



The TOOLKIT for Trade Union Engagement in the African Continental Free Trade Area (AfCFTA) — *Practical Steps for Unions on Trade Facilitation, the Promotion of Labour Provisions, and Inclusive Participation in the AfCFTA*

A toolkit by ITUC-Africa for trade unions
to influence AfCFTA implementation

March 2025



Forward

The African Continental Free Trade Area (AfCFTA) represents a groundbreaking opportunity for Africa to redefine its trade dynamics, drive inclusive economic growth, and improve the livelihoods of millions. At the same time, it introduces a crucial challenge for labour unions to ensure that this ambitious trade framework translates into meaningful benefits for workers across the continent. This toolkit by ITUC-Africa has been meticulously developed to equip trade unions with the tools and knowledge necessary to influence the AfCFTA implementation, ensuring that labour rights, social justice, and decent work remain integral to Africa's trade agenda. Trade unions hold a unique position in shaping the future of Africa's economic landscape under the AfCFTA. This toolkit serves as a practical resource for global trade unions, regional federations, sectoral unions, Global Union Federations (GUFs), and national centres. It empowers them to advocate for the incorporation of labour provisions in AfCFTA protocols, influence policy, and actively participate in key decision-making processes such as the National Implementation Committees (NICs). By doing so, we can collectively champion a trade framework that protects workers' rights, ensures fair wages, and fosters sustainable economic development. This toolkit provides not only strategic insights but also actionable steps – practical guides, templates, and advocacy roadmaps – that unions can use to engage effectively with policymakers, governments, and regional bodies. It underscores the importance of collective action and collaboration, urging trade unions to build alliances with civil society, the private sector, and international partners to amplify their advocacy efforts.

As the continent embarks on the journey to operationalize the AfCFTA, trade unions must seize this moment to demand equitable trade practices, stronger labour provisions, and inclusive growth policies. This is a call to action for every stakeholder to contribute to a future where Africa's trade policies are not just about economic gains but also about social justice, dignity, and fairness for all workers. With this toolkit, we reaffirm our commitment to the principles of decent work, equity, and shared prosperity. Let us use it to build a stronger, fairer Africa that leaves no worker behind.

In Solidarity,
Akhator Joel Odigie
General Secretary
ITUC-Africa

Acknowledgement

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How to Use This Toolkit

The AfCFTA Toolkit is designed as a practical resource to empower trade unions across Africa to engage with the African Continental Free Trade Area (AfCFTA). It provides step-by-step guides, advocacy templates, and strategic insights to help unions influence trade policy and ensure the inclusion of labour rights in AfCFTA protocols and implementation. This toolkit is not just a resource but a call to action for trade unions to shape the future of African trade. By using the strategies and tools provided, unions can ensure that the AfCFTA delivers on its promise of inclusive growth and decent work for all.

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Familiarise Yourself with the AfCFTA Framework: Begin by reviewing the toolkit's overview of the AfCFTA, its objectives, and its implications for labour rights (refer to Chapter 1). This will provide a foundational understanding of the context within which trade unions can operate.

Identify Key Engagement Areas: Use the toolkit to pinpoint areas of trade union engagement, such as National Implementation Committees (NICs), AfCFTA reviews, and compliance mechanisms. Refer to 1.3 and 1.4 for an overview of the AfCFTA ecosystem and 2.3; 2.4; and 4 for potential points of intervention.

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Follow the Practical Guides: The toolkit includes detailed instructions on participating in NICs, lobbying policymakers, and leveraging platforms like ATUNET and AfIRM. Each guide outlines actionable steps tailored to trade union needs.

Utilise Templates and Annexes: Access advocacy templates, sample letters, and position papers in the annexes for use in lobbying efforts and stakeholder communication. These tools provide a structured approach to engaging with governments and regional bodies.

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Monitor Progress and Adapt Strategies: Regularly assess your engagement using the AfCFTA Implementation Review Mechanism (AfIRM) and other evaluation tools. Adjust strategies based on outcomes to maximise impact.

Collaborate with Stakeholders: Build alliances with civil society organisations, private sector actors, and international networks to strengthen advocacy efforts. Collaboration fosters a unified voice in pushing for labour rights within the AfCFTA framework.

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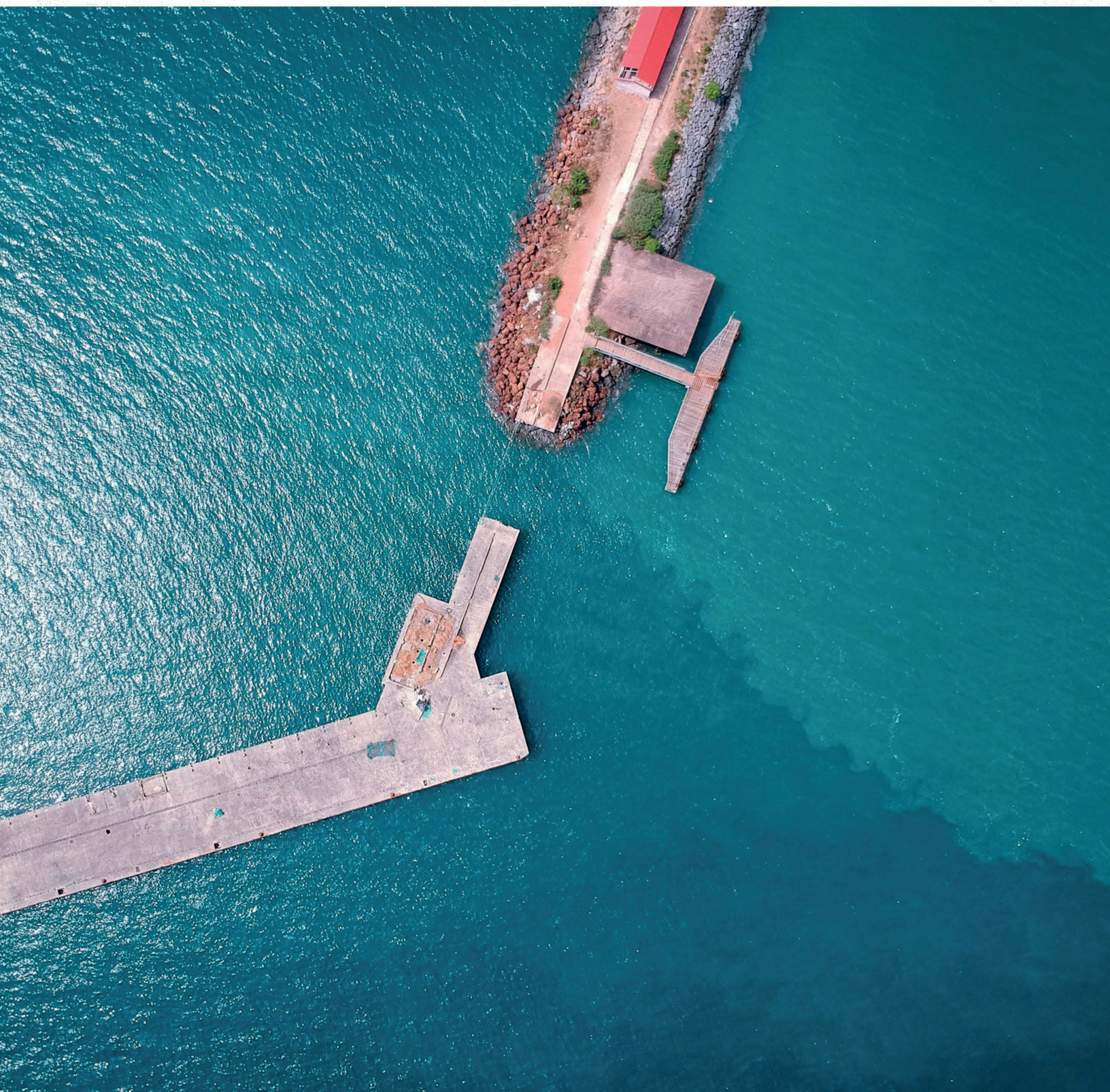
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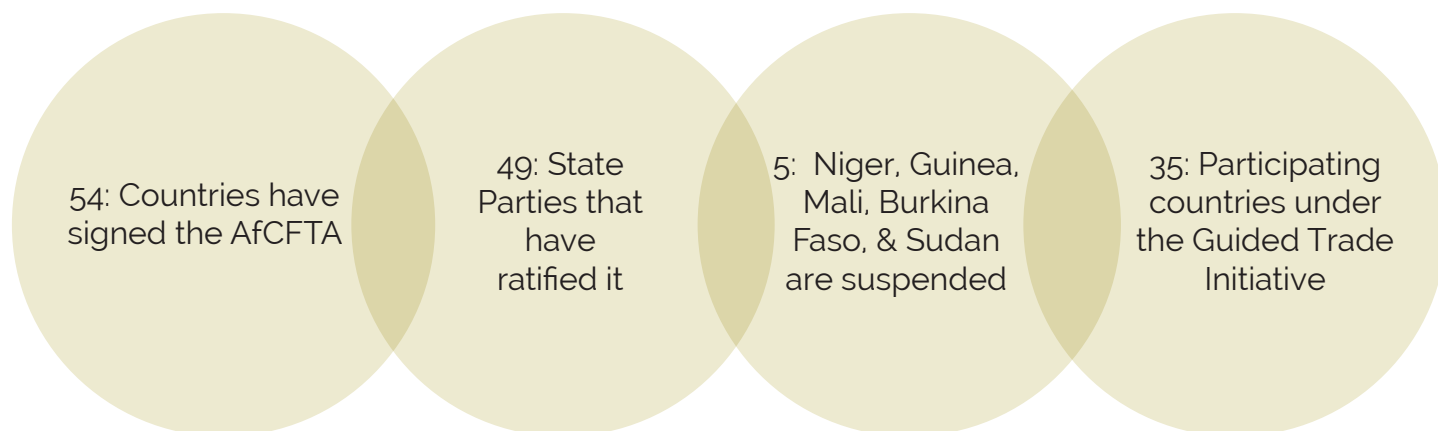
Introduction to the AfCFTA and Trade Union Engagement



