

AFRICAN UNION



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ASSEMBLY OF THE AFRICAN UNION
Twelfth Extraordinary Session
7 July 2019
Niamey, NIGER



DECISION ON THE LAUNCH OF THE OPERATIONAL PHASE OF THE AFRICAN CONTINENTAL FREE TRADE AREA (AfCFTA)

The Assembly,

1. **TAKES NOTE WITH APPRECIATION** of the Report of H.E. Mr. Issoufou Mahamadou, President of the Republic of Niger, the Leader of the African Continental Free Trade Area (AfCFTA), and **ADOPTS** the recommendations thereof on the progress achieved on the establishment of the AfCFTA;
2. **COMMENDS** the role of all Member States, AU Ministers of Trade (AMOT) and other AfCFTA Negotiating Institutions, the Commission, Regional Economic Communities (RECs) and the AU cooperating partners, on the significant progress made in the ratification of the AfCFTA Agreement culminating in the unprecedented record attainment of the minimum number of instruments of ratifications on 29th April 2019 within thirteen months of opening for signature of the AfCFTA Agreement;
3. **WELCOMES** the entry into force of the AfCFTA Agreement on 30th May, 2019;
4. **CONGRATULATES** the twenty-seven (27) State Parties who have deposited the instruments of ratification of the AfCFTA Agreement with the Chairperson of the Commission, namely: Burkina Faso, Chad, Côte d'Ivoire, Congo, Djibouti, Egypt, Eswatini, Ethiopia, Equatorial Guinea, Gabon, The Gambia, Ghana, Guinea, Kenya, Mali, Mauritania, Namibia, Niger, Rwanda, Saharawi Arab Democratic Republic, Sao Tome and Principe, Senegal, Sierra Leone, South Africa, Togo, Uganda and Zimbabwe;
5. **WELCOMES** the signing of the Agreement by Benin and Nigeria, which raises the number of signatures to fifty-four (54) Member States, and **CALLS UPON** those Member States that have not signed or ratified the AfCFTA Agreement, to do so as soon as possible;
6. **FURTHER RECALLS** its Decision Assembly/AU/Dec.714(XXXII), adopted at the 32nd Ordinary Session of the Assembly held in February, 2019, in Addis Ababa, Ethiopia, , to specifically hold this 12th Extraordinary Session of the Assembly of the AU to celebrate the first anniversary of signing the AfCFTA Agreement, launch the operational phase of the African Internal Market and decide on the location and structure of the AfCFTA Secretariat;
7. **LAUNCHES** the operational phase of the AfCFTA supported by:
 - a) the agreed AfCFTA Rules of Origin;
 - b) Dashboard of the AU Trade Observatory;
 - c) AfCFTA Trade in Goods Password Protected Dashboard;
 - d) Pan-African Payments and Settlements System; and
 - e) Continental Online Mechanism for Monitoring, Reporting and Elimination of Non-Tariff Barriers.

8. **DECIDES** that the:

- a) final schedules of Tariff Concessions and outstanding Rules of Origin for the AfCFTA, be submitted to the next session of the Assembly of the AU in February 2020;
- b) dismantling of tariffs shall start not later than 1 July 2020, to allow the start of trading within the AfCFTA Regime on the same day;
- c) Interim AfCFTA Secretariat organises the inaugural meeting of the AfCFTA Council of Ministers not later than 31st October 2019;
- d) Commission should ensure that the AfCFTA Secretariat is operational no later than 31 March 2020; and
- e) the 7 July of each year be designated as “*the Africa Integration Day*” without being a public holiday to commemorate the operationalisation of the AfCFTA Agreement ;

9. **DECIDES TO FURTHER DISCUSS** the submission of the G6 Countries (Ethiopia, Madagascar, Malawi, Sudan, Zambia and Zimbabwe) to undertake liberalization of the 90% of total tariff lines over a period of fifteen (15) years, subject to reciprocity, with the view to reach consensus and to report to the upcoming session of the Assembly of the AU in February 2020;

