

# Trade Facilitation and Non-Tariff Barriers at Regional Economic Community Level of the African Union

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OIDA International Journal of Sustainable Development, Ontario International Development Agency, Canada.

ISSN 1923-6654 (print) ISSN 1923-6662 (online) [www.oidaijsd.com](http://www.oidaijsd.com)

Also available at <https://www.ssm.com/index.cfm/en/oida-intl-journal-sustainable-dev/>

**Abstract:** Non-Tariff Barriers (NTBs) remain one of the most persistent and costly obstacles to free trade across Africa, undermining efforts to promote regional and continental integration. These barriers, ranging from restrictive regulations and licensing requirements to burdensome administrative procedures and discriminatory practices, significantly raise the cost and complexity of cross-border trade. While often employed to protect domestic industries or regulate trade volumes, NTBs frequently lead to inefficiencies, reduced competitiveness, and fragmented markets. Despite progress on tariff liberalisation through the African Continental Free Trade Area (AfCFTA), NTBs continue to disrupt business operations and constrain intra-African trade. Recognising this, both the African Union (AU) and Regional Economic Communities (RECs) have implemented initiatives to address these challenges. The AfCFTA builds on REC-level efforts by introducing structured mechanisms for identifying, monitoring, and eliminating NTBs, such as institutional frameworks, online reporting platforms, and multi-stakeholder engagement processes. However, the elimination of tariffs alone will not be sufficient. The long-term success of the AfCFTA depends on the AU and RECs coordinating effective, enforceable NTB elimination strategies that are consistently implemented across member states. Only by addressing these barriers systematically and collaboratively can Africa unlock the full potential of its internal markets and create a truly integrated, efficient, and competitive continental trading system.

**Keywords:** African Union, Export, Import, Intra-African Trade, Non-Tariff Barriers, Regional Integration, Trade Facilitation

## Introduction

Regional integration and trade facilitation are pivotal for unlocking economic growth and development in Africa. As the continent strives to harness the benefits of the African Continental Free Trade Area (AfCFTA), the importance of streamlining trade processes and eliminating non-tariff barriers (NTBs) within Regional Economic Communities (RECs) cannot be overstated. This paper delves into the legal frameworks established by various RECs to facilitate trade and address the pervasive issue of NTBs, contributing to the broader discussion on enhancing continental trade integration.

The paper provides a comprehensive analysis of regional agreements, protocols, harmonisation efforts, customs procedures, and NTBs resolution mechanisms that collectively impact trade facilitation within RECs such as the East African Community (EAC), Southern African Development Community (SADC), Economic Community of West African States (ECOWAS), and the Common Market for Eastern and Southern Africa (COMESA).

The following sections examine the foundational legal structures supporting trade facilitation within these RECs, including key regional agreements and protocols, harmonisation of standards, and legal frameworks governing customs procedures. Additionally, this paper explores the various types of mechanisms and tools implemented by RECs to eliminate or reduce NTBs. Through a comparative analysis of best practices across different RECs, it identifies successes, challenges, and lessons learned, providing valuable insights for the implementation of the AfCFTA.

By examining the legal frameworks and initiatives aimed at trade facilitation and NTBs elimination within RECs, this paper contributes to the ongoing efforts to enhance regional integration and trade in Africa, ultimately promoting economic growth and development across the continent.

### ***Trade Facilitation on the African Continent***

One of the main challenges hindering intra-regional trade is the weak trade facilitation environment. With more than a hundred borders dividing the African continent, the lack of efficient customs procedures results in long delays, and documentary compliance challenges make cross-border trade very expensive (International Economics, 2020). It has been argued that the implementation of the World Trade Organisation's (WTO) Trade Facilitation Agreement (TFA) by RECs could serve as best practice, guiding the implementation of the Trade Facilitation Chapter of the AfCFTA Agreement (WTO Trade Facilitation Agreement, 2013).

With tariffs decreasing over the past few decades, attention has shifted to trade facilitation and reducing NTBs. Trade facilitation, defined by the UN Centre for Trade Facilitation and Electronic Business as the simplification, standardisation, and harmonisation of procedures and information flows for moving goods and services and making payments, aims to mitigate the impact of NTBs (Adekunle and Filson, 2024). Trade facilitation encompasses policies, customs practices, techniques, and effective border management that ease the movement of goods and services. It is closely linked to NTBs, where reducing NTBs enhances trade facilitation and boosts economic activities (Adekunle and Filson, 2024).

