

AGREEMENT ESTABLISHING THE
AFRICAN CONTINENTAL FREE TRADE AREA



**AGREEMENT ESTABLISHING THE
AFRICAN CONTINENTAL FREE TRADE AREA**

PREAMBLE

We, Member States of the African Union,

DESIROUS to implement the Decision of the Assembly of Heads of State and Government during its Eighteenth Ordinary Session held in Addis Ababa, Ethiopia from 29th-30th January, 2012 (Assembly/AU/Dec. 394(XVIII)) of the Framework, Road Map and Architecture for Fast Tracking the establishment of the African Continental Free Trade Area and the Action Plan for Boosting Intra-African Trade;

COGNISANT of the launch of negotiations for the establishment of the Continental Free Trade Area aimed at integrating Africa's markets in line with the objectives and principles enunciated in the *Abuja Treaty* during the Twenty-Fifth Ordinary Session of the Assembly of Heads of State and Government of the African Union held in Johannesburg, South Africa from 14-15 June 2015 (**Assembly/AU/Dec. 569(XXV)**);

DETERMINED to strengthen our economic relationship and build upon our respective rights and obligations under the *Constitutive Act of the African Union of 2000*, the *Abuja Treaty* and, where applicable, the *Marrakesh Agreement Establishing the World Trade Organization of 1994*;

HAVING REGARD to the aspirations of Agenda 2063 for a continental market with the free movement of persons, capital, goods and services, which are crucial for deepening economic integration, and promoting agricultural development, food security, industrialisation and structural economic transformation;

CONSCIOUS of the need to create an expanded and secure market for the goods and services of State Parties through adequate infrastructure and the reduction or progressive elimination of tariffs and elimination of non-tariff barriers to trade and investment;

ALSO CONSCIOUS of the need to establish clear, transparent, predictable and mutually-advantageous rules to govern Trade in Goods and Services, Competition Policy, Investment and Intellectual Property among State Parties, by resolving the challenges of multiple and overlapping trade regimes to achieve policy coherence, including relations with third parties;

RECOGNISING the importance of international security, democracy, human rights, gender equality and the rule of law, for the development of international trade and economic cooperation;



REAFFIRMING the right of State Parties to regulate within their territories and the State Parties' flexibility to achieve legitimate policy objectives in areas including public health, safety, environment, public morals and the promotion and protection of cultural diversity;

FURTHER REAFFIRMING our existing rights and obligations with respect to each other under other agreements to which we are parties; and

ACKNOWLEDGING the Regional Economic Communities (RECs) Free Trade Areas as building blocs towards the establishment of the African Continental Free Trade Area (AfCFTA),

HAVE AGREED AS FOLLOWS:

**PART I
DEFINITIONS**

**Article 1
DEFINITIONS**

For the purpose of this Agreement,

- (a) **"Abuja Treaty"** means the *Treaty Establishing the African Economic Community of 1991*;
- (b) **"Agreement"** means this Agreement Establishing the African Continental Free Trade Area and its Protocols, Annexes and Appendices which shall form an integral part thereof;
- (c) **"Annex"** means an instrument attached to a Protocol, which forms an integral part of this Agreement;
- (d) **"Appendix"** means an instrument attached to an Annex which forms an integral part of this Agreement;
- (e) **"Assembly"** means the Assembly of Heads of State and Government of the African Union;
- (f) **"AU"** means the African Union;
- (g) **"AfCFTA"** means the African Continental Free Trade Area;
- (h) **"Commission"** means the African Union Commission;
- (i) **"Constitutive Act"** means the Constitutive Act of the African Union of 2000;

