

# HORN OF AFRICA BULLETIN

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# HORN OF AFRICA

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## The African Continental Free Trade Area (AfCFTA)

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AfCFTA's Implications for Small and  
Medium-Sized Enterprises (SMEs): Towards a  
Just Trade Transition Analysis

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# **AfCFTA's Implications for Small and Medium- Sized Enterprises (SMEs): Towards a Just Trade Transition Analysis**

**Caleb Maikuma Wafula**

## Introduction

The African Continental Free Trade Area (AfCFTA) marks a distinct turning point in Africa's economic development trajectory, in line with the enduring pan-African vision of a united Africa.<sup>1</sup> However, the conjoining of just trade transition and the AfCFTA pact invokes an eclectic mix of analytic and philosophic questions: Is the AfCFTA deal being delivered in a just manner? Precisely: How is just trade transition being fostered, with attention to women and youth-led Small and Medium-Sized Enterprises (SMEs)? What should be done to build a momentum and deliver just trade transitional pathways for AfCFTA?

Until now, these and other important research and policy questions have been more or less glossed over in the relevant AfCFTA scholarship. History suggests that trade agreements and economic integration do not necessarily lead to fair and sustainable outcomes. Arguably, this has been due to the “abstract” nature of how the call for justice could practically be applied, given the scope of AfCFTA. Resultantly, this has raised more questions than provided answers about the implications of AfCFTA among women and youth-led SMEs, as exemplified by fears that AfCFTA gains might accrue disproportionately across Africa.

Based on secondary sources, this paper seeks to unpack the AfCFTA deal, with the main aim of unravelling how well (or not) the concept of just trade transition has been, or is being considered and implemented, with attention to women and youth-led SMEs especially in the Horn of Africa (HoA) region.

### Conceptual Clarity: Just Trade Transition

Just trade transition is best understood within the broader just transition discourse, that can be traced to the political struggle of North American trade unions for programs to support workers who lost their jobs due to environmental protection policies in the 1970s and 1980s.<sup>2</sup> Over time, the trade union movements consistently sustained the push, and the term was brought to the global arena as one of the 2012 Rio plus 20 Summit resolutions.<sup>3</sup> The resolutions framed a just transition to sustainable development, within the parameters of dignity, freedom, social equality, human rights and good governance as guiding principles. It also called for equity and justice between and within countries, across genders and between generations. It stressed that the global commons should remain under

public ownership and protection. Between 2013 and 2015, the International Labour Organization (ILO) in cooperation with trade unions and the business sector, developed guidelines for a Just Transition Towards Environmentally Sustainable Economies and Societies for All.<sup>4</sup> The guidelines are based on four pillars: social dialogue, employment, social protection and rights at work. While acknowledging that there is no ‘one-size-fits-all’ for all the principles, plus a large degree of overlap, this paper adopts: Social Equity; Gender Equality; and a Decent Work and Vulnerability Focus, to serve as a reference framework for a just trade transition that could apply in the case of the Horn of Africa (HoA). The choice of these principles is further motivated by other contextual issues in the HoA, including the region being home to some of the world's most unequal societies, particularly for vulnerable women and youth.

Thus far, the just transition concept has received increased resonance in international policy and debate, with significant overlaps with the literature on energy, environmental and climate justice.<sup>5</sup> For some, narratives and perceptions of what is just or not, is purely dependent on the claimants or right's holders. Importantly though, none of these claims can be wished away, as they contain significant legitimate concerns and interests.<sup>6</sup>

As mentioned above, this paper views the just trade transition through the lens of Social Equity; Gender Equality; Decent Work, and Vulnerability Focus. These considerations form the backbone of the discussions in the next section which will seek to interrogate the AfCFTA deal against the selected principles, to better understand how the agreement measures on the justice scorecard.