10. **ALSO DECIDES** that the AfCFTA Leader and the Head of the AfCFTA Secretariat, be part of the Mid-Year Coordination Meetings between the AU and the RECs;

11. **DIRECTS** the Commission to support the Council of Ministers responsible for Trade to put in place the AfCFTA institutional and governance structures that will facilitate effective implementation of the various trade instruments under the AfCFTA Agreement;

12. **ALSO DIRECTS** the Commission to have the structure of the AfCFTA Secretariat, its work program and budget approved by the appropriate AU Policy Organs by February 2020;

13. **FURTHER DIRECTS** the Secretariat to monitor the implementation of AfCFTA and submit reports to the AfCFTA Council of Ministers for consideration at the Assembly's ordinary sessions;

14. **CALLS UPON** State Parties to ensure sustainability of the AfCFTA Agreement by continuously providing the necessary support such as financial, political, technical and including the timely provision of information;

15. **ALSO CALLS UPON** the AfCFTA Secretariat, the Commission and RECs to develop a framework of cooperation to further facilitate the development of the intra-Africa trade, and in this context **WELCOMES** the organization of the first Intra-African Trade Fair held in Cairo, Egypt, in December 2018 and the following session that will be held in Kigali, Rwanda, in September 2020;

16. **TAKES NOTE** of the position of Director General of the World Trade Organization falling vacant on 31st August 2020 and **DIRECTS** the African Ministers of Trade (AMOT) to work towards ensuring that Africa succeeds in getting the position and contributes to the strengthening of the multilateral trading system following the established AU relevant processes and procedures;
17. **CONGRATULATES** the People and Government of the Republic of Niger for successfully hosting the session of the Executive Council, the 12th Extraordinary Session of the Assembly of the AU, the First Mid-Year Coordination Meeting between the AU and RECs and side events;
18. **ADOPTS** the Niamey Declaration on the Launch of the Operational Phase of the AfCFTA;
19. **REQUESTS** the AfCFTA Leader, H.E. Mr. Issoufou Mahamadou, President of the Republic of Niger, to submit a progress report on the AfCFTA at its February 2020 session of the Assembly of the AU



**DECISION ON HOSTING OF THE SECRETARIAT OF THE AFRICAN
CONTINENTAL FREE TRADE AREA (AfCFTA)**

The Assembly,

1. **RECALLS** Decision Assembly/AU/Dec.394(XVIII), adopted at the 18th Ordinary Session held in January 2012, in Addis Ababa, Ethiopia, on Boosting Intra-African Trade and Fast Tracking the establishment of the AfCFTA, as well as Decision Ext/Assembly/AU/Dec.1(X), adopted at the 10th Extraordinary Session held in March 2018, in Kigali, Rwanda, on the adoption of the Agreement Establishing the AfCFTA;
2. **ALSO RECALLS** Decision Assembly/AU/Dec.714 (XXXII), adopted at the 29th Ordinary Session of the Assembly, held in February 2019, in Addis Ababa, Ethiopia, , to hold an Extraordinary Session of the Assembly of the Union in July 2019, in Niamey, Niger, in order to celebrate the first Anniversary of the signing of the AfCFTA, launch the operational phase of the African Internal Market and decide on the location and structure of the AfCFTA Secretariat;
3. **TAKES NOTE** of the Recommendations of the Executive Council on the Technical Evaluation Mission Report on the Hosting of the AfCFTA Secretariat;
4. **DECIDES** that the Republic of Ghana shall host the AfCFTA Secretariat;
5. **CONGRATULATES** the People and the Government of the Republic of Ghana;
6. **REQUESTS** the Commission, in collaboration with the Republic of Ghana, to finalise the host-country agreement in accordance with the Executive Council Decision EX.CL/195 (VII) Rev.1 of July 2005 on hosting AU Organs; and accordingly, facilitate the expeditious transfer of the interim AfCFTA Secretariat to the host-country with a view to accelerating the establishment of the Permanent Secretariat by February 2020
7. **MANDATES** the Commission to submit a progress report on the operationalization of the AfCFTA Secretariat to the Ordinary Session of the Assembly of the AU in February 2020.