In general, trade facilitation refers to greater efficiency in administration, procedures, and transport facilitation at ports and customs, resolving NTBs, and tackling bureaucratic corruption. The United Nations Trade Facilitation Implementation Guide identifies the four pillars of trade facilitation as transparency, simplification, harmonisation, and standardisation (James and Bernard, 2022). The WTO, therefore, defines trade facilitation as the simplification and harmonisation of international trade procedures, with trade procedures being the activities, practices, and formalities involved in collecting, presenting, communicating, and processing data required for the movement of goods in international trade (Odebiyi and Alege, 2019).

The scope of trade facilitation is extensive and non-standardised, encompassing a wide range of trade reforms related to both soft and hard trade infrastructure. This focus aligns with Articles V, VIII, and X of the WTO's General Agreement on Tariffs and Trade (GATT) (General Agreement on Tariffs and Trade (GATT), 1994). Within the WTO and the multilateral trading system, trade facilitation is driven by the WTO TFA, adopted after 10 years of negotiations (World Trade Organization Trade Facilitation Agreement, 2017). Section I of the TFA outlines 12 Articles containing 36 trade facilitation measures and 238 notifiable article items (Section I, World Trade Organization).

Several African WTO members have ratified the TFA and are in the process of notifying or implementing their trade facilitation commitments. Even before the TFA, many African countries had already adopted trade facilitation measures or programs to boost trade within their RECs or other trading arrangements. For instance, the EAC Secretariat established a regional Trade Information Portal (TIP) that is linked to that of Partner States to meet the objectives of Article 1.1 and Article 1.2 of the TFA (EAC Trade and Investment Report, 2023). The EAC TIP is linked with the national trade portals in Kenya, Rwanda, Tanzania, and Uganda and provides a step-by-step guide on national import and export procedures. Thus, the trade portal provides information to traders about the different agencies they can consult, the documents required, the forms to be completed, and the costs to be paid (EAC Trade and Investment Report, 2023). A similar approach can be applied in the implementation of the AfCFTA's trade facilitation measures.

Moreover, a study by International Economics also found that the implementation of Article 8 (Border Agency Cooperation) of the TFA equally promoted regional integration by improving formalities when crossing borders, thereby resulting in less time and costs to trade (International Economics, 2020). For instance, in SADC, it was found that the implementation of Article 8 contributed towards the improvement of management efficiency at regional borders. Some of the tangible improvements include increased efficiency in the One-Stop Border Posts management in Chirundu, on the border between Zambia and Zimbabwe (International Economics, 2020).

### ***Legal Framework for Trade Facilitation at the RECs Level***

Under the AfCFTA, RECs refer to the eight regional economic communities recognised by the AU as the building blocks of the AfCFTA (AU, The eight RECs, 2002). However, the major RECs include the ECOWAS, SADC, EAC, and COMESA. These RECs aim to promote regional trade integration, economic development, and political cooperation among their Member States, aligning with the AU's Agenda 2063 and the AfCFTA's objectives. They have established various protocols and agreements to facilitate the free movement of goods, services, and people, and to harmonise trade policies and regulations.

ECOWAS, for instance, aims to create a single market and customs union among its 15 Member States, enhancing economic cooperation and trade integration. SADC seeks to promote economic integration and industrial development among its 16 Member States, fostering regional economic stability and growth. The EAC, comprising six Member States, also aims to establish a single market and customs union, promoting seamless

trade across its region. Meanwhile, COMESA, with 21 Member States, focuses on trade liberalisation and economic integration, striving to create a robust economic bloc in Eastern and Southern Africa. Gammadigbe (2021) is of the view that these RECs play a crucial role in regional trade integration, and their efforts have significantly contributed to the growth of intra-African trade and economic development.

Chidede (2019) contends that despite acknowledging the efforts of these RECs, the ambition to address NTBs has been far easier to declare in regional legal arrangements than to achieve. Although the founding treaties of certain RECs, in principle, support the elimination of NTBs, they lack detailed and comprehensive programmes or policy directives to effectively remove these barriers within their regions (Penda, 2021). Consequently, it remains uncertain whether the legal framework for NTBs elimination under the AfCFTA will achieve significant progress. This section gives a snapshot of the regional legal frameworks and initiatives to tackle NTBs. This is done with a view to set out lessons for the AfCFTA agreement.