### AfCFTA Implications for SMEs

#### Social Equity

Beyond trade liberalization, AfCFTA is widely seen as an enabler of inclusive growth. As the African Union's (AU) flagship projects of Agenda 2063, it potentially embodies a “win-win” approach such that all African countries, societies and communities receive benefits from the pact.<sup>7</sup> The World Bank estimates that 30 million Africans could be lifted out of extreme poverty, while incomes could rise by \$450 billion by 2035.<sup>8</sup> Exports could increase by \$560 billion, while wages may increase by 10.3 percent and 9.8 percent for unskilled and skilled

workers, respectively.<sup>9</sup> Such kinds of projections might be considered as encouraging promises to Africa's development challenges, even though gains may manifest unevenly across a number of variables, such as geography, gender, skill level, and overall policy implementation.

Women and youth-led SMEs constitute the majority of traders and account for approximately 80% of the continent's businesses.<sup>10</sup> These SMEs are already positioning themselves to exploit economies of scale, tap into continental export destinations and use the continental market as a stepping stone for expanding into overseas market including through continental supply chains as well as global value chains.<sup>11</sup> At the heart of the AfCFTA deal is the adoption of the Simplified Trade Regime (STR) to facilitate small-scale trade and ensure the pact benefits extend to small-scale traders, through: reduced clearance costs; simplified customs documents; simplified certificates of origin and fewer delays in the clearing of goods etc.<sup>12</sup> Examples where this takes place include: Moyale One-Stop Border Post, which is meant to boost trade between Kenya and Ethiopia; the Galafi One-Stop Border Post, between Djibouti and Ethiopia, which lies on the Djibouti Corridor; or the planned Horn of Africa Gateway Development Project (HoAGDP) to connect Kenya to Somalia and to Ethiopia.

The level of awareness of the AfCFTA deal among SMEs remains a challenge though. For example, a recent survey showed that only 26.2 percent of firms in Ghana, the operational seat of the AfCFTA Secretariat, have even heard of the AfCFTA, much less are well prepared to benefit from its low-to-zero tariffs, price advantages, and other competitive gains afforded when they conduct transactions around the continent under the AfCFTA.<sup>13</sup> The situation might not be that different in the HoA. Faced with uncertainty about taxes and tariffs applicable to consignments, many traders still use panya (smuggling) routes, where personal safety and security is likely to be compromised.<sup>14</sup>

Importantly, there are increasing concerns that African markets (dominated by SMEs), are ill prepared for such heightened levels of competition, and the pact brings concerns of further entrenchment of existing inequalities.<sup>15</sup> Bello and Gass (2018) note that past and present trade liberalization and free trade agreements create winners and losers. Based on economies of scale, there is evident indication that AfCFTA stands to benefit Multi-National Corporations (MNCs) instead of developing SMEs.<sup>16,17</sup> There are fears that the pact risks choking local SMEs, as consumers always prefer cheaper

products.<sup>18</sup> This may lead to local producers losing sales to industrial elites with higher ownership of the means of production, who can lower the cost of their products by leveraging the reduced tariffs.<sup>19</sup> For instance, East African Breweries from East Africa's economic giant Kenya, could more affordably expand production and export their goods across the HoA region and beyond compared to smaller economies, such as Somalia.

The paper acknowledges that AfCFTA constitutes the continent's most ambitious long-term response framework to the structural socio-economic drivers of insecurity. The explanation for this lies in its potential to reduce unemployment, which in turn has the potential to reduce conflict. This paper is of the view that the imbalances between MNCs and SMEs as earlier highlighted, are also linked with an expanding wealth gap between the rich and poor. Inequalities that stem from the dominance of MNCs tend to contribute to the economic and political marginalization of vulnerable groups of societies such as women and youth. In most cases, violent groups tend to target marginalized young people, in particular, to advance their agenda as witnessed in the case of Al-Shabaab in Somalia.

