
13 Africa–EU Post-2020 trade regimes: Welcome to the past and back to the future

Dominique Njinkeu

African Trade and Sustainable Development (AFTSD)

There is now a consensus that trade can be an engine for development, and trade preferences alone are insufficient to enable low-income countries to participate in the multilateral trading system. This conclusion has come about as a result of a complicated journey. The failed WTO Seattle ministerial in 1999 mobilized comprehensive analytical and advisory support that was instrumental in educating the main constituencies; this has facilitated key successes realized over the last two decades. Besides the European Commission, a selected list of contributors to this work includes UN institutions/agencies such as the UNDP, UNCTAD, and UNECA and non-governmental organizations such as the South Center, the International Center for Trade and Sustainable Development (ICTSD), the African Economic Research Consortium (AERC), International Lawyers and Economists Against Poverty (ILEAP), Third World Network (TWN), the Overseas Development Institute (ODI), the European Center for Development Policy Management (ECDPM), and the Commonwealth Secretariat (COMSEC). Various donors financed the analytical and advisory support, primarily the bilateral programs of several European countries such as the UK Department of Foreign and International Development (DFID), Holland, the Nordic countries; other non-European such as the Canadian International Development Research Center (IDRC).

We are yet to arrive at a consensus on how African countries can effectively use trade to engineer development; especially how to overcome the complex set of measures that prevent firms from competitively producing and inserting themselves in the lucrative segments of international value chains. Pro-Poor trade reform in Africa would need to embolden broader economic policy reform, significantly reduce trade transactions costs.

There has been some progress over the last two decades. For example, using the Program for Infrastructure Development in Africa (PIDA) as an operational framework, multilateral development agency financing and organizational reforms (e.g., the African Development Bank) enhanced the effectiveness of policy related to infrastructure. The scale of funding mechanisms has also been improving, particularly through public-private partnerships. Improved donor coordination through initiatives such as TradeMark East Africa (TMEA) has also created the opportunity for more transformative programs. A milestone on trade facilitation was attained with the World Trade Organization's (WTO) Trade Facilitation Agreement (TFA) at the 2013 Bali Ministerial conference. In Africa, the Trade Facilitation is both part of the Annex 4 of the protocol on trade in goods of the Boosting Intra-African Trade (BIAT) programme of the CFTA, alongside the Protocol of free movement of people and the Yamoussoukoro Decision on air travel, themselves Agenda 2063 flagship programmes. Several stakeholders, including the African and international private sectors, donors and development agencies are increasingly coalescing around the African Union to support both the BIAT and the TFA. Despite these improvements, However, whether these positive developments will address the myriad of impediments to intra-regional and international trade such as to make trade an engine of economic transformation in Africa in the post-2020 era remains doubtful, unless proper lessons are drawn, and appropriate actions implemented.

This essay focuses on lessons from the past two decades that can inform an approach that helps ensure that sustainable development aspirations embodied in the sustainable development goals (SDGs) materialize. It does so by referencing cases illustrating drivers of success and failures, given drawing the necessary lessons and proposing an action plan which would ensure both effective participation in the global economy and simultaneously address the complementary agenda for ensuring Africa can effectively use trade to engineer sustainable development and meet the SDG targets. The analysis is to be seen as a complement to platforms for formal state collaboration, with the most important for our purpose being the Africa-Eu partnership between the African Union (AU) and the European Union (EU).¹

The rest of this essay has five sections. The next section reviews the lessons from attempts at reforming the African-European trade relations over the last two decades. Section three reviews key priority areas for the post-2020 period. Section four provides an exploration of alternative approaches for moving the trade agenda. Section five proposes the operational framework for supporting a sustainable trade agenda for the continent. The last section concludes.

