

Table 1 – Outcome of Phase 1 negotiations

Agreement Establishing the African Continental Free Trade (AfCFTA)		
Protocol on Trade in Goods	Protocol on Rules and Procedures for the Settlement of Disputes	Protocol on Trade in Services
• (Annex 1 on Schedules of Tariff Concessions)*; • Annex 2 on Rules of Originⁱ; • Annex 3 on Customs Cooperation and Mutual Administrative Assistance; • Annex 4 on Trade Facilitation; • Annex 5 on Non-Tariff Barriers; • Annex 6 on Technical Barriers to Trade; • Annex 7 on Sanitary and Phytosanitary Measures; • Annex 8 on Transit; and • Annex 9 on Trade Remedies.	• Annex 1 on Working Procedures of the Panel; • Annex 2 on Expert Review; • Annex 3 on Code of Conduct for Arbitrators and Panelists.	• (Schedules of Specific Commitments)*; • (Most Favoured Nation (MFN) Exemptions)*; • (Air Transport Services)*; • (List of Priority Sectors)*ⁱⁱ; • (Framework document on Regulatory Cooperation)*.

ⁱ Annex 2 on Rules of Origin has four Appendices: Appendix I on AfCFTA Certificate of Origin, Appendix II on AfCFTA Origin Declaration, Appendix III on AfCFTA Supplier or Producer’s Declaration and Appendix IV on AfCFTA Rules of Origin (to be inserted)

ⁱⁱ Agreement has been reached to focus initially on the following five (broad) service sectors: financial, telecommunication, transport, tourism, and business services.

*To be inserted

Source: African Union Commission (AUC) presentation during Dedicated Session of Negotiating Forum, 18 March 2019

The AfCFTA Agreement stipulates that the AfCFTA enters into force 30 days after deposit of the 22nd deposit of the instrument of ratification. The AfCFTA entered into force on 30 May 2019 as the 22nd deposit took place on 29 April 2019.¹

For its operationalization, agreement would need to be reached particularly in the following areas:

- Rules of origin
- Schedules of tariff concessions on trade in goods
- Annexes to the Protocol on Trade in Services, including the schedules of concessions on trade in services.

The focus of these ‘Phase 1B’ negotiations will be tariff negotiations. Section 2 of the paper explores available research on the expected economic impact of tariff liberalization under the AfCFTA. Section 3 explains the agreed tariff negotiation modalities. Section 4 raises some legal issues with the AfCFTA and Section 5 raises some specific issues with respect to the tariff negotiations. Section 6 provides a conclusion.

2. Expected economic impact of AfCFTA

2.1 Overall impact on Africa

While the AfCFTA itself has been signed and is being

ratified by an increasing number of African countries, the Parties have yet to negotiate the tariff concessions under the AfCFTA. Therefore impacts can only be estimated on the basis of models. The most often used type is the so-called Computable General Equilibrium (CGE) model.

The CGE simulations that have been employed generally paint a rosy picture of the AfCFTA. Indicators such as gross domestic product (GDP), employment and intra-African trade would increase for the continent.

Some headline Africa-wide results include the following:

- GDP would grow by 0.66-0.97 percent and employment by 0.82-1.17 percent.²
- Real wages would increase, and increase more for ‘unskilled’ labourers (0.74 percent in agriculture, 0.8% in non-agricultural sectors) compared to ‘skilled’ labourers (0.54 percent).³
- Growth in intra-African trade is estimated at 24 to 33 percent (Saygili et al., 2018). There appears to be consensus that the share of intra-African trade would not double within the next 10 years on account only of the AfCFTA, as wished by AU member States. This finding prompted Mevel and Karingi (2012) to argue for measures complementary to tariff elimination.

表1 – 第一阶段谈判成果

《非洲大陆自由贸易区成立协定》(非洲大陆自由贸易区)		
《货物贸易议定书》	《规则与争端解决程序议定书》 非洲大陆自由贸易区 (AfCFTA) 争端解决程序 争议	《服务贸易议定书》
• (关税减让表附件1减让)*; • 原产地规则附件2ⁱ; • 海关合作附件3与相互行政援助; • 贸易便利化附件4; • 非关税壁垒附件5; • 技术性贸易壁垒附件6; • 卫生与植物卫生措施附件7货币政策措施; • 过境附件8; 以及 • 贸易救济附件9。	• 附件1关于工作程序; • 附件2关于专家审查; • 附件3关于仲裁员行为准则小组成员。	• (具体承诺减让表)*; • (最惠国待遇豁免)*; • (航空运输服务)*; • (优先部门清单)*ⁱⁱ; • (监管合作框架文件)*.