1.1 Overview of the AfCFTA

After 10 negotiation rounds, the Agreement establishing the African Continental Free Trade Area (AfCFTA) was adopted by the 10th extraordinary meeting of the heads of state of the African Union held on 21st March 2018 in Kigali, Rwanda (Habte, 2020). An initiative of the African Union's Agenda 2063, the AfCFTA seeks to create a single market for goods and services and lay the foundations for establishing a continental customs union, which are key preconditions for establishing the African Economic Community (AEC). The AfCFTA potentially creates a single market of over 1.3 billion people with a combined GDP of over US\$3.4 trillion (ITC, 2022). Simulations by AfCFTA proponents show that it has the potential to boost intra-African trade by 53% (41% in agrifood, 39% in services, and 39% in industry), grow Africa's manufacturing sector by US\$1 trillion (UNECA, 2021), generate income worth US\$470 billion by 2035, create 14 million jobs, and remove 50 million Africans out of poverty (UNECA & TMEA, 2020).

The AfCFTA can either positively or negatively affect workers' livelihoods along the supply chain. While the AfCFTA will generate jobs, there are no guarantees that it will promote quality jobs and safeguard labour rights. Indeed, if poorly implemented, the AfCFTA may result in potential labour rights violations including a race to the bottom, precarious jobs, displacement of workers, violation of rights of gig workers, and restriction of movement of service providers. Building on these realities, it is important to showcase provisions of the AfCFTA that promote labour rights, and the gaps in safeguarding labour rights. Understanding how this unfolds is critical in informing the best course of action for labour unions i.e., (a) consolidate the implementation of aspects where labour rights are guaranteed, and (b) lobby for a review and enhancement of labour provisions in areas where they are lacking or contain weak language. To ensure fair representation and equity, it is critical for national trade union centres to engage actively in the trade facilitation and negotiation processes, especially to secure labour provisions within AfCFTA protocols.



1.2 Purpose of the Toolkit

Generally, the toolkit is aimed at guiding national trade union centres and sectoral unions on engaging in advocacy, lobbying, and participation in AfCFTA trade-related activities. Specifically, the toolkit aims at:

1. Equipping trade unions with a roadmap for participating in trade facilitation and promoting labour provisions within AfCFTA protocols;
2. Providing a structured approach for lobbying governments and AfCFTA National Implementation Councils (NICs) to ensure trade unions' inclusion; and
3. Supplying effective tools for influencing policy and legislation at the national level to reflect labour interests. Specifically, this toolkit will serve as a practical, step-by-step guide for trade unions to conduct effective advocacy and lobbying, specifically to secure representation on National Implementation Councils (NICs) within the AfCFTA structure, as well as to shape trade policies that support workers' rights and fair labour practices in their individual countries.

1.3 Status of AfCFTA Negotiations

The Protocols on Investment, Competition Policy, and Intellectual Property Rights (phase 2, negotiations), Digital Trade, and Women and Youth in Trade (phase 3 negotiations) have been adopted (African Union, 2024). However, the negotiations on outstanding Annexes for some are still ongoing (Mold & Mangeni, 2024). All these protocols will enter into force 30 days after depositing the twenty-second (22nd) instrument of ratification for each respectively.

1.3.1 Outstanding Annexes on AfCFTA Protocols currently being negotiated

With exception to Articles 25 (Minimum

Standards on the Environment, Labour and Consumer Protection), 29 (Human Resources Development) and 33 (Business Ethics, Human Rights and Labour Standards) of its Investment Protocol, the AfCFTA main Agreement and its attendant Protocols do not contain labour provisions. But this onerous design can be remedied. The below outstanding Annexes give room for engagement by Labour Unions in ensuring that the provisions incorporate measures to promote and safeguard labour rights across supply chains.

Digital Trade Protocol

Rules of Origin; Cross-Border Digital Payments; Cross-Border Data Transfers; Criteria for determining the legitimate reasons for Disclosure of Source Code; Digital Identities; Financial Technology; Emerging and Advanced Technologies; Online Safety and Security

Investment

Establishment of the Pan-African Trade and Investment Agency; Rules and Procedures governing Dispute Prevention, Management and Resolution; Investor-State Dispute Settlement

Intellectual Property Rights

Plant Variety Protection; Geographical Indications; Marks; Copyright and Related Rights; Patents; Utility Models; Industrial Designs and Models; Traditional Knowledge, Traditional Cultural Expression and Genetic Resources

Figure 1. Source: Author's Compilation

1.4 What is Urgent About the AfCFTA?

Ongoing AfCFTA Review: With the AfCFTA entering into force on 30th May 2019, it means that 30th May 2024 marked the pact's 5th anniversary. As per Article 28 of the Agreement establishing the AfCFTA, this legally means that the agreement will be subject to review for possible amendments. Under decision 902(XXXVII), the 37th Ordinary Session of the African Union Summit (held in February 2024) directed the AfCFTA Secretariat to take necessary measures for the start of the review of the Agreement (African Union, 2024). The proposed review provides an opportunity for labour unions to lobby for amending the AfCFTA main agreement and Protocols to include labour rights.

The AfCFTA Implementation Review Mechanism (AfIRM): With the main goal of assessing State Parties' compliance with their AfCFTA commitments, the AfIRM establishes structures, processes, and procedures for tracking, evaluating, and sharing the progress and outcomes of AfCFTA implementation (APRM, 2022). Labour Unions should form key stakeholders in the annual AfIRM at the national and regional levels. Their views on how the AfCFTA is responding to labour rights should be reflected in State Parties' self-assessment reports, Secretariat compliance assessment reports, Annual Secretary General's Compliance Assessment Report (CAR), follow-up action plans and Dedicated Sessions of the Senior Trade Officials (STO).

AfCFTA Implementation at National and Regional Level: The desire to implement the AfCFTA has led State Parties to design national and regional implementation strategies by State Parties, with the major aim of complementing a broader development framework, especially regarding the trade policy environment of each State Party to the AfCFTA. National Implementation Committees have also been established to facilitate the implementation of the AfCFTA by ensuring effective and coordinated implementation of the National and Regional AfCFTA strategies. Some of the products traded under the AfCFTA have labour rights violations across their supply chains. Labour Unions should demand for representation at the national and regional AfCFTA implementation monitoring committees to share their experiences on the implementation and ensure that the identified labour rights violations are addressed. This will also strengthen the broader call for an AfCFTA Annex on Labour Rights.

Trade Facilitation and promoting labour provisions within the AfCFTA Protocols: A Roadmap



2.1 Where can Labour Rights be traced in the AfCFTA?

To a larger extent, while the AfCFTA does not provide for labour rights, to a smaller extent there are some commendable provisions in the main agreement and related protocols which have been crafted with measures to integrate labour rights. These are highlighted below



Main AfCFTA Agreement: Article 3 (general objectives) allude to labour rights by committing to (a) creating a single market for goods and services facilitated by the movement of persons, and (b) contribute to the movement of capital and natural persons.

Protocol on Trade in Goods: Article 26 (General Exceptions) grants State Parties a leeway to put in place measures that enforce restrictions on trading in products of prison labour. This is a commendable provision that tackles forced labour.

Protocol on Trade in Services: Article 10 (Mutual Recognition) prohibits State Parties from applying recognition in a manner that would constitute a means of discrimination between State Parties in the authorization, licensing, and certification of service suppliers or disguised as a restriction on trade in services

Protocol on Women and Youth in Trade: State Parties commit to implement and monitor mechanisms to prevent, discourage, address, and eliminate all forms of harassment and related practices that compromise the security and safety of Women and Youth in Trade. While this does not specifically speak to labour rights, it contains some tenets of labour rights i.e., inclusiveness and non-discrimination in the marketplace.

Investment Protocol has commendable progressive provisions that promote both the

ILO Decent Work Agenda and the four core labour standards:

Article 20 (Exceptions to Expropriation): Non-discriminatory regulatory actions by a State Party designed to protect legitimate public policy objectives, such as labour rights shall not constitute indirect expropriation.