¹ See <https://www.africa-eu-partnership.org/en>

Building the post-2020 agenda: lessons from the last two decades

Recent experience provides some salient lessons. The first lesson is that an evidence-informed trade agenda is essential, especially to empower stakeholders to mobilize effectively to engineer beneficial policy changes. The process in Africa during the last two decades was plagued by a “numbers war” on the impact of various negotiation proposals, many of which were of dubious quality. A case in point is the impact studies on Economic Partnership Agreements (EPAs) that showed significant negative fiscal and economic impact (Morrissey 2011). These results prompted the request for major adjustment packages that were above the funding envelop that donor agencies could afford. Furthermore, given the level of utilization of funding allocation under the European Development Fund and other donor agencies, African countries would have an absorption capacity if funding for such ambitious adjustment programs were available. As a result, a useful discussion of policy options never materialized.

Second, a broad coalition of stakeholders under the leadership of a credible organization is essential to engineering policy reforms that address the core impediments of African trade. In cases that were informed by solid and independent research, a better outcome was attained. An example is the development of the Aid for Trade initiative. Before its launch at the 2005 WTO ministerial in Hong Kong and during the design and implementation phases, various organizations undertook peer-reviewed analysis that empowered stakeholders. Implementation has been facilitated by regular monitoring combined with opportunities for all actors to take stock during regular Global Reviews (Njinkeu and Cameron 2008; Newfarmer 2014). The WTO Trade Facilitation Agreement (TFA) is another success story; a key driver of the outcome of this process was the analysis and consensus built on the centrality of trade facilitation for African development. The game changer has been the role played by development agencies. A limitation has been the sustainability of actions most of which were part of short-term projects; as a result, the momentum created was not sustained.

Third, despite notable progress, most African stakeholders have an inward-looking policy mindset. Shifting towards an outward-oriented policy could start with pro-active efforts to boost trade among and between African countries. For this, a framework is provided by the AU CFTA agenda around which there is a need to form and sustain a solid consensus for implementation. Analytical and advisory work is needed to establish coherence between countries’ objectives and commitments between national, regional and multilateral reforms and understanding non-trade effects.

National governments are not paying enough attention to the fact that continental or regional decisions have differentiated implications on different member states, with the situation more complex where there is no political leadership and non-state actors are weak. As a result, despite the near consensus on the willingness to honor all CFTA-related commitments, there will be a need for proper economic and political economy assessment of the challenges and opportunities to alleviate the legitimate concern among trade stakeholders.

Some priority topics for the post-2020 agenda

The above provides a non-exhaustive and non-prioritized list of features of a successful post-2020 trade regime. African policy objectives post-2020 should focus broadly on the achievement of sustainable and inclusive economic growth and poverty elimination. The overarching framework should be the consolidation of regional trade reform by strengthening institutional mechanisms that foster cooperation to engineer economic structural transformation; this, in turn, would help overcome the small size effect of their national markets. African countries have historically entertained close relationships with the European Union, including the UK as traditional trading partners. A characteristic of the last 20 years was an effort to shift from previous preferential trade arrangements through the negotiation of the Cotonou Partnership Agreement (CPA) that aimed to transform the unilaterally provided preferential access to the EU into negotiated reciprocal ones in the context of Economic Partnership Agreements. Unfortunately, this process became a quagmire plagued by numerous impediments, leading to fundamental disagreement among key players on the sequence of liberalization. There will be a need to revisit this agenda altogether.

During the same period, African countries significantly examined, streamlined and consolidated their regional agreements, beginning with the Tripartite process consolidating the COMESA, EAC and SADC regions into a single market in Eastern and Southern Africa. The completion of a regional Common External Tariff in West and the negotiation of a Continental Free Trade Area concluded in 2017 are also worthy achievements. Implicit in both the CFTA and the EPA process has been the recognition that a more open trade regime among African countries and together with Europe will boost pro-poor trade and facilitate harmonious integration with the global economy, thereby facilitating economic transformation and the realization of the aspirations encapsulated in the UN 2030 and the African Union Agenda 2063. The CFTA provides the overarching framework for African trade formulation and implementation; it shall be the anchor for any trade discourse between Africa and third parties.