ⁱ 原产地规则附件2包含四个附录：附录I关于非洲大陆自由贸易区原产地证书、附录II关于非洲大陆自由贸易区原产地声明、附录III关于非洲大陆自由贸易区供应商或生产商声明及附录IV关于非洲大陆自由贸易区原产地规则（待插入）

ⁱⁱ 各方已达成协议，初期将重点聚焦以下五大（广义）服务领域：金融、电信、运输、旅游及商业服务。

*待插入

来源: African Union C 非洲联盟委员会（AUC）在2019年3月18日谈判论坛专题会议上的陈述

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非洲大陆自由贸易区协定规定，非洲大陆自由贸易区在22nd 批准书交存30天后生效。由于22nd 批准书于2019年4月29日交存，非洲大陆自由贸易区于2019年5月30日正式生效。¹

为实现其可操作性，尤其需要在以下领域达成协议：

- 原产地规则
- 货物贸易关税减让表
- 《服务贸易议定书》附件，包括服务业贸易减让表。

这些‘第一阶段B’谈判的重点将是关税谈判。本文第2节探讨了关于非洲大陆自由贸易区下关税自由化预期经济影响的现有研究。第3节解释了已商定的关税谈判模式。第4节提出了非洲大陆自由贸易区的一些法律问题，第5节则针对关税谈判提出了一些具体问题。第6节为结论部分。

2. 非洲大陆自由贸易区的预期经济影响

2.1 对非洲大陆的整体影响

虽然《非洲大陆自由贸易区》协议已签署并正在

尽管越来越多的非洲国家已批准协议，但缔约方仍需就非洲大陆自由贸易区框架下的关税减让进行谈判。因此，其影响只能基于模型进行估算。最常用的模型类型是所谓的可计算一般均衡模型。

现有的可计算一般均衡模拟普遍描绘了非洲大陆自由贸易区的美好前景。大陆层面的国内生产总值、就业和非洲内部贸易等指标均将实现增长。

非洲大陆整体的一些关键结果包括：

- 国内生产总值将增长0.66%-0.97%，就业率将提升0.82%-1.17%。²
- 实际工资将有所增长，且‘非技术’劳动力（农业部门增长0.74%，非农业部门增长0.8%）的增幅高于‘技术’劳动力（0.54%）。³

• 非洲内部贸易的增长预计在24%至33%之间（Saygili等人，2018）。似乎存在共识，仅凭非洲大陆自由贸易区，非洲内部贸易份额在未来10年内不会如非洲联盟成员国所期望的那样翻倍。这一发现促使Mevel和Karingi（2012）主张采取与关税取消相辅相成的措施。

The largest employment growth rates are found in the manufacturing industry followed by some services and agriculture subsectors (Saygili et al., 2018). As intra-African trade has a higher skill and technology content than Africa’s trade with others, the AfCFTA can improve diversification, and the industrial product and technology content of AU member States’ exports. In that context, liberalization of trade within the African continent has merits.

However, these headline figures for the whole of Africa mask the distributional impacts of tariff liberalization under AfCFTA between as well as within countries (in terms of sectors, income groups, gender). Some of these impacts might be mitigated by a carefully calibrated schedule of tariff concessions.

Such calibration might also involve the development of customized offers to different countries. Products might be sensitive if originating from certain countries, but not from others, depending on the (relative) competitiveness of producers in the concerned countries.

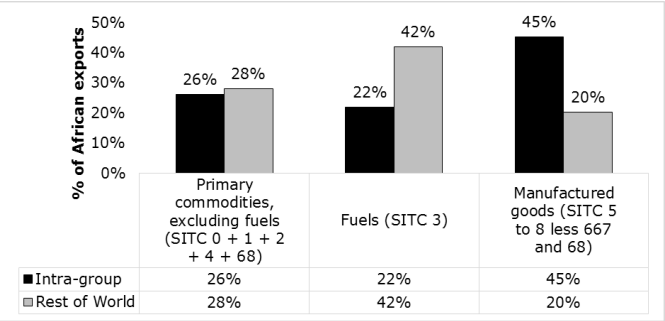
2.2 Adjustment costs

Studies point out that there are various short term losses, in particular tariff revenue losses. According to Saygili et al. (2018) Africa-wide tariff revenue loss would be equivalent to between 7.2 percent (free trade agreement (FTA) with ‘Special Product Categorization’) to 9.1 percent of current revenues (a ‘full FTA’).

The presumption is often that the long-term benefits are greater than the short-term losses and other adjustment costs. Table 2 below shows the various components of adjustment costs.

Trade liberalization can have a negative impact on labour in the short and medium term, especially if these sectors were protected. Labour mobility across sectors is limited in developing countries.⁴ In other

Graph 1 - Structure of Africa's exports to its internal market vs Rest of World (2015-2017)



Source: UNCTADStat (<http://unctadstat.unctad.org/>), Table ‘Merchandise: Intra-trade and extra-trade of country groups by product, annual’, using data from the years 2015 to 2017.

Note: SITC stands for Standard International Trade Classification.

words, tariff elimination under the AfCFTA might cause unemployment and lower wages in certain sectors and involve increased health care costs and costs for retraining. This may create social tensions and problems unless compensatory or ‘flanking’ measures are set in place.