Article 25 (Minimum Standards on the Environment, Labour, and Consumer Protection): State Parties commit to ensuring labour protection while taking into account domestic policies, international best standards, and relevant international agreements to which they are parties. Also, State Parties commit not to encourage investment by relaxing or waiving domestic standards, or compliance with labour protection laws and international minimum standards.

Article 29 (Human Resources Development): State Parties commit to developing national policies to guide investors in developing the human capacity of the labour force, including for mid-level and managerial positions. Furthermore, State Parties are encouraged to develop and enforce mutual recognition agreements on human resource development.

Article 33 (Business Ethics, Human Rights and Labour Standards): Obligations for investors and investments to comply with the ILO Decent Work Agenda, and the four (4) core labour standards.

2.2 Existing Gaps in the AfCFTA Protocols and Implementation Concerning Labour Rights

Despite the commendable efforts to promote labour rights, the AfCFTA main Agreement (African Union, 2018) and key protocols on Trade in Goods, Trade in Services, Digital Trade, and Women and Youth in Trade include does not include ILO Fundamental Core Labour Rights and Decent Work Agenda principles. There is ample evidence to show that the AfCFTA may result in potential labour rights violations including a race to the bottom, a rise in precarious jobs, displacement of workers, violation of rights of gig workers, and restriction of movement of service providers. These key issues are highlighted below:



Protocol on Trade in Goods

Annex on Rules of Origin: Indirectly impacts labour by determining which goods qualify for tariff reductions. While not a labour provision, the rules of origin framework can affect industries (e.g., manufacturing, textiles, agriculture) that employ large numbers of workers. This applies to cumulation provisions as raw materials can be outsourced from sources where there are gross labour rights violations across supply chains.

Annex on Sanitary and Phytosanitary Measures (SPS): Compliance with these standards can impact working conditions, especially in sectors like agriculture, food processing, and health services

Annex on Technical Barriers to Trade (TBT): Technical regulations, standards, and conformity assessment procedures under this annex can indirectly improve working conditions in industries like manufacturing by setting quality and safety standards that affect products, production processes, and potentially workplace safety.

Protocol on Trade in Services

Mutual Recognition of Qualifications (Article 6): This provision has potential labour mobility implications, as it facilitates

the movement of professionals across borders. However, it does not explicitly mention worker rights or protections for migrant workers.

Progressive Liberalization of Services (Article 19): Liberalizing service sectors like finance, telecommunications, and transport could create job opportunities. However, without explicit labour protections, there is a risk of precarious employment or exploitation, particularly in sectors where informal work is prevalent.

Movement of Service Suppliers (Article 20): This article focuses on facilitating the movement of service providers across borders. This has significant implications for labour mobility and migrant workers in service sectors, but it does not include specific protections for migrant workers such as equal pay, access to social protection, or the right to join trade unions.

Protocol on Dispute Settlement

General Provisions (Article 3): The current mechanism does not explicitly address labour disputes or violations of worker rights related to the implementation of AfCFTA provisions



Protocol on Investment

Sustainable Development (Article 4) provisions do not define or require specific labour standards under the sustainable development umbrella. Furthermore, provisions on the encouragement of Intra-African Investment (Article 2) make no mention of ensuring that investments promote decent work or are subject to minimum labour standards such as fair wages or safe working conditions.



Protocol on Competition Policy

The provision on prohibition of Anti-Competitive Practices (Article 5) do not explicitly address the protection of workers' rights within this context, even though monopolistic practices can negatively affect working conditions.



Protocol on Digital Trade

Under Article 5 (Facilitating Cross-Border Digital Trade), there is no cognizance of how platform workers may be affected by Digital Trade. Digital trade can impact workers involved in the gig economy, e-commerce, and online platforms. The protocol aims to facilitate digital transactions across borders, but it does not address the labour conditions of workers in these sectors, such as job security, social protection, or fair pay for digital workers

Protocol on Intellectual Property Rights

Under Traditional Knowledge and Cultural Expressions (Article 6), the protocol seeks to protect traditional knowledge and cultural expressions, which can have labour implications for artisans, craftspeople, and workers in the cultural sector. Protecting these rights ensures that workers in industries reliant on traditional knowledge can benefit from their work and that their intellectual property is not exploited by larger corporations without compensation. Furthermore, Article 9 on Fair Compensation for Creators and Innovators indirectly touches on labour by ensuring that creators and innovators in sectors such as technology, media, and pharmaceuticals are fairly compensated for their work. While this primarily relates to intellectual property, it has implications for workers' rights to fair remuneration in knowledge-based industries.



Protocol on Women and Youth in Trade

Under the Empowerment of Women and Youth in Trade (Article 3), the protocol is focused on promoting the participation of women and youth in trade. While it aims to reduce barriers for these groups, there is no explicit reference to labour rights protections for women and youth in the workplace. Indeed, issues such as gender discrimination, equal pay, and protection against exploitation are not directly addressed. The assumption that increased trading of women and youth under the AfCFTA will address the rights of workers across the supply chains is rather flawed, given the likelihood of emergence of a race to the bottom as companies scramble to increase their trade volumes and market shares under the AfCFTA.

2.3 Case studies: Illuminating the best practices of Labour Provisions in Free Trade Agreements (FTAs)

A. The US-Canada-Mexico Agreement (USCMA)

The USCMA is a Free Trade Agreement that went into effect on July 1st, 2020, to replace the North American FTA (NAFTA). The main aim of the USCMA is to create more balanced trade, support high-paying jobs, and grow the North American economy (USTR, 2020). The USCMA requires the Parties to adopt and maintain in law and practice labour rights as recognized by the International Labour Organization (ILO), to effectively enforce its labour laws, and not to waive or derogate from its labour laws (USTR, 2020). It has been hailed by labour rights experts as the gold standard for mainstreaming enforceable labour rights in trade agreements which the AfCFTA can emulate. This is not to say that the AfCFTA should transplant the labour provisions in the USCMA into its own Protocols. Rather, the labour clauses in the USCMA as highlighted below can be used as reference points and localised in the AfCFTA to reflect the African context as this will make them more enforceable. The following are the key labour provisions in the USCMA which the labour unions can lobby for inclusion in the AfCFTA.



Broadly defined Labour rights: Under Article 23.3 (Labour Rights), the Parties commit to adopt and maintain in their statutes and regulations, and practices thereunder the rights as stated in the ILO Declaration on Rights at Work. These include (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition

of child labour and, for the purposes of this Agreement, a prohibition on the worst forms of child labour; and (d) the elimination of discrimination in respect of employment and occupation (USTR, 2020). The Parties also commit to adopt and maintain statutes and regulations, and practices governing acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.



Enforcement of Labour laws (Article 23.5): One of the key innovations in the USMCA is the Facility-Specific Rapid Response Labour Mechanism. This mechanism applies particularly to Mexico and allows the United States and Canada to initiate investigations into specific factories or facilities suspected of violating workers' rights to freedom of association and collective bargaining. The Parties also put in place detailed mechanisms through which labour-related disputes that cannot be resolved through dialogue can also be addressed through the general dispute settlement mechanism (USTR, 2020). For example, if a country fails to enforce its labour laws effectively, any party can initiate consultations to address the issue. Furthermore, if consultations fail, the matter may be referred to a dispute resolution panel, which can impose trade sanctions or tariffs if the offending country does not comply. This provision ensures that the failure to enforce labour rights can have direct economic consequences for the country in violation.



Protection for Migrant Workers (Article 23.8): The USMCA explicitly addresses the rights of migrant workers, ensuring they are entitled to the same protections as native

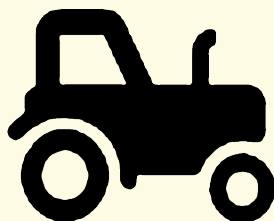
workers in the host country, regardless of their migration status. This is particularly important in sectors like agriculture and construction, where migrant workers are often vulnerable to exploitation.



Gender-Based Discrimination and Equal Pay: Under Article 23.9, the agreement includes provisions to combat gender-based discrimination in employment and promote gender equality in the workplace (USTR, 2020). This provision acknowledges the need to address workplace inequalities and ensure equal pay for equal work. It also provides a pathway to address issues such as workplace harassment, pregnancy discrimination, and other forms of gender-based inequality.



Public Submission Process (Article 23.11): The USMCA allows for public submissions, meaning that civil society organizations, and trade unions, can submit petitions if they believe a country is failing to uphold its labour commitments (USTR, 2020). These petitions can trigger reviews and investigations, ensuring that violations are brought to light and addressed in a transparent manner.



Industry-Specific Provisions – Automotive Sector: The USMCA contains specific provisions aimed at improving working conditions in certain industries, particularly the automotive sector. The agreement

mandates that a certain percentage of an automobile's content must be produced by workers earning at least \$16 per hour. The agreement also provides for a 40-45% rule whereby Automobiles must have 40-45% of their content produced by workers earning at least \$16 per hour to qualify for duty-free access under the USMCA. (USTR, 2020). This provision was introduced to narrow the wage gap between the U.S. and Mexico and to prevent a race to the bottom in terms of wages and working conditions, particularly in labour-intensive industries.



