bring on together government and non-state actors (potentially from multiple countries) to explore solutions at a technical level. The full participation in dialogue frameworks has been a good avenue for raising advocacy on the elimination of NTB for enhanced cross border trade which can effectively work even at the continental level.
- d. Private sector as financier:** While implementing AfCFTA, there is a need for funds, the private sector can be the best alternative for funding. In fact, they can contribute to a sustainable financing mechanism may be through a levy or any other as may be determined in the future.
- e. Private sector-focused capacity building:** There is a need for mainstreamed and institutionalized capacity building on AfCFTA programmes so as the private sector may fully understand and be able to tap into opportunities provided by Single African Market.
- f. Synergy with other African Organisations:** The implementation of AfCFTA considers the fact that its a strategic framework for delivering on Africas goal of inclusive and sustainable development. There is need to fully cooperate with institutions like African Union, Africa Development Bank, Africa Exim Bank. These institutions have a lot in common to achieve Africa sustainable development through boosting intra Africa, providing financial support by building special-purpose vehicles that are critical to the successful implementation of crucial institutions to accelerate Africa's economic development objectives.
- g. Enhanced private sector engagements:** To achieve its anticipated benefits in AfCFTA requires getting the private sector ready by engaging qualitatively beginning with providing inputs to the negotiation process for example providing inputs on tariff offers. It is crucial that the African private sector is encouraged to scale up investments

and production to supply the AfCFTA market. In this regard, this can be done through organised AfCFTA Business Fora, Intra Africa Trade Fair, sensitize the African private sector on the opportunities offered by the AfCFTA. This will draw active participation and contributions from the African private sector.

## **5. Alignment of the implementation of the Tripartite Free Trade Area in tandem with the AfCFTA.**

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The planned African Continental Free Trade Area (AfCFTA) and Tripartite Free Trade Area (TFTA) each have the potential to transform the operating and commercial environments for East African businesses. Beyond geographical coverage, the potential agreements are set to have markedly different ramifications. However, political and especially media commentary has failed to interrogate and present what each trade agreement might entail in practice.

Three main features of each trade agreement are summarized below;

### **5.1 Level of ambition**

Under AfCFTA, the coverage of products with zero-rated duties is not intended to be 100%. Instead, each country or customs union will set 90% of goods to be zero-rated, up to 7% as sensitive goods with a longer phasing-in period, and up to 3% of goods to be exempt from free trade altogether. Currently, it is not known which products will be classified as sensitive and exempt. This means a high degree of uncertainty exists over the tariff changes for those goods which might be traded more on the continent, and when this change might happen. The East African Community's (EAC) draft tariff offer to continental counterparts suggests that goods currently most protected under the EAC's Common External Tariff will be exempt from duty reductions.

By contrast, the level of ambition within TFTA is 100% - all 5,387 tariff lines should have duties at 0%. However, ~33% of product lines will effectively be treated as more 'sensitive' for trade between the EAC and the Southern African Customs Union (SACU), with associated and variable phasing-in periods.

## **5.2 Transition periods**

Under AfCFTA, transition periods depend on the economic development of each country. For Middle-Income Countries (MICs), the 90% zero-rated tariff lines would be phased in over 5 years, and sensitive goods over 10 years. For the Least Developed Countries (LDCs), the periods would be 10 and 13 years respectively. With mixed membership, it is not yet clear whether the EAC will take the status of a MIC or LDC.

For TFTA, the move to full liberalization would be effective immediately. For trade between the EAC and SACU, ~33% of goods will have longer transition periods. Negotiations are ongoing, though it seems likely that 20-24% will be phased in over 5 years, with the balance over 8 years. For TFTA, the move to full liberalisation would be effective immediately. For trade between the EAC and SACU, ~33% of goods will have longer transition periods. Negotiations are ongoing, though it seems likely that 20-24% will be phased in over 5 years, with the balance over 8 years.

## **5.3 Negotiation progress:**

For AfCFTA, most commentary has focused on country ratifications, drawing attention to how quickly the 22 needed for enforcement have been secured. This has overlooked the negotiations which will be required to determine how products will be classified – whether fully- liberalized, sensitive, or exempt – both within the EAC and between the EAC and continental counterparts; the latter process might be drawn-out. Furthermore, it is important to note that Burundi, South Sudan, and Tanzania have not yet ratified AfCFTA.

TFTA has secured only 4 of its required 14 ratifications for enforcement. However, a further 11 are at relatively advanced stages of national negotiation. In common with AfCFTA, Rules of Origin for more contentious items – primarily agricultural goods – remain as outstanding issues. It is expected that once these have been resolved, ratifications would be secured at a faster rate. With eventual 100% zero-rating coverage, TFTA does not face AfCFTA's negotiating challenge over classifications, though reciprocity between existing Free Trade Areas and Angola, Eritrea, Ethiopia, and Mozambique have yet to be secured. Nonetheless, while TFTA's greatest problem is the slow pace of ratifications if received the move to practical implementation could be relatively swift.

The way forward for the alignment of AfCFTA and TFTA include a number of assignments that need to be accomplished, these include the following:

- Local and regional-level negotiations are still ongoing for both AfCFTA and TFTA – the private sector should engage in these
- A reality check on AfCFTA is needed simply because there are a number of significant uncertainties that remain unexplained, meaning its eventual impact is unknown and needs to be predetermined.
- TFTA should be taken more seriously, despite its slow ratification progress – its impact might be felt sooner
- Industry-by-country analyses will be needed for both AfCFTA and TFTA. This will feed in the anticipated negotiations to finalize the remaining schedules.