Besides labour costs, other adjustment costs can include the lower utilization of productive assets and the need to make new investments in order to respond to new competitive conditions.

Many types of adjustment costs are difficult to model, among others due to the lack of data, and therefore the results of CGE simulations, especially for the long term, need to be interpreted with caution. As the famous British economist J.M. Keynes once wrote: “(the)...long run is a misleading guide to current affairs. In the long run we are all dead. Economists set themselves too easy, too useless a task, if in tempestuous seasons they can only tell us, that

Table 2 - Components of adjustment costs

Private adjustment costs	Labour	- Unemployment - Lower wage during transition - Obsolescence of skills - Costs for (re)training - Health care costs - Personal costs (e.g. mental suffering)
	Capital	- Underutilized capital - Obsolete machines or buildings - Transition cost of shifting capital to other activities
Public sector adjustment costs		- Lower tax revenue - Social safety net spending - Implementation costs of trade reform

Source: Adapted from Francois, Jansen, Peters, ‘Trade, Adjustment Costs and Assistance: The labour market dynamics’ (2011) at page 6.

最高的就业增长率出现在制造业，其次是部分服务业和农业子部门 (Saygili等人，2018)。由于非洲内部贸易比非洲与其他地区的贸易具有更高的技能和技术含量，非洲大陆自由贸易区可以促进多样化，并提升非洲联盟成员国出口的工业产品和技术含量。在此背景下，非洲大陆内部的贸易自由化具有优势。

然而，这些关于整个非洲大陆的头条数字掩盖了非洲大陆自由贸易区关税自由化在国家之间和国家内部（就行业、收入群体、性别而言）的分配影响。其中一些影响或许可以通过精心校准的关税减让时间表来缓解。

此类校准还可能涉及为不同国家制定定制化报价。某些产品若源自特定国家可能具有敏感性，但若源自其他国家则不然，这取决于相关国家生产商的（相对）竞争力。

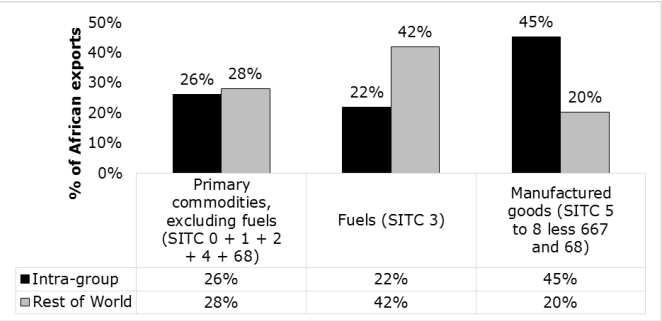
2.2 调整成本

研究指出存在多种短期损失，尤其是关税收入损失。根据 Saygili等人（2018）的研究，非洲范围内的关税收入损失将相当于当前收入的7.2%（采用‘特殊产品分类’的自由贸易协定（FTA））至9.1%（‘全面自由贸易协定’）。

通常的假设是长期利益大于短期损失及其他调整成本。下表2展示了调整成本的各个组成部分。

贸易自由化可能在短期和中期对劳动力产生负面影响，特别是当这些行业曾受保护时。发展中国家的跨行业劳动力流动性较为有限。⁴ 在其他

图表1 - 非洲对其内部市场与世界其他地区的出口结构 (2015-2017)



数据来源: 联合国贸易和发展会议统计数据库 (<http://unctadstat.unctad.org/>), 表格‘商品：国家组别按产品分类的区内贸易与区外贸易，年度’，采用2015至2017年数据。

注：SITC代表标准国际贸易分类。

换言之，非洲大陆自由贸易区下的关税取消可能导致某些行业的失业和工资降低，并涉及增加的医疗保健成本和再培训成本。除非采取补偿性或‘配套’措施，否则这可能引发社会紧张和问题。

除劳动力成本外，其他调整成本可能包括生产性资产利用率下降以及为应对新的竞争条件而需进行新投资。

许多类型的调整成本难以建模，尤其是由于缺乏数据，因此可计算一般均衡模拟的结果，特别是长期结果，需要谨慎解读。正如英国著名经济学家J.M.凯恩斯曾写道：“（这个）...长期是对当前事务的误导性指南。长期来看，我们都死了。如果经济学家在动荡时期只能告诉我们，那么他们给自己设定的任务就太简单、太无用了。”

表2 - 调整成本的组成部分

私人调整成本	劳动力	- 失业 - 转型期间的低工资 - 技能过时 （再）培训成本 - 医疗保健成本 - 个人成本（例如精神痛苦）
	资本	- 未充分利用的资本 - 过时的机器或建筑物 - 资本转向其他活动的过渡成本
公共部门调整成本		- 税收减少 - 社会安全网支出 - 贸易改革的实施成本

来源: 改编自Francois, Jansen, Peters, ‘Trade, Adjustment Costs and Assistance: The labour market dynamics’ (2011) 第6页。