DECISION ON THE SUCCESSFUL HOSTING OF THE TWELFTH EXTRAORDINARY SESSION OF THE ASSEMBLY OF THE UNION AND THE FIRST MID-YEAR COORDINATION MEETING BETWEEN THE AU AND THE REGIONAL ECONOMIC COMMUNITIES (RECs) IN NIAMEY, REPUBLIC OF NIGER

The Assembly,

1. **RECALLS** its decision Assembly/AU/Dec.744(XXXII), adopted at the 32nd Ordinary Session in February 2019, in Addis Ababa, Ethiopia, wherein the Assembly of the Union decided to hold its 12th Extraordinary Session of the Assembly of the Union in the Republic of Niger, before the Mid-Year Coordination Meeting between the AU and the RECs, in order to celebrate the first Anniversary of the signing of the AfCFTA and formally launch the operational phase of the African Internal Market;
2. **NOTES** with satisfaction the impressive planning, organizing and hosting of the 12th Extraordinary Session of the Assembly of the AU and the First Mid-Year Coordination Meeting between the AU and the RECs by the Republic of Niger, in Niamey, at the “ Palais des Congres” on 7 and 8 July 2019;
3. **CONGRATULATES** H.E. the President Issoufou Mahamadou, President of the Republic of Niger, the Government and the People of Niger for the efforts and facilities put in place which led to the success of the 35th Ordinary Session of the Executive Council, the 12th Extraordinary Session of the AU and the First Mid-Year Coordination Meeting between the AU and the RECs ;
4. **COMMENDS** the Republic of Niger for the warm hospitality extended to all delegations and participants and **ALSO COMMENDS** the Government of Niger for the successful results of the AU Summit..

**NIAMEY DECLARATION ON THE LAUNCH OF THE OPERATIONAL PHASE OF THE
AFRICAN CONTINENTAL FREE TRADE AREA (AfCFTA)**

WE, the African Union (AU) Heads of State and Government, having held our 12th Extraordinary Summit in Niamey, Republic of Niger on 7 July 2019,

RECALLING the:

- a) provisions of the Treaty Establishing the African Economic Community (AEC) signed in Abuja, Nigeria, in 1991;
- b) Assembly Decision Assembly/AU/Dec.394(XVIII), adopted at the 18th Ordinary Session held in January 2012, in Addis Ababa, Ethiopia, on Boosting Intra-African Trade (BIAT) and Fast Tracking the African Continental Free Trade Area (AfCFTA) by an indicative date of 2017;
- c) Assembly Decision Assembly/AU/Dec.569(XXV), adopted at the 25th Ordinary Session of the Assembly held in June 2015, in Johannesburg, South Africa, launching the negotiations for the establishment of the AfCFTA;
- d) Assembly Decision on the Readiness Assessment of the African Internal Market to be presented to the February 2020 Summit;
- e) launch of the Single African Air Transport Market;
- f) opening for signature of the Protocol to the Treaty Establishing the AEC Relating to the Free Movement of Persons, Right of Residence and Right of Establishment for Member States to sign and ratify;

RECOGNISING that the AfCFTA Negotiating Institutions undertook negotiations from February 2016 leading to the signing of the Agreement Establishing the AfCFTA at the 10th Extraordinary Session of the Assembly held on 21 March 2018, in Kigali, Rwanda;

ALSO RECOGNISING the extended mandate given to AfCFTA negotiating institutions for the conclusion of the AfCFTA negotiations as per the Assembly Decision Assembly/AU/Dec.714 (XXXII);