## Gender Equality

Although AfCFTA does not incorporate a specific chapter on trade and gender, expectations are high as it relates to the expanded business prospects for women-led SMEs, which will unlock the potential for African women, to grow their businesses.<sup>20</sup> Proponents view AfCFTA as a first agreement where achievement of gender equality is explicitly stated as an objective of international trade and a big stride in Africa's commitments towards achievement of gender equality as stipulated in the sustainable development goals (SDG 5).<sup>21</sup>

Article 3(e) specifies that AfCFTA aims to "promote and attain sustainable and inclusive socio-economic development, gender equality and structural transformation".<sup>22</sup> Additionally, its preamble contains an explicit reference to the importance of gender equality for the development of international trade and economic cooperation.<sup>23</sup> Although the preamble is not legally binding under international law, it certainly sets the tone for the pact.<sup>24</sup>

Pursuant to Article 27(d), there is an explicit reference to improving the export capacity of formal and informal service suppliers, with particular attention to micro, small and medium-



sized operators in which women and youth actively participate. This provision targets women entrepreneurs and aims to ensure that they are not left behind in the process of trade liberalization by breaking the barriers these businesses constantly encounter as they try to position themselves to tap into more advanced regional and overseas markets.

Article 4 of the Protocol on the Free Movement of Persons makes it more affordable for informal traders to operate through formal channels, which offer more protection by addressing the vulnerabilities of women in cross-border trade who ordinarily encounter gender-specific risks ranging from harassment to abuse.<sup>25</sup> A good example is the proposed Busia Cross Border market and the Safe Trade Zone Emergency facility between Kenya and Uganda that seeks to provide storage facilities and a day care centre for women traders.

Trade experts and gender equality advocates are expressing concern that gender-related provisions of the AfCFTA's legal framework lack precision and that AfCFTA runs the risk of exacerbating existing gender disparities and discrimination and worsening the conditions of women engaged in trade.<sup>26,27</sup> As further explained, this is because our economic structures are not gender equal: those with fewer assets, less income and less capacity to borrow are usually less able to benefit from changes and most often are women.<sup>28</sup> Indeed, this paper underlines that AfCFTA is fairly general and lacks firm commitment as it doesn't have concrete tools or measures identified, nor are there specific sectors targeted to achieve gender equality or enhance women empowerment.<sup>29</sup> Consequently, the level of commitment is relatively low, since the means of implementation of these provisions is left to the total discretion of the Member States.<sup>30</sup>

### **Decent Work and Vulnerability Focus**

The nexus between AfCFTA and infrastructure development appears to be strong, viewed through the prism of the continental Private Sector Investment Financing Framework. This is a private-sector-led initiative, meant to boost industry capacity and take advantage of the liberalized pan-African market.<sup>31</sup> On the one hand, AfCFTA provides new opportunities for infrastructure investment that will catalyze integration and facilitate intracontinental trade. For example, the Addis to Djibouti road, rail and port connection; and the Lamu Port, South Sudan, Ethiopia Transport (LAPSSET) Corridor are connecting landlocked countries to ports on coastlines, and completing currently missing links

for transcontinental highways, to facilitate the free flow of goods.

On the other hand, significant investment in quality infrastructure will be critical to greater market opportunities, triggering more trade and investment. It will also allow greater value addition and productivity growth leading to better jobs with social inclusion, and thus further enlarged markets.<sup>32 33 34</sup> Infrastructure development is necessary, in order to realize the full socio-economic development impact of AfCFTA thanks to the Program for Infrastructure Development in Africa (PIDA) initiative.<sup>35</sup> PIDA aims at strengthening rural-urban links and developing trade corridors, such as upgrading the poor border conditions for informal cross-border traders. Such kinds of improvements in border areas provide informal cross-border traders with facilities such as hygienic water, sanitation and catering facilities, particularly for women traders.<sup>36</sup>