## **6. Relevance for the establishment of an African Business Council.**

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The architecture of the AfCFTA provides for the establishment of an African Business Council, as a necessary continental platform for aggregating and articulating the views of the private sector in the continental policy formulation processes. The Business Council shall play an advisory role in the continental policy formulation processes and will communicate its views and positions through the African Union Commission.

It will be composed of the Chairs/representatives of umbrella (regional) associations/Business Councils that represent the various private sector interests, such as the Chambers of Commerce and Industry, Large Corporates, small and medium scale enterprises, women entrepreneurs and women in trade, sectoral associations such as banking and finance, farmers, etc.

In this regard, the African Union Commission is working with the various organized African private sector associations such as the Afro-Champions Initiative; Pan African Chamber of Commerce and Industry; the Regional Business Councils; the Pan-African Private Sector Trade and Investment Policy Committee (PAFTRAC); among others, to establish the African Business Council (AfBC), as espoused in BIAT. To ensure that the private sector can benefit from the African Free Trade Area, businesses must understand what the AfCFTA and future negotiations will cover. Businesses should ensure its voice is heard as governments craft and operationalize the agreement<sup>1</sup>. In order to do that, they need to be fully aware of the issues, potential benefits and opportunities and, most importantly, the

role they can play. This knowledge will enable businesses to engage effectively in advocacy and public-private dialogue mechanisms to support the negotiations and subsequent implementation of the economic integration of Africa which includes AfCFTA and other protocols as may be established by the African Member States.

The African Business Council is the primary voice of the African Private Sector within the African Union region. The overarching objective of the African Business Council is to promote and influence changes in policies, rules and regulations so that African businesses can more easily invest and develop their businesses in Africa, benefiting not only their own stakeholders but local economies and populations as well.

The Mission of AfBC will be to promote changes in policies, rules and regulations so that African businesses can more easily invest and develop their businesses in the region to the benefit of the local economies and populations as well as their own shareholders.

The specific relevance for the establishment of AfBC will be to:

- a) Advocate for the interests of the private sector in the African region;
- b) Promote trade and investment amongst the African private sector , and between Africa and the rest of the World .
- c) Provide a platform of engagement between policy makers at AU level and the private sector
- d) Improve the communication/collaboration between AU and the private sector
- e) Contribute to and promote pan-African economic integration;
- f) Create value propositions for businesses through provision of information and opportunities for engagement and networking to support business growth. This includes Providing sector specific market & business insights, intelligence reports and advisory services;

The current status in regard to the establishment of Africa Business Council is that both the framework agreement and the constitution for its establishment have been drafted, waiting for approval by the competent organs.

## 7. Expected issues in the implementation of AfCFTA.

The AfCFTA's benefits could be considerable, but only if implementation proceeds fully and evenly. Adjustment costs and uneven distributions of benefits. Expected issues in the implementation of AfCFTA include:

**National interests versus economic rationale of Regional integration:** Predictions of the AfCFTA's benefits, however, rely on several assumptions -- most notably, full implementation and adherence to the rules, such assumptions have rarely held true in the African context. Instead, national interests rather than economic rationality of regional integration tend to dictate government policies. For example, when Economic Partnership Agreements (EPAs) began to be negotiated with the EU in the 2000s, there was much speculation about the potential impacts. Over a decade later, its implementation is seen to be delayed by most African countries. National political dynamics will likely have an important bearing on AfCFTA implementation too. National governments depend on the political support of domestic groups, who in turn look to influence government policy in their favour. As such, negotiations over international trade are often also negotiations to satisfy domestic interests.

**Regional lessons:** The AfCFTA is built upon the existing African model of regional integration. It may face some of the same dynamics that have characterized those processes. The East African Community (EAC) is arguably Africa's most successful regional integration scheme. However, it has encountered several coordination and implementation issues that are highly likely to occur on a continental scale under the AfCFTA. For example, regional political and trade disputes have created recurrent volatility in the application of tariff and trade rules nominally agreed by the community. Nevertheless, foreign direct investment inflows into the EAC decreased to 6.6 billion dollars last year from 8.8 billion dollars in 2016, mainly due to failures of tax and tariff coordination. The sectors with the greatest coordination problems (notably, agriculture and agro-processing) experienced the most severe declines.

**Lack of a dispute settlement body:** The AU is currently discussing mechanisms, including a dispute settlement body, to ensure members implement the AfCFTA's rules, but it is too early to speculate on the impact, as few details yet exist.

**Trade supply constraints:** The main challenges facing the African continent are that most of the African states are least-developed countries (LDCs) and most of these countries are suffering trade supply constraints. It is needless to say liberalizing trade is necessary to condition for economic development; however, it is not a sufficient condition. For liberalizing trade to produce fruits, African states must overcome the trade supply constraints. These supply constraints include weak infrastructure, long time consumed procedures at customs borders for locked land states.

**Infrastructural challenges:** Poor infrastructure across the continent is one major barrier to development and trade in Africa and may become a challenge during the AfCFTA's implementation,

**Unfair competition in local markets:** AfCFTA may also pose challenges for governments in promoting competition in local markets as some local companies that are taking advantage of economies of scale may grow faster than others and capture dominant positions in markets. Protection of local industries: This could include using unnecessary non-tariff barriers to protect local industries and curb imports of certain goods.

## 8. CONCLUSION

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The agreement provides significant opportunities for the private sector which calls for coordination at the continental level through the formation of the African Business Council. This will facilitate having a common voice towards resolving policy and policy challenges that may hinder businesses to take full advantage of the opportunities brought about by the agreement.

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