



The AfCFTA

The challenge of non-tariff barriers

Blessing Chipanda and Jakkie Cilliers

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The challenge of non-tariff barriers

In addition to Africa's infrastructure deficit, non-tariff barriers are a notable constraint to trade in Africa and African trade with the rest of the world.

Non-tariff barriers include onerous regulatory procedures, expensive visa requirements, corruption and inefficiency. They include import prohibitions, quotas, export subsidies, export restrictions, technical barriers to trade (such as regulations, standards and assessment procedures) and rules about food safety and animal and plant health standards.[1] Whereas free trade agreements are subject to long and drawn-out processes associated with the negotiations, removing non-tariff barriers results from unilateral efforts and bilateral cooperation between neighbours. The power of removing non-tariff barriers was illustrated by a study from the Trade and Law Centre (tralac), which found that reducing the time it takes to move goods across borders by just 20% would be more economically advantageous for Africa than removing all import tariffs.[2]

At Beitbridge border post, for example, it takes a truck an average of 35 hours to clear the border from South Africa into Zimbabwe. In response, the South African cabinet adopted a One-Stop Border Framework in 2018 and prospects of improvements may be on the horizon. Significant progress has already been made in East Africa, where border crossing times have reduced from several days to about three to six hours as part of the reforms associated with the EAC — a demonstration of potential progress possible elsewhere.[3]

The World Bank's Ease of Doing Business Index for 2019 includes only nine African countries in the top 100.[4] The COMESA-EAC-SADC Tripartite Free Trade Area website lists examples of 25 non-tariff barriers to trade, which range from import bans and product classification to corruption. However, progress in eliminating these barriers is slow, as each non-tariff barrier reflects a vested interest or a local practice along a border region, sometimes spanning several generations, on which the livelihoods of communities may depend.[5]

In an effort to regulate such standards, the WTO's Agreement on the Application of Sanitary and Phytosanitary Measures came into force in 1995. The agreement provides uniform rules for all laws, regulations and requirements regarding how a product is produced, processed, stored and transported to ensure that its import does not pose a risk to human, animal or plant health. Sanitary measures are aimed at safeguarding human and animal health, while phytosanitary ones are intended to protect plants.

Imported goods should be from disease-free areas, inspected before export and should not exceed maximum levels of pesticide or insecticide use. Health risks from fresh foods and agricultural goods include salmonella poisoning, foot and mouth disease and plant pests.

The agreement is also meant to prevent countries from using rules and regulations simply to block trade, stating explicitly that the measures cannot be employed in a manner that would constitute a disguised restriction on international trade. But although importing countries are encouraged to use existing international standards, they are nevertheless allowed to adopt stricter regulations if they can scientifically justify their actions.

Endnotes

1. The World Trade Organization tries to address these barriers through the Technical Barriers to Trade Agreement and the separate agreement on food safety and animal and plant health standards (the Sanitary and Phytosanitary Measures Agreement)
2. J Grinsted and R Sandrey, *The Continental Free Trade Area – A GTAP assessment*, Stellenbosch: Trade Law Centre, 2015
3. C du Plessis, *African Free Trade Area kicks off, but with reminders of major obstacles at borders*, *News24*, 4 January 2021
4. Rankings are as follows: Mauritius – 13th; Rwanda – 38th; Morocco – 53rd; Kenya – 56th; South Africa – 84th; Zambia – 85th; Botswana – 87th; Togo – 97th; Seychelles – 100th. See: World Bank, *Ease of doing business rank – South Africa*
5. See: COMESA, EAC & SADC, *Non-tariff barriers to trade*

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About the authors

Dr **Blessing Chipanda** joined the African Futures and Innovation (AFI) programme in January 2023. Before joining the ISS he worked as an assistant lecturer/research assistant at the University of Pretoria, Department of Economics. He is particularly interested in tasks within the wider realm of international trade, development economics, public policy, monetary policy, and econometric modelling. Equally interested in economic and socio-economic activities that impact social welfare. Blessing has a PhD in economics from the University of Pretoria, South Africa.

Dr **Jakkie Cilliers** is the ISS's founder and former executive director of the ISS. He currently serves as chair of the ISS Board of Trustees and head of the African Futures and Innovation (AFI) programme at the Pretoria office of the ISS. His 2017 best-seller *Fate of the Nation* addresses South Africa's futures from political, economic and social perspectives. His three most recent books, *Africa First! Igniting a Growth Revolution* (March 2020), *The Future of Africa: Challenges and Opportunities* (April 2021), and *Africa Tomorrow: Pathways to Prosperity* (June 2022) take a rigorous look at the continent as a whole.

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