The decade beginning in 2020 is likely to be characterized by an aggressive push by Africa's trading partners for negotiated reciprocal agreements. The US African Growth and Opportunity Act (AGOA) was recently streamlined and renewed through 2025; it is very likely the post-2025 trade relations between African nations and the US will also centre on the phased movement towards reciprocal accords. Against this background, there remain deep-rooted concerns among African trade officials, the private sector and civil society that the objective of sustainable and inclusive economic growth and poverty elimination might not materialize. Addressing these concerns is of utmost importance and should build from the experience with African regional and trade policymaking on the continent since the year 2000, with a focus on understanding what worked and what did not work. Special attention needs to be paid to the drivers for these results, drawing the relevant lessons from the past to propose a way forward for boosting trade to secure a better outcome on the UN SDGs in 2030 and support the realization of the African Union Agenda 2063 for Africa's economic transformation.

A sound appreciation of the drivers of success or lack thereof is essential. The trade relations between Africa and the EU and US since 2000 were designed from two different perspectives. On the EU side, several studies were commissioned and paid for by European funds to assess the feasibility of the proposed reciprocal trade arrangement with the ACP countries. Most of these studies concluded with mixed results about their impact of the transformation of African economies. Two positive features of these studies could inform the process going forward. First, learning by doing principle was built into the process which enabled progressively African researchers to participate and ultimately take the lead in conducting these studies. Second, there was an extensive consultation of state and non-state actors which slowly has built the capacity for trade policy design and implementation. Overall a consensus emerged that these reciprocal arrangements were to be accompanied by adequately funded trade capacity building programs. On the United States side, reciprocity was not on the table, but rather eligible countries have been given preferential access to the US market until 2025. It should be expected that at the end of this period this AGOA preference is made WTO compatible. To support the AGOA preference, the US launched major trade capacity building programs through their regional trade hubs (in Accra, Nairobi, and Gaborone). Overall this created a conducive environment for more productive trade policy dialogue; contrary to the Africa-EU trade discourse related to Economic Partnership Agreement. One explanation was the explicit focus of the US support on aid for trade addressing impediments to harnessing the opportunities offered by AGOA. This was seen to be more aligned to African regional trade and regional integration agendas as opposed to the EPA that called into question previously periodized ambitions for building the African Economic Community.

It might be useful going forward to have two parallel processes: one focusing on trade policy and regional integration, and another focusing on aid for trade to help integrate Africa with Africa and with the rest of world.

The trade policy and regional integration process could draw the lessons for the numerous deficiencies that characterized the preparation and participation in the EPA negotiations process. It is necessary to properly review the process to identify and take the appropriate remedial measures. A properly informed reform position which is fully owned by stakeholders would have identified both challenges and opportunities of the proposed trade regimes; such an approach would also establish a common view on implementation. Such a common view, in turn, would have led to the development of appropriately designed and funded trade capacity building programs that would have alleviated the core impediments to trade and would have effectively boosted intra-regional trade and facilitated more effective participation in the global economy. Better use of the financial resources mobilized to support the process would have yielded a superior result to what was obtained. In the future, it is essential to put in place the institutional mechanisms for effective preparation for negotiations; this should include the ingredients for effective implementation.

Three topics are still central to African trade policymaking for trade in goods negotiations (see also AfDB 2017): concern for the possible loss of tariff revenue, prospects for industrial development in the long-term, and loss of national trade and industrial policy autonomy. Each of these needs to be properly researched, proper mitigating measures identified, and actions plans designed and implemented. First, loss of tariff revenue for countries that heavily rely on discriminate taxation of international trade transactions is an inevitable feature of any trade agreement that reduces import duties. It is necessary to determine the net impact of tariff reductions, with proper focus on segments of the economy that will lose. Even greater attention is needed for those weaker segments that cannot find alternative employment or shift their consumption. Second, fostering replacement domestic resource mobilization such as through the introduction of a value-added tax or the implementation of trade corrective measures is important. Fears of a loss of industrial capacity and output because of an inability of local firms to take advantage of new opportunities can be alleviated through a combination of transition periods, the use of trade corrective measures and aid for trade support for industrial adjustment and upgrading. The capacity to design and to implement such programs is crucially lacking. A third and related area is the loss of national trade and industrial policy autonomy because of restrictions on the use of instruments such as export subsidies, export taxation, export credit insurance, and the ability to use trade measures to assist domestic firms in competing.