Environmental and Labour Linkages: The USMCA acknowledges the interconnectedness of labour and environmental issues. Environmental degradation often affects workers' safety and health, and labour laws related to environmental conditions in the workplace are also enforceable under the agreement.

B. The Common Market for Eastern and Southern Africa (COMESA)

The Treaty establishing the COMESA has incorporated progressive provisions on labour rights including providing for the establishment of a Labour Committee to monitor the implementation of Labour Rights (COMESA, 2012). However, while this is commendable, the COMESA Secretariat is yet to put in place a mechanism to monitor the enforcement of labour standards by their Member States, which continues to limit the realization of the labour rights envisaged under the COMESA. Nevertheless, the COMESA Treaty has commendable features to showcase that the design of trade policies with labour provisions is not an alien to Africa, and can be replicated in the AfCFTA.

Under Article 4 (6) (Special Undertakings), Member States commit to removing obstacles to the free movement of persons, labour, and services, right of establishment for investors, and right of residence within the Common Market. To ensure effective representation of labour unions in the COMESA regional integration process, **Articles 15 (Technical Committees)** establishes a Labour Committee to monitor the implementation of Labour Rights. Finally, under **Article 143 (Co-operation in Social and Cultural Affairs)**, member States commit to promote cooperation in employment and working conditions, labour laws, the prevention of occupational accidents and diseases, the right of association and collective bargaining between employers and workers

2.4 General Demands on AfCFTA and Labour rights which Labour Unions Can Advance

While the AfCFTA Protocols (except one on Investment) do not have labour provisions, (a) the upcoming review of the AfCFTA 'Main Agreement' provides an opportunity for Labour Unions to lobby for a Protocol/Annex on Labour Rights; (b) the ongoing negotiations of outstanding Annexes on the Protocols on Digital Trade and Intellectual Property Rights provide for an avenue to input labour rights language; and (c) Labour Unions can lobby for representation on the existing national and regional AfCFTA Implementation Monitoring Committees to ensure trading under the AfCFTA regime promotes labour rights. The following are the specific demands that labour Unions can advance on the AfCFTA review, implementation and negotiations.



Investment Protocol

Preamble: The preamble should clearly state the objective of the Protocol i.e. to “protect and promote the four fundamental ILO principles

and rights at work i.e. “freedom of association and the effective recognition of the right to collective bargaining; the elimination of forced or compulsory labour; the abolition of child labour; and the elimination of discrimination in respect of employment and occupation.

Definition of Labour Rights/laws: A section defining labour laws should be included. Special focus should be paid to the ILO Decent Work Agenda.

Performance Requirements: Performance requirements prescribe the manner in which Investors should operate in host countries, thus can grant States the right to impose obligations on foreign investors to act in a way that is beneficial to the economy and people. Therefore, the protocol should have a section on Performance requirements that includes: requirements to employ or source locally, transfer of technology and skills.

Enforcement mechanism: Trade Unions should ensure that provisions on enforcement guarantee the involvement of trade unions in trade negotiations

Investment Protocol

Exclusions for Public Services: AfCFTA need to entirely exclude public services and defend them from privatisation while ensuring mitigation on attacks on workers' wages and conditions.

No special courts for foreign investors: Labour Unions should ensure that AfCFTA scraps Investor-State-Dispute Settlement from trade deals to ensure workers are protected from these kinds of challenges.

Mutual Recognition of Certificates: This should cover aspects of temporary mobility, establishment in another AfCFTA State Party, systems of recognition of qualifications and skills.

Establishment of a Labour Consultative Advisory body: A national, regional, and continental labour consultative or advisory body that includes representatives of business organizations should be constituted at the respective levels to provide views on matters regarding the labour chapter and provisions in the Protocol

Digital Trade Protocol: The protocol should recognize and put in place mechanisms to tackle digital labour rights violations including Algorithmic bias, workplace surveillance, and electronic union blacklisting. The Protocol should also have provisions with obligations for local presence; establish fair treatment and competition rules, such as portability of rankings among platforms; and establish mechanisms to protect the data rights of platform workers.

Women and Youth in Trade Protocol: The Protocol should have: an objective on commitment by State Parties to Internationally recognized Labour rights, especially abolition of child labour; a review mechanism to assess the traded commodities from their source, to ensure traded commodities are not due to forced or child labour; a labour chapter to link women and youth in trade and labour rights; and obliging AfCFTA State Parties to ratify and establish enforcement mechanisms for Conventions: C190 (Eliminating Violence and Harassment in the World of Work) and C189 (Decent Work for Domestic Workers). State Parties should also develop, update and implement legal frameworks and infrastructure on E-Immigration

AfCFTA Implementation Review Mechanism (AFIRM): Labour Unions should form key stakeholders in the annual AFIRM at national and regional level. Their views on how the AfCFTA is responding to labour rights should be reflected in State Parties' self-assessment reports, Secretariat compliance assessment reports, Annual Secretary General's Compliance Assessment Report (CAR) and follow-up action plans.

National and Regional AfCFTA Implementation Strategies: The strategies should include mechanisms for effective implementation of Mutual Recognition of Certificates and skills; establish or maintain a senior-level Labour Committee, which will meet regularly to oversee the implementation of labour commitments under the AfCFTA; and institutionalization of the participation of Labour Unions by granting them membership on National and Regional AfCFTA Implementation Monitoring Committees.



03

Understanding the AfCFTA National Implementation Committees (NICs)

In line with the decision of the 31st Ordinary Session of the AU Assembly, held on July 1-2, 2018 in Nouakchott, Mauritania, AU member states committed to set up NICs to facilitate the implementation of the AfCFTA (Habte & te Velde, 2023). AfCFTA NICs are necessary to ensure effective and coordinated implementation of the National and Regional AfCFTA strategies. At national and regional levels, AfCFTA NIC are responsible for overall coordination of the implementation of the AfCFTA strategy (Habte & te Velde, 2023). Several countries have started NICs, including Côte d'Ivoire, Ghana, Kenya, Nigeria and Rwanda (Sebahizi, et al., 2023).

3.1 Structure and Responsibilities of the AfCFTA NICs



The NICs are responsible for implementing the AfCFTA Agreement including State Parties' National and Regional AfCFTA implementation strategies; mainstreaming gender and youth in strategy Implementation; support the formulation of country positions in trade negotiations; Managing risks associated with strategy implementation; Developing annual work plans, budget and periodic progress reports; raise awareness and collaborate with all stakeholders; and Monitoring and evaluating policies and projects to support AfCFTA implementation and relevant AU-related objectives. Furthermore, NICs facilitate implementation, advise and lobby government around policy reform and domestication of the AfCFTA trade and complementary instruments (coordination across ministries) in line with existing structures to implement trade and development policy (Sebahizi, et al., 2023).



Concerning composition, AfCFTA NICs must comprise of Members drawn from Government Ministries, Departments and Agencies (MDAs), representatives of governors and private sector associations, relevant academic and research institutions, non-governmental organisations (NGOs), and trade unions. The technical arm of the NIC are the respective line ministries [Secretariat] which have technical working groups to oversee implementation of the AfCFTA Agreement and State Parties' respective National and Regional AfCFTA Strategies.

3.2 Opportunities for Trade Union Involvement in AfCFTA NICs



STEP 1: Trade Unions as part of the binding treaty, must form a part of the NICs in all countries. To assert more influence, trade unions can further from coalitions with civil society organizations, and like like-minded to strengthen the case for labour provisions and the decent work agenda. For example, Trade Unions can form partnerships to provide alternative and pragmatic solutions with networks such as the African Trade Union Network for Economic Transformation (ATUNET) and the Africa Trade Network (ATN), a coalition of civil society and activists that work on trade and finance issues.



STEP 2: Apply to join the AfCFTA NICs: Trade Unions can apply to join the AfCFTA NICs so as to be directly involved in overseeing the implementation of the agreement. Successful examples that can be emulated include the Trade Union Congress of Namibia (TUCNA)

which has been granted membership to the Namibia AfCFTA NIC (ITUC-Africa, 2024), and CESTRAR (Rwanda Workers' Trade Union Confederation) which the Ministry of Trade has invited in Rwanda to join the national steering committee for the AfCFTA (Nyagah, 2024). The Trades Union Congress (TUC), Ghana is integral in Ghana's NIC. Similarly, the Nigeria Labour Congress has a seat at Nigeria's NIC.

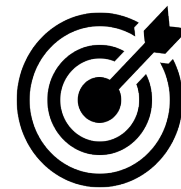


STEP 3: Modus operandi of the AfCFTA Implementation Review: The 15th meeting of the Senior Trade Officials (STO15) and the 12th Council of Ministers Meeting (COM12) which took place in Kigali, Rwanda from 15 to 17 October 2023, and Dar es Salaam, United Republic of Tanzania (URT) from 6 to 7 December 2023, respectively, affirmed the need to establish the AfIRM. With the main goal of assessing State Parties' compliance with their AfCFTA commitments, the AfIRM establishes structures, processes, and procedures for tracking, evaluating, and sharing the progress and outcomes of AfCFTA implementation. Labour Unions should form key stakeholders in the annual AFIRM at the national and regional levels. Their views on how the AfCFTA is responding to labour rights should be reflected in State Parties' self-assessment reports, Secretariat compliance assessment reports, Annual Secretary General's Compliance Assessment Report (CAR), follow-up action plans and Dedicated Sessions of the Senior Trade Officials (STO).