### ***Regional Agreements and Protocols***

The African RECs are actively pursuing trade facilitation and NTBs elimination agendas through the implementation of various regional legal instruments and programmes (Sithole, 2021). As mentioned above, this includes aspirations of the various protocols and agreements to facilitate the free movement of goods, services, and people, and to harmonise trade policies and regulations.

In the EAC, the Common Market Protocol acknowledges the significance of trade facilitation. Article 5 mandates the harmonisation and simplification of customs and trade procedures and documentation, as well as the dissemination of relevant information (East African Community Common Market Protocol, 2010). Similarly, Article 3 of the ECOWAS Treaty provides for harmonisation of trade policies and removal of technical barriers to trade in the region (ECOWAS Protocol, 1993). In COMESA, Chapter 9 of the treaty establishing the COMESA (1993) deals with the simplification and harmonisation of trade documents and procedures, particularly trade documents, trade facilitation, and standardisation of trade documents and information. Under this provision, COMESA is implementing several programmes to improve trade facilitation within the region, including, *inter alia*, the harmonised road transit charges, COMESA carriers' license, harmonised axle loading and maximum dimensions, one-stop-border posts, the regional customs transit guarantee scheme, the yellow card, and the COMESA virtual trade facilitation system, among others (Sithole, 2021).

The SADC Protocol on Trade has various provisions which provide for the harmonisation and simplification of the customs and trade procedures in the region (Protocol on Trade in the SADC Region, 1996). Article 13 and Annex II deal with customs cooperation in the SADC region. The Annex seeks to simplify and harmonise customs laws and procedures through providing for common measures through which Member States shall undertake to comply in the formulation of their customs laws and procedures; and establishing appropriate institutional arrangements at regional and national levels (Annex II Protocol on Trade in the SADC Region, 1996). Furthermore, Annex III provides for the simplification and harmonisation of trade documents and procedures in furtherance of the trade facilitation provision in Article 14.

### ***Legal Provisions for the Elimination of NTBs***

In addition to the above trade facilitation provisions, Sithole (2021) further argued that Member States of the EAC, COMESA, ECOWAS, and SADC commit to the removal of the NTBs within their regions. Again, these commitments are constituted in legally binding instruments, including regional founding treaties and other regional legal instruments. For instance, Article 41 of the ECOWAS Treaty mandates Member States to remove NTBs and refrain from imposing any new NTBs on regional trade (Article 41 of the revised ECOWAS Treaty, 1993). Member States may, however, introduce or continue to execute restrictions or prohibitions to trade in goods that may pose a threat to public security, environmental health and safety, and public morality (Article 41(3) of the revised ECOWAS Treaty, 1993).

Through Article 13 of the EAC Customs Union Protocol, the EAC Member States have also committed to removing all the existing NTBs on the importation into their territory of goods originating from the other Member States. Member States are also mandated to refrain from imposing any further NTBs (Protocol on the Establishment of the East African Customs Union, 2004). As Sithole (2021) noted, EAC Member States have also taken measures to give effect to the provisions on the elimination of NTBs in the EAC Treaty and the Customs Union Protocol. This includes adopting a comprehensive legal instrument for the removal of NTBs within the EAC. The EAC Elimination of NTBs Act was adopted to establish a legal and institutional framework for identifying and regulating the removal of NTBs in the EAC (The East African Community Elimination of Non-Tariff Barriers Act, 2017). The EAC Member States further committed to formulate a mechanism for identifying and monitoring the removal of NTBs as mandated by Article 13(2) of the EAC Customs Union Protocol (Article 13(2) Protocol on the Establishment of the East African Customs Union, 2004).

In the COMESA region, through Article 49(1) of the COMESA Treaty (1993), Member States undertook to remove NTBs to intra-regional trade and refrain from imposing any further restrictions or prohibitions. In the same fashion, the SADC Protocol on Trade (Article 3 and Article 6, 1996) mandates Member States to adopt policies and implement measures to eliminate all NTBs and refrain from imposing any new ones.