Most of the time the concerns triggering a request for availing these instruments is usually due to an inadequate understanding of these trade policy instruments. Various analyses have shown that the negative impact of trade reform in Africa can be alleviated with an appropriate competitiveness agenda (World Bank 2014).

Approaches for policy formulation and implementation post-2020

A sensible approach to Africa is to prioritize six elements. First, the approach should centre on the evidence-informed offensive and defensive positions. African trade policy discourse is heavily focused on the challenge of reform and negotiation positions are limited to defensive positions. There is a need for a balanced examination of the offensive and defensive interests such as to give adequate attention to opportunities that could be created and how these can be harnessed to compensate for the negative impacts eventually. The exposure to international trade shocks, notably the variation of the price of traditional exports which lead to revenue volatility must be a major part of the assessment of the offensive and defensive positions. While these are not directly connected to the trade regime, they need to be considered in designing the sequencing of trade liberalization episodes. The request for reciprocal trade regimes in the post-2020 period with stronger and more competitive partners should materialize after the regional integration process has matured. Priority must be put on developing national and regional CFTA implementation programs, taking due account of sub-regional reform programs, trade commitments at the multilateral level and trade arrangements with non-African partner countries. Overall, the CFTA should be implemented and adjusted, before entry into force of tariff reduction part of the reciprocal trade regime with the EU and other non-African trading partners. Demand-driven independent research will need to support the post-2020 agenda. A priority area for support is the ongoing effort towards implementing the CFTA; it is essential that this undertaken as an overall framework for mainstreaming trade in the development agenda. Accordingly, major development partners include those associated with the Enhanced Integrated framework for Least Developed countries.

The second element is a framework for mobilizing actions for overcoming policy fragmentation. African trade stakeholders do not understand how and the extent to which the trade in goods and the trade in services agendas are intertwined. As a result, opportunities for services export trade are not capitalized upon. The relevant stakeholders need to be empowered to champion this new trade agenda, including manufacturing companies. The latter has a major stake in services liberalization but may not fully understand the importance of services for their business. Fragmentation

materializes itself in a disconnect between the different frameworks to articulate trade policy. In the post-2020 period African trade growth, both in goods and in services, will call for engagement at three levels: (i) domestic policy reform is undertaken at the national or regional level; (ii) bilateral trade regimes with foreign partners; (iii) multilateral agreements.

These trade arrangements cannot be considered in isolation but must be properly sequenced with the CFTA agenda. Policymakers need to think in terms of “goods AND services,” rather than “goods OR services.” One implication is an adjustment in trade policymaking institutional settings to consider the fact that servicification is one step towards modern trade rules in tune with current business models. In turn, this can help create growth and economic development. Further research is needed to fully understand servicification and its implications – both on companies, their business environment, and society, as well as on trade and trade policy. Overall, a process of consolidating the policy formulation institutional setting and educating and mobilizing the stakeholders in public and private sector is a priority to adapt African trade policy to the new industrial revolution.

Third, given the significantly reduced import tariffs, most of the challenges to trade policymaking in Africa in the post-2020 period will centre on factors that drive a wedge between producer prices in an exporting country and consumer prices in an importing country. Such costs arise from non-tariff measures and the behind-the-border regulatory policies on product standards connectivity to networks of land, air and maritime transport, and other core services such as distribution, finance, and professional services that are increasingly constituting a major contributing factor for the lack of competitiveness of manufacturing. Important drivers are associated with inefficient trade in services; in the regional context this depends on the quality of the prevailing regulation; therefore, it is essential to prioritize regulatory reform in broader trade in services agenda. This would, in turn, require that policy design goes beyond a traditional focus on boosting competition policy also encompasses nurturing the interface between services trade policy and the quality of economic regulation. In so doing, given that the trade in service agenda spans several ministerial departments, it will be necessary to have multi-stakeholders working groups that will set and oversee the policy agenda.