STEP 4: Engaging Policymakers and Governments: Trade unions should establish direct communication channels with government ministries responsible for trade, labour, and economic planning. Regular meetings, policy briefs, and position papers

can help unions articulate their demands for representation. For example, in Uganda, Trade Unions can engage the Ministry of Trade under the National Trade Sector Advisory Council (NTSAC) whose core functions are to review and advice on key National Trade Policy implementation priorities and provide guidance on the commissioning of studies and consultations relating to the implementation of the National, Regional and International Trade Policy (Tralac, 2018). At the regional level, they can lobby for participation in the EAC Sectoral Council for Trade, Industry, Finance and Investment (SCTIFI) a core body that sets the direction and momentum of the integration agenda in the sector



STEP 5: By engaging in the AfCFTA NICs, Trade Unions will be able to advocate for 'worker-friendly' policies to support AfCFTA implementation, enhance social dialogue, and contribute to the monitoring of the implementation of AfCFTA policies and hold governments accountable for delivering on labour-related commitments. Moreover, through their involvement, trade unions can facilitate skills development and training programs to prepare workers for emerging opportunities in AfCFTA's expanded markets.





04

**Lobbying governments and
AfCFTA NICs to ensure
trade unions' inclusion**

Whereas the drafting of the Agreement has been completed and finalized without the input of trade unions, it is important to note that the Agreement will be reviewed every five years. With the AfCFTA entering into force on 30th May 2019 (African Union, 2024), 30th May 2024 will mark the pact's 5th anniversary, meaning that the agreement will be legally subject to review for possible amendments. This means that the trade unions have a chance to develop a comprehensive draft of labour provisions that they want included in the main AfCFTA agreement. Thus, the draft has to be ready and already circulated before the lapse of the five-year phase of the current Agreement. The following advocacy steps can be considered by labour unions.



STEP 3: Demand for inclusion of labour union representatives on National and Regional AfCFTA Committees. Under the AfCFTA negotiating mandate, the AfCFTA Secretariat and RECs are tasked to ensure stakeholders engagement at all levels, including establishment of a Consultative Dialogue Framework that brings on board trade unions, civil society, farmers, academia, private sector among others.



STEP 1: Monitor developments in the AfCFTA Secretariat and REC Secretariats while lobbying for access to decisions taken at meetings of trade ministers and representatives of States Parties. Working with the AfCFTA Secretariat is important for visibility and recognition.



STEP 2: Develop a checklist on mainstreaming labour rights in the AfCFTA which labour unions and trade negotiators can use to measure the extent of integration of labour rights and the existing gaps. The checklist will also be critical to assist trade unions in assessing the application of the AfCFTA in national frameworks and programmes and identifying any difficulties in the implementation.



STEP 4: Need for tailored research: The need for evidence-based policies and interactions has been on the increase, thus this has called on trade unions to also provide evidence-based critique and policy inputs. To undertake policy-oriented advocacy and engagement from an informed position, the affiliate unions need to undertake evidence-based research and analysis on the following: (a) Regional and in-country research on the impact of the agreement on the labour market and its implications for workers focusing on quantity and quality of jobs; and, (b) Regional and country level research on labour provision initiatives as well as documenting, generating, recording and analysing data on job creation. Employment impact assessments should not only focus on the number of jobs that stand to be impacted but also the quality of jobs.



STEP 5: Education and Training: It is imperative to strengthen the capacity of trade union movements in Africa to engage on matters relating to the AfCFTA. This will ensure

trade unions can develop policy positions and provide critical evidence-based alternatives to the AfCFTA implementation. In terms of training, trade unions should develop national and regional action plans for the protection of workers' rights during the implementation of the AfCFTA; and, build capacities for affiliate union researchers to undertake country analysis on the impact of the AfCFTA on labour.

The following key actors and spaces can be used by labour unions to engage:

Ministries and Directorates in charge of trade and regional integration: As key negotiators, the ministries provide an important go-to space which labour unions can use to submit their positions and organize lobbying meetings.

Employment and Labour Directorates: Trade unions can ensure that the agenda of both the Directorate speaks to the inclusion of trade unions in the crafting and reviewing of trade agreements, policies and protocols. Furthermore, Trade unions need to ensure they are part of the AfCFTA Regional Implementation Committees

Sectoral Council on Trade, Industry, Finance and Investment (SCTIFI) at REC levels. The SCTIFI is an important multistakeholder platform that brings Partner States in a REC to discuss trade, investment and finance policies and processes that are critical in promoting intra-regional trade and investment. Trade Unions can lobby for participation in these platforms.

Civil society in SADC and EAC organize annual Peoples' Summits that speak to issues of human rights and human development. These Summits provide a platform for labour unions to present papers to the Heads of State and technical negotiators. Furthermore, labour unions can Leverage the Joint Labour Migration Programme (JLMP) to lobby for an AfCFTA Annex on Labour. The JLMP is a collaborative initiative between the African Union Commission (AUC), the International Labour Organization (ILO), the International Organization for Migration (IOM), Economic Commission for Africa (ECA). The JLMP's strategy emphasizes intra-African labour migration and aligns with the First 2023 Ten-Year Plan of the AU's Agenda 2063 and the UN Sustainable Development Goals (SDGs)

05

Practical Guides for Trade Union Engagement in the AfCFTA





5.1 How to Participate in the National Implementation Committees (NICs)

1. Understand what NICs do. NICs oversee the implementation of the AfCFTA, coordinate national strategies, and advise on trade policy reforms.
2. Contact your country's Ministry of Trade or NIC Secretariat to inquire about the committee structure and application process.
3. Draft a formal request to join the NIC, highlighting how trade union participation aligns with its goals. Refer to Annex 6.1 for a sample meeting request.
4. Prepare a clear proposal showcasing trade union contributions, such as expertise on labour standards and policy.
5. Establish coalitions with civil society groups to amplify your advocacy for NIC representation.

5.2 How ATUNET Can Influence AfCFTA as a Trade Union Voice

1. Leverage ITUC-Africa's ATUNET network to consolidate trade union positions on AfCFTA-related labour issues.
2. Partner with the AfCFTA Secretariat and National Trade Ministries to organise events focused on labour rights within trade agreements.
3. Use evidence-based research to publish position papers on labour issues under

AfCFTA protocols. Refer to Annex 6.2 for examples of outreach statements.

4. Regularly engage in consultations with policymakers, utilising ATUNET's platform to push for dedicated labour chapters in trade protocols.
5. Provide capacity-building for trade union leaders on AfCFTA provisions and implementation strategies.

5.3 How to Effectively Use the AfCFTA Implementation Review Mechanism (AfIRM)

1. Setup a trade desk at the National Trade Union Centre
2. Allow the trade focal persons to familiarise themselves with the AfIRM process, which monitors state compliance with AfCFTA commitments.
3. Request to participate in AfIRM national or regional review sessions as a stakeholder.
4. Collect and document data on the impact of AfCFTA on workers to present at review meetings.
5. Ensure labour concerns are included in State Parties' self-assessment reports including in the operational instruments, implementation tools and AfCFTA Secretariat Initiatives as shown in Fig.2.
6. as a guide to identify areas for monitoring, such as tariff concessions and trade adjustment funds.
7. Follow up on recommendations from AfIRM meetings to ensure they are implemented effectively.

