

Facts About African Continental Free Trade Area (AfCFTA)



Signed
21st March 2018



Entered Into Force
30th May 2019



Start of Trading
1st January 2021

For the legal profession, AfCFTA promises:

- Through MODE 5, the legal profession as well as other professional services will be gradually liberalised. Lawyers with cross-border presence/networks will be highly sought.
- Diverse dispute resolution mechanisms, giving opportunity for growth of arbitration in Africa and for use of Dispute Settlement Body and the Regional Economic Communities (RECs) systems such as the East African Court of Justice.
- AfCFTA recognizes RECs like EAC, ECOWAS and SADC as building blocks for its realization. Lawyers should strive to understand the processes under EAC Treaty and community laws to better advise their clients and governments on implementation of AfCFTA.
- Non-Tariff Barriers (NTBS) are going to surface in the AfCFTA trading. Helping governments and traders tackle them will be a major source of business for lawyers.
- Cross-border competition matters are expected under AfCFTA, and lawyers should be prepared to assist their clients through the COMESA and EAC competition handling processes.
- Cross-border traders will need assistance with unpacking the AfCFTA rules and compliance.
- Rules of Origin requirements (ROO), Standards, and Sanitary and Phytosanitary Standards (SPS) are going to be a major source of complaints and disputes under AfCFTA. Lawyers will be instrumental in handling or prosecuting complaints and disputes.
- Contracts will feature prominently in the AfCFTA. Lawyers should be ready to assist their clients through financing, insurance, transportation, and end-to-end contracting requirements.

East Africa Law Society, through the EALS Institute, has planned an elaborate capacity building program on AfCFTA for lawyers, decision-makers in manufacturing sectors and the government to retool them on the new continental trading systems. To learn more, visit our website or write to us at training@ealawsociety.org.