To give effect to the above-mentioned provisions on the removal of NTBs, the EAC, COMESA, and SADC subsequently adopted measures or legal mechanisms, as will be discussed in the next sections. The three RECs' NTBs elimination online mechanisms subsequently merged into a single arrangement under the Tripartite Free Trade Agreement (TFTA). According to Desiderio (2023), in 2008, the three RECs collaboratively created a free online platform for economic operators to report and track the resolution of NTBs within their regions. Identification, removal, and monitoring of NTBs to trade by the Member States in the Tripartite Community is one of the priority areas for policy harmonisation and coordination under the Tripartite framework (Desiderio, 2023). Within the ECOWAS, a similar web-based mechanism was also adopted by the Borderless Alliance, a private sector association.

Chidede (2019) further posits that although these web-based mechanisms are crucial as ad hoc systems, they fall short of providing legally binding and enduring solutions to the elimination of NTBs. Instead, they emphasise conciliatory and non-adjudicatory methods for dispute resolution, offering non-legally binding solutions through regional entities such as the EAC Council of Ministers, the Committee on Trade Remedies, and the ECOWAS Commission (Chidede, 2019).

### ***RECs Mechanisms for NTBs Elimination***

Given the recognition that NTBs significantly impede trade within intra-African trade, several RECs have implemented mechanisms to monitor and eliminate these barriers. Despite these efforts, NTBs persist. Article 10(1) of Annex 5 of the AfCFTA Protocol on Trade in Goods obliges RECs to create or enhance regional NTBs monitoring mechanisms. However, it has been argued that while this idea sounds robust, the application of Article 10 is impractical in the AfCFTA legal arrangement (Chidede, 2019). As a rule, the AfCFTA cannot legally bind RECs since the agreement is exclusively between AU Member States. Chidede suggested that instead of mandating RECs, Article 10 should have obliged State Parties or encouraged RECs to establish and strengthen national-level NTBs monitoring mechanisms (Chidede, 2019). This section critically analyses the available regional mechanisms for NTBs elimination in Africa, examining their effectiveness, challenges, and prospects.

### ***WAEMU OPA and TOAM Systems***

The West African Economic and Monetary Union (WAEMU) initially established the Observatory of Abnormal Practices (OPA) in 2005 to monitor six inter-state corridors. The OPA documented checks, delays, and illicit payment requests, issuing quarterly reports to a Technical Monitoring Committee. However, due to funding issues, the OPA was discontinued in 2020 (The Observatory of Abnormal Practices' (OPA) Report, 2020). In 2018, WAEMU adopted the Trade Obstacles Alert Mechanism (TOAM), developed by the International Trade Centre (ITC). TOAM allows businesses to report NTBs online, aiming for resolution by relevant government agencies (International Trade Centre, 2019). However, many reported obstacles remain unresolved, some predating the platform's adoption (International Trade Centre, 2019). The platform's efficacy is further compromised by the lack of escalation to the AfCFTA level, despite the restrictive impact of many NTBs on intra-African trade (Omary and Mwijarubi, 2023). This highlights the need for a more robust mechanism that ensures accountability and resolution of NTBs to facilitate smoother intra-African trade.

Similarly, ECOWAS, following WAEMU's lead, implemented the TOAM system in 2022 with funding from the European Union under the West Africa Competitiveness Program (WACOMP) (ECOWAS Commission, 2022). The ECOWAS-TOAM shares similar functionalities with the WAEMU-TOAM, and many NTBs listed are common between the two platforms (Desiderio, 2023). As with WAEMU, there are concerns of potential underutilisation of the system's full capabilities (Desiderio, 2023). The overlapping memberships of WAEMU and ECOWAS further complicate the effectiveness of these mechanisms (WACOMP Report, 2023). These complexities necessitate a critical evaluation of the TOAM system's integration with broader continental initiatives to enhance its effectiveness in eliminating NTBs within the region.

### ***EAC NTBs Elimination Program***

The EAC's approach involves National Monitoring Committees (NMCs) responsible for NTBs identification and elimination. NMCs leverage online and SMS platforms for reporting NTBs, although only Kenya, Rwanda, Tanzania, and Uganda have fully implemented these tools (Desiderio, 2023). The EAC employs a Time-Bound Programme for NTBs elimination, which has resolved 89.5% of reported NTBs from 2017 to 2023 (EAC Time-Bound Programme, 2023). A significant improvement in the resolution of NTBs was reported to an average of 88.3 days during the period 2021 to 2023 (EAC and Trademark, 2023).

In December 2023, the EAC launched a mobile app, with support from Trademark Africa, to streamline NTBs reporting across the EAC, COMESA, and SADC regions (Desiderio, 2023). This integration aims to enhance the responsiveness and coordination among RECs, although its impact remains to be fully assessed.