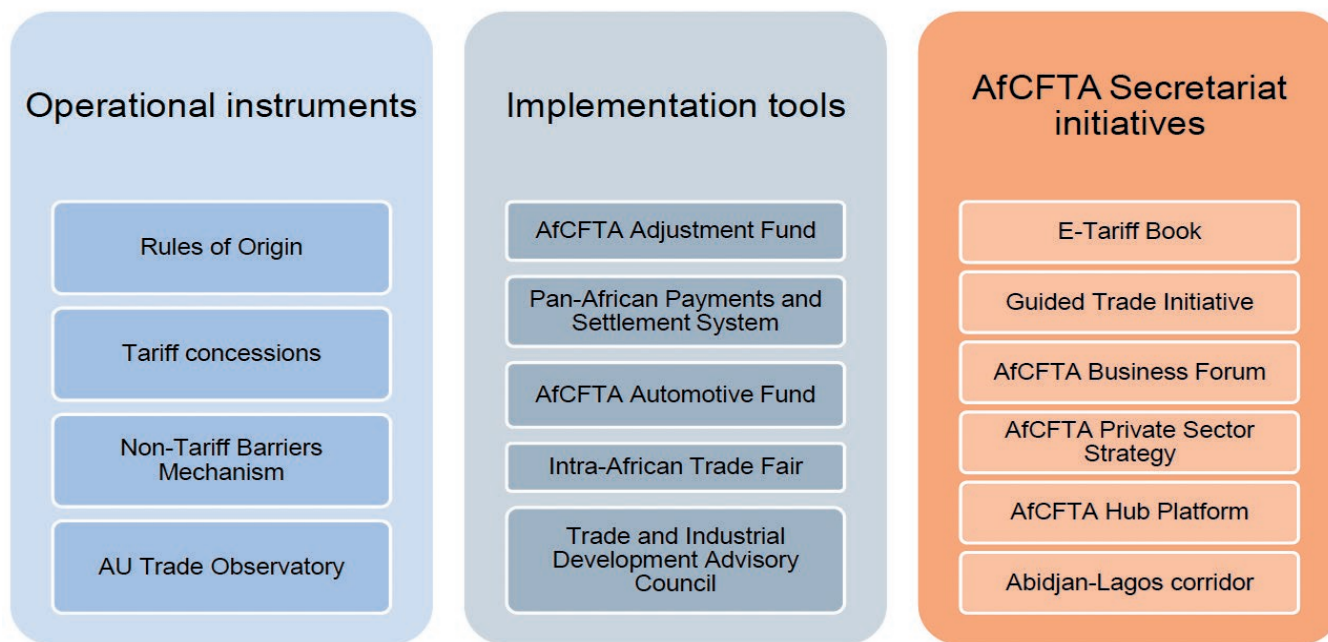


Figure 2: AfCFTA ecosystem of projects, programmes and activities. Source: Luke 2023

5.4 How Trade Unions Can Engage Policymakers on Trade, Business, and Human Rights

1. Familiarise yourself with the ILO Multinational Enterprises (MNE) Declaration and national action plans on business and human rights.
2. Draft concise policy briefs that show how labour rights can complement trade and business policies. Laise with ALREI, ITUC-Africa for technical support.
3. Request regular meetings with relevant ministries to advocate for the adoption of labour rights in trade agreements.
4. Use case studies from Annex 6.3 to demonstrate how labour protections improve economic outcomes.
5. Propose joint initiatives to monitor human rights impacts in supply chains, referencing international standards.

5.5 How Trade Unions Can Participate in AfCFTA Activities

1. Regularly visit the AfCFTA website for updates on projects, programmes, and activities.
2. Identify specific operational instruments or programmes – such as the AU Trade Observatory or the AfCFTA Adjustment Fund – where trade unions can contribute.
3. Engage in events like the AfCFTA Business Forum and Guided Trade Initiative to network with stakeholders.
4. Advocate for trade union membership in AfCFTA regional committees and programmes outlined in Figure 2 above on AfCFTA ecosystem of projects, programmes and activities.
5. Provide feedback on policy drafts or consultations to ensure labour concerns are addressed.

5.6 How Trade Unions Can Advocate for Labour Rights in AfCFTA

1. Push for a dedicated labour annex in AfCFTA protocols, covering labour rights, decent work and social protection.
2. Lobby for trade union representation in all AfCFTA-related committees and negotiation platforms.
3. Partner with national and regional stakeholders to propose amendments during the five-year review process.
4. Develop a checklist to evaluate the integration of labour provisions in trade agreements.
5. Advocate for the institutionalisation of social dialogue in AfCFTA policymaking and implementation processes.



06. Recommendations and Way Forward

The AfCFTA Toolkit provides a strategic framework for trade unions to engage effectively with the African Continental Free Trade Area. To enhance its effectiveness, several recommendations can be prioritised.

First, trade unions must focus on raising awareness and building capacity among their members. Comprehensive education and training programmes will enable union representatives to understand the AfCFTA's protocols, opportunities, and potential challenges. This includes providing targeted training on the use of tools like the AfCFTA Implementation Review Mechanism (AfIRM) and the AU Trade Observatory, which are critical for effective participation and monitoring.

Second, it is vital to institutionalise trade union representation within AfCFTA-related structures. Permanent seats in key bodies such as National Implementation Committees (NICs) and regional review mechanisms will ensure that workers' interests are consistently included in decision-making processes. This representation will allow trade unions to shape policies and protocols directly affecting labour rights.

Third, integrating labour provisions into the AfCFTA framework is essential. Unions should push for a dedicated annex or protocol explicitly addressing decent work, fair wages, and social protections. Aligning these provisions with international standards, such as those outlined in the ILO Multinational Enterprises Declaration, will enhance their enforceability and ensure they align with global best practices.

Fourth, trade unions should seek to strengthen their influence through partnerships and collaborations. Building alliances with civil society organisations, private sector stakeholders, and international networks like ATUNET will amplify trade unions' voices. These partnerships will also provide opportunities to pool resources and expertise for more effective advocacy.

Fifth, unions must embrace technology and data-driven approaches to strengthen their advocacy efforts. Tools such as the AU Trade Observatory can be used to monitor the impact of AfCFTA on workers, document labour rights violations, and present evidence-based recommendations for policy revisions. This data-driven approach will enhance the credibility and impact of their advocacy.

Sixth, engaging in social dialogue with policymakers and other stakeholders is critical. Institutionalising platforms for dialogue will allow trade unions, governments, and employers to address labour concerns collaboratively. Regular engagement will foster mutual understanding and build trust, ensuring that trade policies are inclusive and fair.

Seventh, trade unions must remain actively involved in the ongoing negotiations and reviews of AfCFTA protocols. Areas such as digital trade, intellectual property rights, and the inclusion of women and youth in trade require particular attention. Ensuring that these negotiations incorporate strong labour protections is essential for safeguarding workers' rights in the evolving trade landscape.

Finally, trade unions should monitor compliance with labour-related commitments

and advocate for accountability. Tools like the AfIRM can help unions assess the performance of State Parties and push for corrective actions or sanctions when commitments are not met. By holding stakeholders accountable, trade unions can ensure that labour provisions within AfCFTA are implemented effectively.



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08 | Advocacy and Lobbying Templates for effective engagement with NICs and policymakers: Annexes



8.1 Sample meeting request

[Sender's Address]

[Recipient's Designation & Address]

Re: Request for a Meeting on Mainstreaming Labour Rights in the AfCFTA Framework

Dear Hon. [Minister's Last Name],

I hope this letter finds you in excellent health and high spirits. I write to you as **[Your Position or Organization Name]**, an advocate for inclusive trade policies that prioritize the welfare of workers as a cornerstone of sustainable economic growth. In light of the progress being made under the African Continental Free Trade Area (AfCFTA), I am compelled to seek your audience to discuss critical recommendations aimed at mainstreaming labour rights within the AfCFTA framework.

The AfCFTA stands as a monumental achievement for Africa, promising to unlock vast economic opportunities through increased intra-African trade, industrialization, and job creation. However, for these ambitions to be fully realized, it is imperative that the rights and welfare of workers—the backbone of economic activity—be integrated into the trade agenda. We believe that a comprehensive approach to labour rights will not only enhance the economic inclusivity of the AfCFTA but also safeguard the dignity and productivity of the workforce driving this transformation.

In particular, we wish to present three actionable proposals that align with the principles of fair trade and social justice:

1. Incorporating Labour Rights in the AfCFTA Review Process: The current

AfCFTA framework provides a unique opportunity to enshrine labour standards and protections that are consistent with international labour conventions, such as those of the International Labour Organization (ILO). By integrating these provisions into the review process, we can ensure that trade liberalization does not lead to the exploitation of workers, unequal working conditions, or wage suppression.

- 2. Establishing a Dedicated AfCFTA Annex on Labour:** A dedicated annex focusing on labour rights would serve as a formal mechanism to address issues such as fair wages, gender equality, occupational health and safety, and the prevention of forced or child labour within the AfCFTA framework. This annex would provide clarity on labour-related obligations for state parties and create a foundation for monitoring and enforcement.
- 3. Ensuring Representation of Labour Unions in AfCFTA Negotiations and Implementation Committees:** Workers' voices are crucial in shaping policies that affect them directly. Representation of labour unions in negotiation and implementation processes would provide a platform for constructive engagement, ensuring that labour concerns are addressed at the design and implementation stages of the AfCFTA. This inclusive approach would help mitigate potential conflicts and enhance trust in the process.

The rationale for these proposals is grounded in a shared commitment to equitable and sustainable development. Mainstreaming labour rights in the AfCFTA will enhance its legitimacy, promote social cohesion, and foster a sense of ownership among all stakeholders. Furthermore, protecting labour rights can improve productivity, attract ethical investment, and enhance Africa's competitiveness in the global market by aligning with international best practices.

8.2 Sample position statements for outreach

Position Paper on the African Continental Free Trade Area (AfCFTA).

“An Equitable and Transformative AfCFTA should incorporate stronger provisions that safeguard and uphold Labour Rights”

Introduction

The AfCFTA implementation has seen a slow start, with 54 out of 55 African countries having signed the AfCFTA (of which 49 State Parties have ratified it) as of November 2024. Currently, Niger, Guinea, Mali, Burkina Faso, and Sudan have been suspended from the AfCFTA because the current political instability due in these economies may hinder meaningful progress on the negotiations on protocols relating to trade and investments. Concerning trade in goods, as of February 2024, the number of adopted Provisional Schedules of Tariff Concessions for market access has risen to 45 from 42. Under Trade in Services, twenty-two (22) Schedules of Specific Commitment have been adopted covering five (5) priority sectors. Furthermore, additional legal instruments including the AfCFTA Protocols on Investment, Intellectual Property Rights, Competition Policy, and Digital Trade have been incorporated into the AfCFTA framework and are awaiting ratification by AfCFTA State Parties at the national level, and will enter into force 30 days after the deposit of the twenty-second (22nd) instrument of ratification for each respectively.

