



KEY MESSAGES ABOUT TRADE AND HUMAN RIGHTS

QUICK FACTS

- The African Continental Free Trade Area (AfCFTA) is a key project in the implementation of the AU Agenda 2063: The Africa We Want.
- The negotiations started in June 2015 and the agreement entered into force in May 2019. As of November 2021, the AfCFTA has been signed by all African countries, except Eritrea.
- The AfCFTA is designed as a multi-stage process. The 1st phase started in 2021. More negotiations are planned from 2022, covering intellectual property rights, investment, competition policy, and e-commerce.
- The AfCFTA is designed to boost intra-African trade by up to 52.3% and it is expected to expand Africa's economy to \$29 trillion dollars by 2050.
- Informal and cross border trade accounts for 70% of the economy in sub-Saharan Africa, and is a source of income for 43% of Africa's population.
- Women in Africa constitute 70% of the informal cross-border traders.

How does trade relate to human rights?

Human rights and trade are interrelated as trade offers opportunities for increasing peoples' enjoyment of human rights including their right to development, and human rights can ensure that trade leads to sustainable and inclusive development.

International trade can be a means to increasing the resources available to States for advancing human rights and may have positive effects on poverty reduction. At the same time, trade liberalisation - through bilateral, regional and/or multilateral agreements - may have adverse impacts on human rights. For instance, international trade solely focused on economic growth may create pressure on rural farmers to produce export crops or adversely impact on the livelihoods of vulnerable populations who trade at smaller scale or in informal systems. Trade and investment regimes also overlap and interface with intellectual property, transfer of technology, climate change, all of which are relevant topics for human rights.

Human rights impact assessments are an important tool to identify positive and adverse impacts of trade on human rights and to ensure that they are adequately considered in the negotiating process and agreements. Human rights impact assessments of trade agreements can facilitate the integration of a human rights perspective into trade negotiations and agreements by allowing governments and other stakeholders to identify those populations most at risk of being negatively affected, and to anticipate possible risks and to adopt measures to reduce or mitigate possible harm. They can also serve as a means to ensure that the positive aspects of trade agreements compensate for the potential negative impacts.

The "Guiding Principles on human rights impact assessments of trade and investment agreements" offer guidance on how and when to develop HRIAs. One of such principles calls for the preparation of HRIAs prior to the conclusion of trade and investment agreements to ensure that such do not impose obligations that are inconsistent with States' human rights obligations.



Human rights impact assessments help identify, analyse, and monitor the impact of trade agreements on the environment and on the ability of people to enjoy human rights.

What we did

The Office of the High Commissioner for Human Rights (OHCHR), jointly with the UN Economic Commission for Africa (ECA) and the Friedrich Ebert Stiftung (FES) Geneva, conducted an ex ante human rights impact assessment of the AfCFTA which was published in 2017. It focused on the impact of the AfCFTA on the situation of women, small-scale farmers, and informal cross-border traders, and the rights to work, social security, an adequate standard of living and food.



In implementing the AfCFTA, States should be cautious not to limit their own policy space for the future.

RECOMMENDATIONS

1. Explicitly recognise the role of women in trade in Africa and the impact of the AfCFTA on women.

The role of women in trade in Africa is mostly overlooked, as women make up the majority of the informal economy, agriculture, and cross-border trade. Most economic policies are drafted in gender neutral language, which ignores the differentiated impact of policies on women. African governments should analyse the impact of the AfCFTA on women, and design measures to ensure that the trade agreements do not increase discrimination against women.

2. Ensure broad consultation and meaningful participation of marginalised populations & groups

Broad based stakeholder consultations should be organised during the negotiating, drafting, and implementation processes of the AfCFTA. They should particularly include vulnerable and disadvantaged groups and populations, such as women and rural populations, small and medium scale enterprises, and informal sector workers. Other stakeholders should include, agricultural producers and farming associations, consumer bodies, chambers of commerce and industry, specific-industry associations, professional associations, standard-setting bodies, parliaments, the media, as well as CSOs, particularly those working in the field of environment, labour rights, gender or youth-related issues, and academia.

3. Integrate and address the effects of trade and investment measures on diverse populations through disaggregated data collection.

Disaggregated data collection is key to understanding the differentiated impact of trade and investment policies on different groups and populations. Data collection also allows governments to develop targeted trade and investment liberalisation policies to ensure that the benefits of trade and investment policies are equally shared among diverse sectors of society.

4. Carefully consider tariff reductions with gradual liberalisation and safeguards

The reduction of internal trade tariffs in order to boost intra-African trade may have an impact on vulnerable groups and African countries that are reliant on intra-African trade tariffs for government revenue. Governments should embark on gradual liberalisation that allows protection especially for vulnerable groups and in key areas such as food security. Careful planning is needed to ensure that the implementation of the AfCFTA does not negatively affect the Governments' ability to protect human rights.

5. Design and adopt adjustment mechanisms to maintain sufficient policy space for States to ensure their HR obligations

States should resist provisions of the AfCFTA that could undermine the ability for Governments to implement future measures to protect human rights in accordance with standing human rights obligations. African Governments should also strive to ensure that provisions are put in place to cater to the sectors and populations negatively affected by the AfCFTA. This should include establishing a compensatory fund to provide short-term financial support and medium-term re-skilling and training to support transitions to new activities and sectors of employment.

The role of civil society and national human rights institutions (NHRIs)

- Civil society actors work directly with groups, communities, and sectors that may be affected by the AfCFTA.
- Civil society actors can also bring expertise to the table, thus strengthening governments' capacities to provide human rights consistent negotiating options.
- Countries with vocal civil society actors tend to obtain better results from trade negotiations – such inclusive processes help countries set their individual trade policy as a response to a deep understanding of their local contexts.
- NHRIs can contribute to the monitoring of the human rights impacts of the implementation of the AfCFTA, including through regular reporting to human and labour rights bodies on the impact of AfCFTA related measures on human rights.



CONTACT

R2D@ohchr.org

www.ohchr.org

[Read the full report here](#)