### **COMESA and SADC NTBs Regulations**

The COMESA NTBs regulations, adopted at the 33rd Council of Ministers meeting in December 2014 and revised in 2020, provide a framework for identifying, categorising, and eliminating NTBs within the COMESA region. These regulations mandate the establishment of National Monitoring Committees (NMCs) and Focal Points in each Member State to monitor and resolve NTBs. However, the COMESA Council of Ministers noted in November 2023 that these structures have been slow in internal consultations, urging Member States to expedite their responses for quicker resolution of NTBs. The COMESA Secretariat houses an NTBs Monitoring Unit responsible for overseeing and facilitating the resolution of reported NTBs. Gakunga (2021) is of the opinion that the revised regulations also introduced a phased procedure for addressing longstanding NTBs, which constitute a significant portion of NTBs in the region, often remaining unresolved for five to eight years.

In 2019, COMESA launched an SMS reporting tool operational in Comoros, Malawi, Zambia, and Zimbabwe. By 2021, COMESA had established a Non-Tariff Barriers Regional Forum to bolster existing NTBs elimination mechanisms, comprising NMCs and NTBs Focal Points in each Member State. Despite these efforts, only eight Member States have formalised their NMCs' composition and notified the COMESA Secretariat, though all Member States have designated National Focal Points (Gakunga, 2021).

Unlike the EAC and COMESA, SADC has not adopted a regional platform or specific regulations for NTBs identification and elimination. Instead, the SADC Secretariat collaborates with these RECs on the Tripartite NTBs Reporting, Monitoring, and Eliminating Mechanism, emphasising sensitisation campaigns to increase platform usage among the private sectors. Consequently, economic operators in SADC countries have become the primary users of the Tripartite NTBs mechanism (Desiderio, 2023).

### **The Tripartite NTBs Monitoring System**

In 2008, the EAC, COMESA, and the SADC launched a joint NTBs monitoring system under the TFTA arrangement. The Agreement establishing the TFTA provides for the harmonisation of the existing mechanisms on NTBs established by the three RECs and undertakes to harmonise them into a single mechanism (Agreement Establishing a Tripartite Free Trade Area, 2015). As mentioned earlier, the legal framework for these regional mechanisms is provided by the COMESA NTBs regulations, the SADC Protocol on Trade, and the EAC Elimination of Non-Tariff Barriers Act. The Tripartite platform enables economic operators to report and monitor NTBs across these regions (Desiderio, 2023).

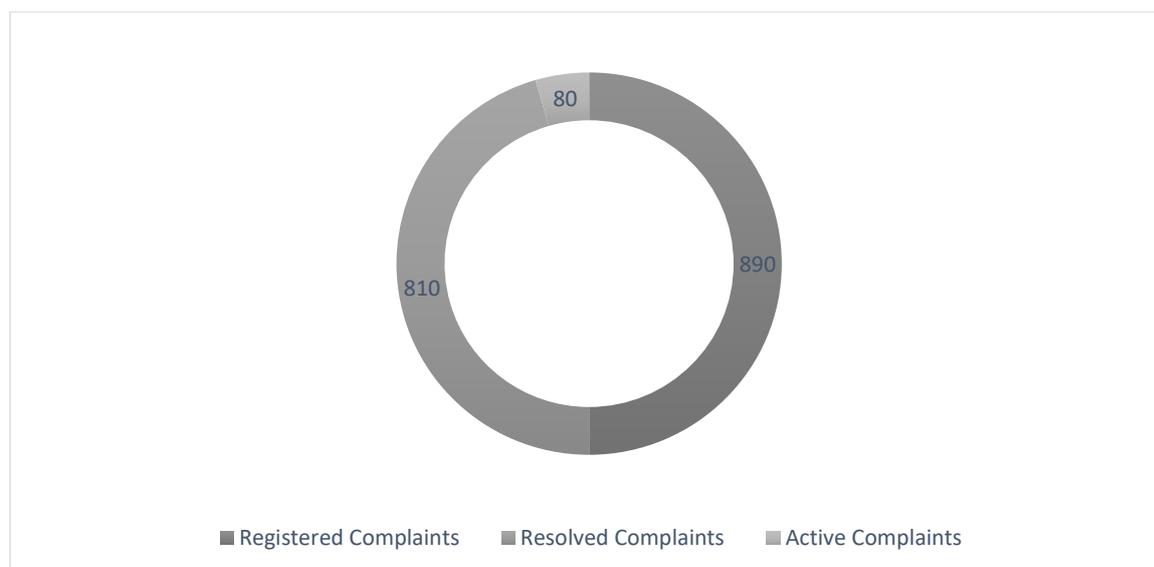
Since its launch in 2009, the Tripartite platform has significantly involved economic operators—exporters, importers, and traders—as principal users. These operators can directly file complaints regarding trade obstacles they face while moving goods and services across the tripartite region. The mechanism's value is evident as it allows these operators to report and monitor the resolution of NTBs in the SADC, COMESA, and EAC regions, fostering an active engagement from the private sector in the NTBs elimination processes (SADC Business Council, 2022).