Whereas legal trading under the AfCFTA began on 1st January 2021, there was no actual take-off until 7th October 2022 when the AfCFTA Guided Trade Initiative (GTI)

We are keen to explore how these proposals can be operationalized through your Ministry's leadership. Specifically, we would appreciate an opportunity to discuss the following: Aligning national trade and labour policies with the AfCFTA objectives; Designing institutional frameworks for monitoring labour standards within AfCFTA member states; and Establishing mechanisms for labour union representation in trade policy forums.

Recognizing your busy schedule, we are happy to accommodate a meeting date and time at your earliest convenience. We firmly believe that this dialogue will contribute to the shared vision of a prosperous and socially just Africa underpinned by fair trade practices. Please let us know a convenient time for the meeting. You can reach me at [Your Phone Number] or [Your Email Address]. I am also available to provide any additional information or documentation ahead of our discussion.

Thank you for considering this request and for your continued leadership in advancing Africa's trade agenda. We look forward to collaborating with your Ministry to ensure that the AfCFTA delivers on its promise of inclusive and transformative development.

Please Sir/Madam, accept our assurances of highest regards.

Yours sincerely,

[Your Full Name]

[Your Title/Organization]

was launched (Tralac, 2024), with a primary goal of testing the operational, institutional, legal and trade policy environment under the AfCFTA. Initially bringing together eight (8) State Parties i.e., Cameroon, Egypt, Ghana, Kenya, Mauritius, Rwanda, Tanzania, and Tunisia, and focused on nine (9) products, the GTI's scope has been broadened to include thirty-five (35) State Parties and more products (African Union, 2024). An initiative similar to the GTI is now planned for trade-in services under the AfCFTA five priority service sectors. State Parties and Regional Economic Communities have also designed their respective AfCFTA Implementation Strategies.

The AfCFTA and Labour Rights

While Labour rights and Trade are interrelated and interdependent variables, the push to incorporate labour provisions in Free Trade Agreements (FTAs) has received both critics and proponents at the same time. The former maintain that labour provisions should be a preserve of the ILO and have no place in FTAs. More specifically, critics argue that: presence of Labour provisions in FTAs amounts to "hidden protectionism" as developed countries will use them to curtail preferential market access to exporting countries; and that Developing countries will end up raising the standards for their workers, and risk losing their comparative advantage, ultimately suffering a decline in export performance, thus, leading to a dwindling per capita income. On the other hand, proponents for inclusion of Labour provisions in FTAs argue that this can have a huge impact on individual workers' lives and incomes; reduce child labour; provide a safe framework for movement of workers within an FTA Area; and also halt a '*race to the bottom*' in which national labour conditions are reduced in an attempt to lower production costs so as to expand international trade and competition.

Nevertheless, despite the contestations, there is a growing increase in a number of FTAs which include a labour dimension, either in the agreement itself or in a parallel agreement. Indeed, while there were only three (3) trade agreements with labour provisions in 1995, this increased to 85 by 2019, elevating the overall share of trade agreements with labour provisions from 7.3 per cent in 1995 to 35 per cent in 2019¹. In Africa, the Treaty establishing the Common Market for Eastern and Southern Africa (COMESA) and the Treaty establishing the East African Community (EAC) have labour rights provisions, with the COMESA Treaty providing for an explicit example of mainstreaming labour provisions in Free Trade Agreements. We therefore wish to reiterate that Labour commitments under FTAs are largely structured to: uphold and ratify ILO fundamental principles and rights; and to implement, as well as not waiver or derogate from national laws implementing labour rights.

We wish to commend both the AfCFTA and RECs Secretariats for making an attempt at mainstreaming labour provisions and a labour chapter (under Articles 22,23,25 27 & 29) in the AfCFTA Protocol on Investment. However, we wish to note that the language under Labour Provisions should be made stronger and binding rather than its present form of "best endeavor. There draft Protocol also lacks an enforcement mechanism which leaves the labour provisions therein not easily enforceable by State Parties. An assessment of the draft Protocol on Investment reveal that there are no obligations for States to promote the much-needed requirements to employ or source locally, transfer of skills, allowing for unionization of workers among others, and could lead to violation of acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

¹ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---inst/documents/publication/wcms_719226.pdf

We are also concerned that whereas the imminent dangers of AfCFTA on labour rights are profound, a closer analysis of the current AfCFTA agreement and its related Annexes and Protocols reveals that neither does it include any labour provisions nor make any reference to the globally recognized decent work Agenda. Indeed, it should be noted that any outcomes of a Free Trade Agreement (FTA) like the AfCFTA can either positively or negatively affect the livelihoods of workers along the production value chain in a number of ways. For example, under tariff concessions, opening up of certain agricultural products, if poorly done, might affect competitiveness of local agro-processors by subjecting them to competition from cheaper products of other well established firms, which will in the end affect the workers employed in these factories through retrenchment, low wages, and reduced workers' benefits. Furthermore, under services Liberalization, poor concessions might not only affect workers (regarding jobs losses), but may also hinder innovation and skills transfer, which are critical in enhancing human resource.

Other related AfCFTA protocols including: Sustainable Investment; E-Commerce; Intellectual Property, and Women and Youth in Trade, if poorly designed, will have far reaching implications on labour rights. For example, a poorly negotiated E-Commerce Protocol can lead to digital labour rights violations including: **Algorithmic bias, workplace surveillance, electronic union blacklisting**; and can also result into limited ability of State Parties respective domestic courts to enforce labour standards given the fact that E-Commerce provisions are against obligations for local presence of E-Commerce companies. Furthermore, a poorly negotiated Protocol on Sustainable Investment will lead to no obligations for the much needed requirements to employ or source locally, transfer of skills, allowing for unionization of workers among others, and could lead to

violation of acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

Furthermore, apart from lack of mainstreaming of labour rights provisions in the AfCFTA, there has also been limited involvement of Labour Unions in the negotiations leading to the pact. We wish to note that only an inclusive AfCFTA negotiations consultation process will result into ownership of the final pact by labour unions. This is critical, especially given that the promises of the AfCFTA i.e. to create decent jobs for all; foster skills transfer and to promote innovations cannot be achieved without the engagement and consultation of Africa's trade unions.



Proposals on a way forward

Any outcomes of an FTA like the AfCFTA can either positively or negatively affect the livelihoods and rights of workers along the production value chain. This will largely depend on the way in which the national and RECs' AfCFTA Implementation Strategies, and the attendant Protocols are designed. The following proposals should be considered:

a. Ensure mainstreaming of labour rights related provisions in the AfCFTA and its Annexes:

A comprehensive chapter on Labour both in the AfCFTA text and its associated Protocols should be incorporated to cater for: definition of labour laws; visa commitments; Application & Enforcement of Labour Laws; Procedural Guarantees & Public Awareness; Institutional Arrangements; Labour Cooperation; cooperation activities among others. In addition to a comprehensive chapter on Labour, provisions of Labour rights should form an essential part of the AfCFTA text and its Protocols through mainstreaming them in sections like the preamble; definitions; general objectives; dispute settlement among others. This is aimed at avoiding any loopholes through which they can be bypassed. The AfCFTA negotiations are still ongoing, which presents unions with an opportunity to demand the inclusion of labour provisions throughout. If the Decent Work Agenda is to be met, the restructuring of economies across Africa should have labour as an integral component.

b. Institute a dedicated Annex/Appendix/Protocol on AfCFTA and Labour:

Under Article 8 of the AfCFTA text (Status of the Protocols, Annexes and Appendices), para 3 argues that "Any additional instruments, within the scope of the AfCFTA Agreement, deemed necessary shall be concluded in furtherance of

the objectives of the AfCFTA and shall, upon adoption, form an integral part of this Agreement". State Parties in collaboration with Labour Unions can leverage on this provision to demand for a dedicated Annex/Appendix/Protocol on Labour Rights of the AfCFTA.

c. Institute a dedicated Annex/Appendix/Protocol on AfCFTA and Labour:

Under Article 8 of the AfCFTA text (Status of the Protocols, Annexes and Appendices), para 3 argues that "Any additional instruments, within the scope of the AfCFTA Agreement, deemed necessary shall be concluded in furtherance of the objectives of the AfCFTA and shall, upon adoption, form an integral part of this Agreement". State Parties in collaboration with Labour Unions can leverage on this provision to demand for a dedicated Annex/Appendix/Protocol on Labour Rights of the AfCFTA.

d. Involvement of Labour Unions in AfCFTA Negotiations:

As per the AfCFTA negotiating mandate, the African Union is tasked to ensure stakeholders engagement at all levels, including establishment of a Consultative Dialogue Framework. Furthermore, a Trade Advisory as a complementary structure under the AfCFTA Secretariat is meant to include a number of stakeholders, including Civil Society and Trade Unions². The RECs' Secretariat should therefore engage Trade Unions in the AfCFTA negotiations through consultations, joint research and outreach activities. This is because a transformative AfCFTA can only be achieved if negotiations are inclusive and represent relevant stakeholders.

e. Promotion of E-Immigration.