CONGRATULATING forty-four (44) Member States who signed the Agreement when it was first opened for signature at the 10th Extraordinary Session of the Assembly of the Union held in Kigali, Rwanda, on 21 March 2018; 5 more Member States who signed it at the 30th Ordinary Session of the Assembly in Nouakchott, Mauritania, on 1 July 2018; a further three (3) who signed the same Agreement at the 32nd Ordinary Session of the Assembly in Addis Ababa, Ethiopia, on 10 February 2019; and Benin and Nigeria, who signed the same Agreement at the 12th Extraordinary Session of the Assembly of the

AU in Niamey, Niger, on 7 July 2019, bringing the total number of signatories to 54 out of 55 Member States to date;

ALSO CONGRATULATING the first twenty-two (22) State Parties who deposited instruments of ratification with the Chairperson of the Commission to give legal force to the Agreement, as well as the additional five (5) Member States who acceded to the instruments of ratification, making a total of twenty-seven (27) State Parties to date;

WELCOMING the entry into force of the AfCFTA Agreement on 30 May 2019;

EXPRESSING our thanks and gratitude to the Commission and all the Regional Economic Communities, United Nations Economic Commission for Africa, United Nations Conference for Trade and Development, African Development Bank, African-Export and Import Bank, as well as, the development and cooperation partners and stakeholders, for the valuable support and cooperation during the process of establishing the AfCFTA under the leadership of H.E. Mr. Issoufou Mahamadou, President of the Republic of Niger and the Leader of the AfCFTA;

HEREBY:

EXPRESS our deep appreciation for the warm reception and generous hospitality of the People and Government of the Republic of Niger and congratulate H.E Mr. Issoufou Mahamadou, President of the Republic of Niger for efforts and facilities put in place toward the success of the 12th Extraordinary Session of the Assembly of the AU;

COMMEMORATE the first anniversary of the AfCFTA falling on 21 March 2019 and record our satisfaction with the progress it has achieved in its first year;

ALSO COMMIT ourselves to build on the successes of the first year of the AfCFTA in accordance with the clusters outlined in the 2012 Action Plan on BIAT:

Trade Policy

LAUNCH the operational phase of the AfCFTA which is a remarkable achievement following the entry into force of the AfCFTA Agreement, thereby reaffirming Africa's commitment to the multilateral trading system in addition to laying a strong foundation for Africa's development;

URGE in this respect, the AfCFTA Negotiating Institutions to conclude the outstanding work on Phase I negotiations on Trade in Goods and Trade in Services for submission to the February 2020 Session of the Assembly;

REAFFIRM our commitment to the timely conclusion of Phase II of the AfCFTA negotiations by June 2021;

Productive Capacity

ACKNOWLEDGE the need to scale up manufacturing as it is a strategic sector in economic transformation, productivity, competitiveness, and innovation. To this end, **COMMIT** to promoting private sector engagement in the development of productive capacities. We further commit to collaborate on the Afro-Champions initiative to promote agro-processing and **ALSO COMMIT** to work with African manufacturers to establish the African Manufacturer's Association.

Development of Trade Related Infrastructure

COMMIT to meeting Africa's infrastructure finance gap within a decade in collaboration with the Afro-Champions Initiative and other stakeholders.

Finance

COMMIT ourselves to work with financial institutions to meet Africa's trade finance gap in order to increase intra-African trade flows. **ALSO COMMIT** to finalise work on the AfCFTA Adjustment Facility in order to promote inclusive development of the AfCFTA market. In the interim, we shall collaborate with, international financial institutions to mobilise short term financing to assist State Parties meet their liberalisation commitments in the AfCFTA with minimum adjustment costs.

Trade Information

COMMIT to establish the African Trade Observatory (ATO) which will enhance transparency, efficiency and integrity in the AfCFTA market on trade in goods and services. In this regard, we commit to ensure that the ATO provides reliable and timely information on emerging opportunities for regional value chains, market conditions and applied regulations, genuine registered exporters and importers, as well as, authorized economic operators.