However, there are also legitimate concerns about effectively redressing the negative implications of infrastructure projects on communities. Member States and project developers have on different occasions been accused of leaving out the public, including local communities along the corridor routes, during discussions on critical issues related to the implementation of various AfCFTA infrastructure projects. For example, the LAPSSET project has been faced with concerns over the environmental impacts and inadequate compensation for owners of the land that the roads and railway pass through, precipitating public litigation processes.<sup>37</sup> Closely related is the Addis Ababa–Djibouti Railway modernization project, where it is feared that the lack of serious public participation of local communities and pastoral communities has led to rent-seeking practices, such as compensation for owners of cattle and camels killed by trains.<sup>38</sup> The level of compensation is at the discretion of the train operator, more so, it has no explicit statutory basis.<sup>39</sup>

Jobs are central to the just trade transition. By promoting labor-intensive infrastructure development and industrialization, AfCFTA can generate significant income gains in the form of direct and indirect employment opportunities along the entire trade value chain, for the bulging youth and women population.<sup>40</sup> For the eastern African countries alone, the Economic Commission for Africa (ECA) estimates that AfCFTA could result in welfare gains amounting to USD 1.8 billion and create two million jobs.<sup>41</sup>

By contrast, critics maintain that the AU's Protocol on the Free Movement of Persons,<sup>42</sup> a crucial complementary policy enabler for the success of the AfCFTA, has received considerably less political attention and traction than the AfCFTA itself, thus far only bilateral agreements e.g., between Kenya and Ethiopia; Kenya and Uganda; Ethiopia and Djibouti are in place. There is also a legitimate concern that laborers from poorer countries may be forced to work long hours and live in informal settlements without basic amenities such as drinking water and electricity, in order to send money to their families. Some workers might even be forced to accept lower wages and be prevented from joining labor unions, under threat of losing their jobs.<sup>43</sup>

Furthermore, the challenges for realizing decent work for all as protected by ILO conventions, are daunting, in the sense that trade unions, civil society organizations and communities that will be directly affected have been poorly consulted in the formulation and implementation of the AfCFTA.<sup>44</sup> According to the United Nations Economic Commission for Africa (UNECA) commissioned ex-ante human rights assessment, AfCFTA negotiators must ensure broad consultation and participation in the AfCFTA negotiations and implementation. The report further urges policymakers and negotiators to reach out to all stakeholders and ensure that the voices of vulnerable and marginalized groups are heard and taken into account.

## Conclusion and Recommendation

The conclusion is a rather mixed picture of the continent's positioning for a just trade transition, in light of the AfCFTA. Overall, there can be no doubt that the nascent and wide-reaching free trade area is backed by a set of aspirations for achievement of just trade transition. Nonetheless, the challenges are in the implementation. While the free-trade agreement will continue to evolve over time, there seems to be a serious level of disparity between what is on paper, and what is being implemented, including contradiction between policy rhetoric and actions. The negative implications of these gaps significantly affect the most vulnerable members of society such as informal traders, women and youth-led SMEs etc. Any effort to realise just trade transition in the HoA, can thus seek to align its ambitions against important principles, as well as ensuring that such a transition is socially inclusive and just, leaving no one behind by:

- Sensitizing and creating awareness among policy makers, development partners, women and youth led SME traders, as well as the public, on a common understanding of the concept of just trade, its relevance and how to ensure its implementation across the AfCFTA spectrum.
- Enhancing consistency between policy, strategies, and trade facilitation actions while ensuring issues concerning women and youth-led SMEs remain adequately prioritised.
- Building an efficient and participatory institutional architecture for enhanced sharing experiences, best practices, and lessons learned, in order to ensure that various stakeholders including development partners are not only cognizant and supportive of the free trade agreement but also safeguard issues of justice across the trade value chains, jobs and opportunities related to the AfCFTA at local, national, regional and continental levels
- Mobilising Member States, continental organs, institutions and “development partners” to enhance the retraining, building the necessary new skills and formalization of work for vulnerable workers, both in highly skilled as well as semi-skilled areas so as to help meet the emerging job-skill requirements of the AfCFTA.

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