Fourth, for supporting regional integration and a smooth integration to the international trading system, there would be a need to establish a link between the servicification agenda and the broader cross-border trade cost agenda. One direct link is to reduce the costs due to regulatory heterogeneity that materialize in three possible ways (Fiorini and Hoekman 2018). The first is the asymmetric information on applicable rules and requirements to which business transactions are subjected. The second is

lack of compliance with international norms and standards which limit the export to international markets and prevent the participation of African producers in lucrative segments of the value chains. Another implication to the lack of appropriate certification or conformity to international norms and standards is the exclusion from the new trading order characterized by trade in tasks. The third manifestation of regulatory heterogeneity is the uncertainty and the variability in the administration of information and the certification process.

The fifth element is relevant capacity-enhancing and supply response measures designed and implemented preferably before or at worst simultaneously with the implementation of a sequence of trade liberalization. Analytical work to ensure appropriate sequencing of liberalization and deployment of adjustment measures is needed to smooth the negative impact with adequate capacity-enhancing measures. This would, in turn, ensure proper management of the economic and social impact of the shrinking and closing of non-competitive domestic producers and increased supply response of current and emerging competitive producers.

Finally, it will be necessary to nurture the link between reduction of trade costs and achieving the sustainable development goals (Hockman 2016). Overall these efforts could centre around a platform for identifying and addressing the root cause of these trade impediments. Such a platform would i) ensure timely access to relevant information on rules and regulations that affect trade costs; ii) inform the design of reforms and the capacity required for effective implementation; iii) empower stakeholders to identify the policy options to address any adverse distributional consequences. The platform would, therefore, enable networking and information sharing among businesses and chambers of commerce through integrated and interconnected trade information systems. The operationalization of the platform would require data collection for appropriate measurement and monitoring of trade cost; a second would be a peer-pressure process to address comprehensively and sustainably a trade cost reduction agenda.

Operational framework for a post-2020 trade regime

The intellectual foundation for African trade and regional integration has traditionally been shaped from outside the continent; the post-2020 African agenda should be fully African own and driven. This can be done through the formation of strategic coalitions to provide African nations greater coherence and a common strategic approach to both African integration and the global trading system. In so doing the focus could be on capacity development, policy research, knowledge sharing, information exchange and international. The operational plan could focus on three areas.

1. Trade policy research practice networks

The program needs to focus on addressing the typical public goods problem that characterizes the interface between research and policy. This would require the support of a pool of trade specialists (academics, consultants) who are credible and able to advocate policies.

These specialists could operate in a network that bridges the gap between research and policy by:

1. cultivating a desire at the policymaking level to increase research utilization;
2. fostering sustainable relationships with national governments and regional economic communities;
3. leveraging relationships to increase the organizational and institutional change necessary to foster individual capacity;
4. empowering strategic change agents and mobilizing institutions willing and able to champion the African transformation agenda; to that effect the program could partner with the national and regional policy research institutions, most of them supported by the African Capacity Building Foundation (ACBF).

It will not be necessary to create a new network, but primarily reinforce existing ones, such as those listed above.

2. Trade practice networks to support policy reform and project design and implementation

The second focus would consist of policy implementation support and actions to unlock investment opportunities. Such trade practice would mobilize professionals and could be hosted by development agencies or dedicated programmes focusing on complex and multi-country projects. This could entail facilitation of dialogue and networking among multiple stakeholders and across disciplinary fields on the conceptualization and implementation of complex projects. The programme could provide a framework for stakeholders to debate, cross-fertilize ideas and to better understand the consequences of their mode of operation and that of other stakeholders. Ultimately, the programme will enable increased capacity through peer-to-peer learning among government officials, businesses and civil society.

One example is a trade practice network that fosters cross-border trade facilitation with a focus on two domains. First is policy support to address logistical impediments along the supply chains to foster SME integration in regional and global value chains. This could entail establishing regional support and differential process execution for smaller

traders, supporting design and implementing sector or product-specific processes that address the needs of smaller businesses. Secondly would be the strengthening of regional border harmonization and operations through policy support in the implementation of a customs' modernization program.