Free movement of labour and persons is a key in the implementation of AfCFTA, this will be facilitated by easing cross border movements through accessible of visas, work permits and residence permits. AfCFTA State Parties should develop,

² https://au.int/sites/default/files/documents/36085-doc-qa_cfta_en_rev15march.pdf

update and implement legal frameworks on E-Immigration, strengthening E-Immigration infrastructure, coordination and services and build the capacity of immigration officials and border management authorities on e -immigration.

- f. **Implementation of Mutual Recognition Agreements (MRAs).** Trade unions should ensure that African Union Member States undertake to harmonise and mutually recognize academic and professional qualifications, skills obtained through experience from other member states. A comprehensive section of Mutual Recognition Agreement (MRAs)/Certificates and skills should be sought under the AfCFTA Trade in Services Annex. This should also involve easing cross border movement of persons; establishing a regional framework for social security coordination and the portability of pensions so as to manage social friction between immigrants and nationals, amongst others measures.



8.3 How should Labour Provisions be Infused in the AfCFTA?

ISSUE	PROPOSAL
Preamble	The preamble should reaffirm the promotion and protection of workers' rights as crucial for the achievement of the overall AfCFTA objectives. It should reaffirm AfCFTA's commitment to the principles of non-discrimination, equal opportunities, and social justice, and promoting sustainable and inclusive economic growth that benefits all the people of Africa
Objectives	To promote decent work, social protection, and gender equality, and to improve working conditions and occupational safety and health standards.
Scope and Coverage	The Annex should cover a range of labour issues, including but not limited to the elimination of forced labour and child labour, promotion of freedom of association and the right to collective bargaining, elimination of discrimination in employment and occupation, promotion of decent work and social protection, the protection of occupational safety and health
General Guiding Principles	These should include: affirming the obligations of State Parties as members of the ILO, including those stated in the ILO Declaration on Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization (2008). State Parties should also recognize the important role of workers' and employers' organizations in protecting internationally recognized labour rights.
Right to regulate; high levels of protection	This should include an obligation for each State Party to ensure that its domestic labour policies and laws provide for and encourage high levels of workers' protection and shall strive to continue to improve those policies and laws and their underlying levels of protection
Standards on Labour rights	This should include a commitment by State Parties to promote and safeguard the four core labour standards, including key conventions e.g., ILO Domestic Workers Convention, 2011 (No. 189), the ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) and the Maritime Labour Convention, 2006.
Equity and Non-discrimination in Work Places	State Parties should underline their commitment to equality and non-discrimination at the workplace, and recognize the importance of international rules and agreements in this area. To achieve this, State Parties should: implement effective domestic policies and measures to ensure equal opportunity and equal treatment in employment and occupation for all; and ensure that traders, Investors and their investments comply with high labour standards, and in particular shall eliminate discrimination in respect of employment and occupation.

Compliance with Key International Labour Organization (ILO) Conventions	Under this section, State Parties should commit to adopting and maintaining labour rights in their statutes, regulations, and practices as stated in the ILO Declaration on Rights at Work. In order to achieve coherence, State Parties should ensure that corporations comply with the International ILO standards, including the ILO Declaration on Fundamental Principles and Rights at Work, and domestic labour legislations.
Ratification of Key International Labour Organization (ILO) Conventions	This provision should require each State Party to ratify, without undue delay, all fundamental ILO Conventions and core labour standards. State Parties should be encouraged to regularly exchange information on their respective situation and advancements as regards the ratification of these as well as of priority and other ILO Conventions that are classified as up to date by the ILO and their Protocols.
Forced and Compulsory Labour	This provision should ensure that State Parties implement effective domestic policies and measures, including the establishment and application of adequate deterrent measures for offences, to prevent and eliminate forced or compulsory labour, and provide protection to the victims. The article should also commit State Parties to prohibit, through measures they consider appropriate, the importation of goods into their respective territory from other sources produced in whole or in part by forced or compulsory labour.
Abolition of Child Labour	Under this provision, State Parties shall ensure that corporations and Investors comply with international conventions and existing labour policies, and, in particular, not use both child labour, and shall support efforts for the elimination of all sorts of child labour. State Parties shall also prohibit, through measures they consider appropriate, the importation of goods into their respective territory from other sources produced in whole or in part by forced or compulsory child labour.
Non-Derogation	Under this provision, State Parties shall ensure that they do not waive, relax or derogate from labour rights as an encouragement for establishing, maintaining or expanding of trade and investment in their respective territory. State Parties shall not waive or otherwise derogate from, or offer to waive or otherwise derogate from, its labour law and standards which implement its obligations under this Protocol
Conflict Resolution and Dispute Settlement	State parties should ensure that labour disputes mechanisms provide for: Individual labour disputes; Rights-based collective labour disputes; and interest-based collective labour disputes, occurring when Labour disputes arise during collective bargaining processes.
Gig workers and Digital Nomads: Algorithmic bias, workplace surveillance, electronic union blacklisting	Under this provision, State Parties should be encouraged to adopt directives that focus solely on the responsibilities of platforms towards the persons who provide services through their site or app, regardless of their employment status. Furthermore, State Parties should ensure that employers provide adequate working conditions for platform workers even when they are not in a labour relation. Finally, State Parties should be encouraged to work with trade unions to encourage the formation of Gig Workers Unions to promote and safeguard the rights and interests of gig and platform workers.

Social Welfare	State Parties shall undertake to closely co-operate amongst themselves in the field of social welfare with respect to: (a) employment, poverty alleviation programmes and working conditions; (b) vocational training and the eradication of adult illiteracy in the Community; and (c) the development and adoption of a common approach towards the disadvantaged and marginalized groups.
Dialogue and Cooperation	State Parties should be encouraged to develop cooperative actions in the following areas: (a) identification and restriction of movement of goods and services produced by forced and child labour; (b) identifying and cautioning companies supplying goods and services produced by forced and child labour; (c) combatting forced labour and human trafficking across supply chains; (d) documentation and use of domestic and intra-regional labour statistics, indicators, methods, and procedures, including based on sex; and (e) labour relations, including forms of cooperation and dispute resolution to improve labour relations among workers, employers, and governments.
National and Regional supply chains and similar economic arrangements	State Parties should recognize that cross-border organization of supply, production and distribution of goods and provision of services, in particular in global supply chains, poses distinct and significant challenges to the protection and promotion of decent work. They should commit to implementing measures to promote labour rights-responsive national and regional supply chains.
Enforcement Mechanisms	Each Party shall ensure that its enforcement mechanisms are accessible to all workers, regardless of their status, and that they are provided with the necessary information and support to make use of those mechanisms. Furthermore, each State Party shall establish or maintain, as appropriate, mechanisms for monitoring and evaluating the effectiveness of its enforcement mechanisms, and for making improvements where necessary.
Movement of Migrant Workers	This section should take into account some of the barriers in the free movement of migrant workers inclusive Visa commitments, and lack of mutual recognition agreements among others. This thus looks at ensuring Visa harmonization/commitments and Mutual Recognition Agreements for Migrant workers.
Establishment of Labour Attaches	To facilitate cooperation and collaboration of State Parties, each Party should commit to appoint a Labour Attaché or designate an existing diplomatic or consular official to perform the functions of a Labour Attaché. The Labour Attaché should be responsible for, inter alia: (a) Promoting compliance with the labour laws and regulations of the Party appointing or designating him/her; (b) providing information and assistance to workers, employers and their organizations regarding the laws and regulations relating to employment and labour, including social security and health and safety at work; and (c) facilitating the resolution of labour disputes between employers and workers, or between workers and their organizations, by providing mediation or other forms of alternative dispute resolution.

Committee on Labour Matters	State Parties should encourage the participation of workers and their organizations in the design, implementation and monitoring of labour policies and programs at the national, regional and continental levels. This should be done by establishing a committee on Labour Matters at the National and REC levels. Top of Form
Review of the Protocol	This provision should be aimed at ensuring that the Agreement remains a dynamic instrument for promoting and protecting the rights of workers in the continent, and for facilitating the achievement of the overall objectives of the AfCFTA. To achieve this, Labour Unions should demand for mainstreaming of labour rights in the AfCFTA Main Agreement and its related Protocols and Annexes.
AfCFTA Implementation Review Mechanism (AFIRM).	Labour Unions should form key stakeholders in the annual AFIRM at national and regional level. Their views on how the AfCFTA is responding to labour rights should be reflected in State Parties' self-assessment reports, Secretariat compliance assessment reports, Annual Secretary General's Compliance Assessment Report (CAR), follow-up action plans and Dedicated Sessions of the Senior Trade Officials (STO).





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