ALSO COMMIT to strengthening the ATO in assisting the policy makers to make evidence based trade policies and in monitoring the implementation and impact of the AfCFTA and BIAT through a built-in scorecard; and to use the ATO to disseminate reports on the elimination of NTBs and to expand its coverage to include information on e-commerce and start-ups.

FURTHER COMMIT to develop AfCFTA web-based and mobile application for business. This application will be used by the business community and general public as a one-stop-shop that will serve as an electronic AfCFTA Handbook. The application will be accessible to a larger audience in all the official languages of the African Union.

COMMIT to develop the Intra-African Trade Fair as a viable instrument to mobilise businesses across Africa to transact with a view to increasing intra-African trade flows. To this end, **URGE** Member States to fully support the Fair.

Factor Market Integration

COMMIT to full implementation of the Protocol to the Treaty Establishing the AEC Relating to Free Movement of Persons, Right of Establishment and Right of Residence. To this end, **CALL UPON** all Member States to sign and ratify this Protocol, which will bring the AfCFTA closer to the African people, who are most important stakeholder in this process of continental integration.

While deepening continental integration, **URGE** all Member States to put in place measures that will facilitate speedy financial market integration across the Continent.

Trade Facilitation

COMMIT to leverage trade Facilitation to promote efficient and increased trade flows across the Continent. In this connection, **URGE** all Member States to:

- a) put in place statutory, regulatory and other measures to guarantee that goods can be traded under the AfCFTA trade regime;
- b) facilitate transit and other formalities for goods passing through their territories;
- c) align their national development and reform strategies to the AfCFTA so that the AfCFTA delivers to the expectations of African citizens; and
- d) undertake stakeholder sensitisation and capacity building at national level as part of operationalising the AfCFTA Agreement.

URGE the AfCFTA Secretariat to work closely with the Commission and the Regional Economic Communities to facilitate intra-African trade.

COMMIT to broaden inclusiveness in the operation of the AfCFTA by catering for the Small to Medium cross border traders. To this end, will collaborate with the Regional Economic Communities to develop a simplified trade regime fully meeting the needs of our hardworking people.

Promoting Inclusive Development of the AfCFTA Market

RECOGNISING that broad based involvement in the operation of the AfCFTA is key to its sustainability. In this regard, **CALL UPON**

- a) those Member States that have not signed and / or ratified the AfCFTA Agreement to do so expeditiously so that all AU Member States become State Parties to the Agreement;
- b) the business community to use the period up to July 2020 to scale up investment so that they are able to supply the AfCFTA market;
- c) the private sector to work with Member States in ensuring that their concerns on the AfCFTA are resolved in time;
- d) the academia and other research institutions to engage in programs of scholarships on the AfCFTA, in order to develop a knowledge base of the AfCFTA;

- e) the youth and women to contribute to the attainment of the AfCFTA through the development of start-ups and small and medium enterprises;
- f) African diaspora to invest in the new market on the Continent;
- g) international community to support the AfCFTA as it contributes to the growth and prosperity of Africa and global peace; and
- h) Member States to invest in quality infrastructure in order to facilitate the production and supply of quality goods across Africa and beyond.

REAFFIRM our commitment to continue the journey of establishing the AEC as outlined in the Abuja Treaty of 1991.

Observing and Celebrating Our Achievements in the AfCFTA

Fully aware that the destiny of the AfCFTA is in our hands, **DECIDE** that 7 July of each year shall be designated as the Africa Integration Day without being a public holiday. On this day, Africans on the Continent and in the Diaspora should come up with commemorative activities to solemnly observe and celebrate the achievements of the AfCFTA in the preceding year. **EMPOWER** the Chairperson of the AU; the Leader of the AfCFTA; and the Chairperson of the AUC to issue a joint statement in the same spirit.

Adopted on this 7th day of July, 2019 at Niamey, Republic of Niger