3. Training and capacity development of trade practitioners

The third focus should be to strengthen the capacity of trade and regional integration practitioners. Numerous assessments have offered a comprehensive diagnostic of the biggest constraints to trade integration. Unfortunately, less progress has been achieved in going beyond the diagnostics, and effectively removing these constraints and boosting competitiveness. To achieve such progress, we need to pay attention to two elements. First is through a clear strategy for bringing line ministries into the process which would entail incorporating trade into national budget and public expenditure allocation. There would be a need for executive courses in selected specialized areas to provide to officials of these ministries the necessary expertise and exposure to best practices that are essential to effectively enable these ministerial departments to work towards a common goal and overcome their traditional sectoral biases. The second is to enhance synergies with export and sector strategies by bringing on board national expertise and expertise within and across different agencies. A related aspect is to align the trade agenda with national development processes and donor cycles. This would imply building the capacity of current trade practitioners, including officials of relevant government departments and regional economic communities, as well as other stakeholders (e.g., private sectors, parliamentarians) on trade issues. There would be a need to develop a package of training materials and resources that improve, coordinate and articulate regional skills development in support of industrialization. Effective public-private sector dialogue (PPD) around a complex agenda shall be part of such training.

Conclusion

The main objective of African countries in the post-2020 era is not fundamentally different from the situation in the previous two decades, namely, to be able to harness the opportunities created by trade to nurture economic transformation, to industrialize and improve the welfare of the average citizen. While the situation has improved significantly since 2000 and the Cotonou Partnership Agreement, and the benefit of multilateralism is increasingly appreciated, there remain deep-rooted concerns in many parts of Africa that the continent is not ready for reciprocal arrangements with more

developed trading partners. However, there is an (increasing) majority that believes accelerated liberalization within sub-regions, and on the continent in the framework of the CFTA is possible.

Once this process is well underway, it would be appropriate to envisage a phased movement towards reciprocal trading regimes with non-African trade partners.

The first element for success would include generation of demand-driven, peer-reviewed, independent analysis of offensive and defensive options. Unfortunately, most of the key players that assisted in the previous period have either closed or have significantly curtailed their trade work programme; partly because of limited funding.

A second element is continuing the aid for trade support centred on reducing trade cost. This could entail expanding trade facilitation support, for example by going beyond the current customs clearance-centric TFA. The expansion could encompass the regional transport corridor and the behind the border agenda.² It will be useful to complement the post-2020 programme with a collaborative framework with agencies involved with the implementation of the TFA (WCO, OECD, multilateral development banks, WTO, ITC, UNCTAD); furthermore, the programme should also connect with the implementation of the LDC trade in services waiver. (Hoekman 2017). A key operational framework would be a platform that supports the identification of trade bottleneck and peer-pressure process to ensure actions are effectively taken to sustainably reduce trade cost and make African products competitive regionally and internationally.

As indicated earlier this programme is complementary to those covered by the traditional states to states collaboration between Europe and Africa. While most of the proposed programme is in the remit of the European Commission, instruments in bilateral national collaboration would be more relevant, as was the case in the last two decades. The implementation of such a programme will require a scoping exercise to determine both the actors and the relevant financing instruments

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2 See the Joint Africa-EU Strategy at <https://www.africa-eu-partnership.org/en/strategic-priority-areas/mobilising-investments-african-structural-sustainable-transformation>.

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About the author

Dominique Njinkeu is an economist and trade expert with over 30 years of experience doing research and advising governments and regional economic communities on macroeconomic and industrial policies, trade, regional integration and international trade negotiations. His experiences include serving between 2009 and January 2016 as the Lead Trade Facilitation Expert and Program Coordinator of the Trade Facilitation Facility (TFF) of the World Bank. Between 2003 and 2009, Mr. Njinkeu served as the Executive Director of International Lawyers and Economists Against Poverty (ILEAP). He is currently the President and CEO of African Trade & Sustainable Development

(AFTSD), a consultancy that seeks to support Africa's sustainable development through a pro-poor trade agenda at a regional and international level. He is a member of the African trade and development community through the African Economic Research Consortium (AERC).