The mechanism provides various features for public users, including online complaint submission, SMS functionality, document uploads, and status updates on complaints. A report by the SADC Business Council (2022) has noted the importance of the mechanism in enhancing compliance with the SADC Protocol on Trade, reducing the time taken to resolve NTBs, and promoting the creation of key domestic institutions like National Monitoring Committees (NMCs). Furthermore, Desiderio (2023) argues that it facilitates public-private dialogue, enhances transparency, and operates as a non-adversarial dispute resolution mechanism, making it accessible to government officials, researchers, and other stakeholders for data collection and policy consultation.

Despite its successes, the mechanism faces challenges such as slow resolution rates, limited feedback on unresolved complaints, opaque processes, and a focus on *ex post* barriers rather than prevention. Additional issues include inaccurate information, coordination challenges, capacity constraints, and declining NTBs reporting. A compliance review highlighted that the standalone nature of the system and the lack of a legal framework are primary causes of these challenges, recommending substantial investment to fully capacitate NMCs and integrate the mechanism into a comprehensive system (Imani Development International, 2019). Recent legal developments at various regional levels, including the AfCFTA, are crucial for improving the mechanism's effectiveness.

As of July 2024, the platform (Figure 1) shows a total of 890 complaints registered since the platform was established, of which 810 are indicated as solved and 80 as still active.

Figure 1. The number of complaints as of July 2024



It has been found that a number of the above-mentioned complaints - albeit minimal – have been reported more than a decade ago, with their resolution process indicated as still “in progress” (Desiderio, 2023). Further, the platform does not indicate which NTBs are recurrent, though specific reports in the documents section of the platform address this. SADC Member States, benefitting from the GIZ Cooperation for Enhancement of SADC Regional Economic Integration (CESARE) programme, are the most active in reporting NTBs, with assistance from business associations like the SADC Business Council playing a key role in resolving some barriers (Desiderio, 2023).

#### **Key Lessons and Implications for the AfCFTA**

According to Article 5 of the AfCFTA (2018), Africa’s RECs are intended to serve as building blocks for the AfCFTA, and thus, they are playing a crucial role in supporting the implementation of the AfCFTA Agreement. Drawing on the experiences of RECs, several critical lessons and implications emerge for the AfCFTA, particularly regarding the challenges and successes in harmonising legal frameworks and mechanisms for NTBs elimination.

**Harmonisation of Legal Frameworks and Standards:** The success of RECs in harmonising trade standards and customs procedures highlights the need for a unified approach. The AfCFTA should prioritise standardising regulations across Member States to streamline and predict trade processes. By building on frameworks like the EAC's Common Market Protocol and COMESA's trade facilitation programmes, consistency and alignment can be achieved across the continent. As Olayiwola (2020) alluded, given the challenges of multiple tools and incompatible NTBs mechanisms at the regional level, the AfCFTA's strategies for NTBs elimination should focus on harmonising regional actions and strategies.

**Implementation of Regional Agreements and Protocols:** The effective implementation of regional agreements is essential. RECs such as ECOWAS and SADC have demonstrated that while agreements are necessary, their practical implementation drives real progress. The AfCFTA should establish strong monitoring and evaluation mechanisms to ensure Member States comply with agreed protocols, drawing on the practical experiences of the RECs. Trade facilitation and the elimination of NTBs must be based on legally binding and enforceable frameworks to ensure certainty, predictability, and recourse when NTBs are re-imposed. While current online NTBs mechanisms are critical for identifying and monitoring NTBs, they are insufficient for their permanent elimination and preventing recurrence (Sithole, 2021).

**Elimination and Monitoring of NTBs:** Persistent NTBs remain a significant challenge. RECs have developed various mechanisms to monitor and eliminate NTBs, such as the Tripartite NTBs reporting, monitoring, and elimination mechanism. However, while the current RECs' online platforms have increased awareness of the challenges posed by NTBs, the mechanisms have had limited success in addressing persistent and recurring barriers (Viljoen, 2019). An enforceable legal framework, as provided by the AfCFTA Agreement, is important to ensure full commitment and accountability.

**Use of Technology and Digital Tools:** Implementing digital trade facilitation reforms has positive impacts on intra-African trade. For instance, it is estimated that an increase of 10 percent in the adoption of digital trade technologies would result in a 5.5 percent increase in intra-COMESA exports (Gakunga, 2022). Digital platforms, such as the EAC Trade Information Portal and the Tripartite online platform, have enhanced transparency and efficiency in trade facilitation. The AfCFTA should leverage technology to create centralised digital platforms for trade information, NTB reporting, and compliance tracking, improving accessibility and coordination across Member States. There is also a need to scale up the implementation of the Digital Trade Protocol to empower African traders to apply ICT tools, particularly in cross-border digital trade. According to Baker *et al* (2024), this will not only enhance efficiency but also cut costs and minimise physical-related barriers to trade.

**Public-Private Partnerships:** Engagement with the private sector, as seen in the SADC Business Council's involvement in NTBs resolution in the SADC region, is crucial for addressing practical trade issues (Desiderio, 2023). The AfCFTA should foster strong public-private partnerships, encouraging businesses to actively participate in identifying and resolving trade barriers, ensuring that policies are grounded in the realities of the market.

**Capacity Building and Institutional Strengthening:** The effectiveness of RECs' trade facilitation efforts often depends on the capacity and coordination of national and regional institutions. According to Kibiru and Onyango (2020), the AfCFTA Secretariat should invest in capacity-building initiatives for national trade and customs authorities, ensuring they are well-equipped to implement and enforce trade facilitation measures.

**Transparency and Information Sharing:** Transparency and effective information sharing, as practiced by the EAC's regional Trade Information Portal, are vital for trade facilitation. The AfCFTA should ensure that all Member States have access to comprehensive and up-to-date trade information, fostering a transparent trade environment that supports compliance and reduces barriers.

**Fragmentation of Regional Mechanisms:** Overlapping memberships in RECs can hinder the effective implementation of trade facilitation measures, as illustrated by the situation in WAEMU and ECOWAS. The AfCFTA should tackle the challenges posed by these overlapping memberships by fostering greater coordination and coherence in trade policies and practices across different regional blocs. For example, within ECOWAS, the lack of a comprehensive region-wide framework for reporting, monitoring, and eliminating NTBs has resulted in the existence of multiple NTBs tools and classification systems. This fragmentation prevents a unified approach to eliminating NTBs at the regional level (Olayiwola, 2020). Numerous initiatives exist to tackle NTBs, each employing different procedures. The region has access to three tools: the Borderless Alliance, the ITC TOAM, and the AfCFTA NTBs mechanism.

**Dispute Resolution Mechanisms:** The reliance on non-adjudicatory dispute resolution methods in RECs has limitations. The AfCFTA should include clear and enforceable dispute resolution mechanisms within its framework to ensure that trade disputes are resolved efficiently and bindingly.

### **Conclusion**

The paper provided an in-depth analysis of trade facilitation and NTBs at the RECs level in Africa. It examined the legal frameworks and protocols established by key RECs, including ECOWAS, SADC, EAC, and COMESA, and their impact on trade facilitation and NTBs elimination. The analysis highlighted the critical role of regional agreements in streamlining trade processes and addressing NTBs but also underscored the practical challenges and limitations of current mechanisms.

Key findings reveal that while RECs have made significant strides in creating legal frameworks and protocols to enhance trade facilitation, effective implementation remains a challenge. The harmonisation of trade standards and customs procedures, though crucial, often falls short in addressing persistent NTBs. Current digital tools and mechanisms, such as online reporting systems, have improved transparency and efficiency, but are insufficient for permanent elimination of NTBs. Furthermore, the integration of public-private partnerships and the need for robust dispute resolution mechanisms were identified as essential components for improving trade facilitation.

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