



DRAFT

DRAFT 3.0 OF

PROTOCOL ON WOMEN AND YOUTH IN TRADE

TO THE

AGREEMENT ESTABLISHING THE AFRICAN CONTINENTAL FREE

TRADE AREA

PREAMBLE

We, the State Parties to the Agreement Establishing the African Continental Free Trade Area,

DESIROUS to promote and attain sustainable and inclusive socio-economic development of women and youth by harnessing trade opportunities presented by the African Continental Free Trade Area (AfCFTA) pursuant to Article 3 (e) of the Agreement establishing the AfCFTA (AfCFTA Agreement);

REAFFIRMING our commitment to achieve the aspirations and goals of Agenda 2063 of the African Union, specifically Aspiration 6 which seeks to create a continent whose development is people-driven, relying on the potential of African people especially its women and youth;

RECALLING the commitment of the 13th Extraordinary Session of the Assembly of Heads of State and Government of the African Union (Assembly of the Union) to broaden inclusiveness in the operation of the AfCFTA through interventions that support young Africans, women and Small and Medium Enterprises as well as integrating informal cross border traders into the formal economy by implementing the simplified trade regime [Ext/Assembly/AU/Decl.1(XIII)];

FURTHER RECALLING the Decision of the 35th Ordinary Session of the Assembly of the Union to include the Protocol on Women and Youth in Trade in the scope of the AfCFTA Agreement [Assembly/AU/Dec.831(XXXV)];

BEARING IN MIND the Decision of the 5th Meeting of the AfCFTA Council of Ministers responsible for Trade to establish the Committee on Women and Youth in Trade in order to facilitate negotiations [AfCFTA/COM/5/REPORT/FINAL/27(a)];

MINDFUL of commitments made under the Treaty Establishing the African Economic Community; the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa; the African Youth Charter; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and other international instruments on Women and Youth;

BUILDING ON achievements of regional economic communities and national gender and youth mainstreaming policies and strategies, in particular the inclusion of clauses as well as the design of initiatives and programmes that seek to enhance the meaningful participation of women and youth in trade;

RECOGNISING the significant contribution of women and youth to the economic growth of African countries and the importance of the increasing youth population as a critical factor in attaining accelerated growth and in deepening the economic integration of the continent;

ACKNOWLEDGING that Women and Youth face systemic, structural and financial challenges that hinder their meaningful participation in intra-African trade;

DETERMINED to create an enabling trade environment that supports women and young Africans to seize opportunities presented by the AfCFTA ;

CONSIDERING Article 8 (3) of the Agreement which stipulates that any additional instruments, within the scope of the Agreement, deemed necessary, shall be concluded in furtherance of the objectives of the AfCFTA and shall, upon adoption, form an integral part of the Agreement;

DETERMINED to monitor the implementation of the Agreement, its Protocols and annexes to ensure that issues related to Women and Youth are prioritised.

HAVE AGREED AS FOLLOWS:

PART I
GENERAL PROVISIONS

Article 1
Definitions

For the purposes of this Protocol:

- (a) **“AfCFTA”** means the African Continental Free Trade Area;
- (b) **“Affirmative Action”** means a policy programme or measure that seeks to eliminate all forms of discrimination preventing women and youth from fully participating in trade and trade related activities and prevent such discrimination in the future. The policy programme or intervention should seek to provide special measures, which may be of a temporary nature, to promote and increase opportunities for women and youth in economic development through capacity building, sensitisation programmes and other active measures to ensure equal benefits from trade opportunities;
- (c) **“Agreement”** means the Agreement Establishing the African Continental Free Trade Area and its Protocols, Annexes and Appendices which shall form an integral part thereof;
- (d) **“Capacity”** means the ability to produce and supply goods and services to continental and international markets using available resources;
- (e) **“Committee”** means the Committee on Women and Youth in Trade as established in Article 20 of this Protocol;
- (f) **“Equality”** means the same enjoyment of privileges, rights and access to opportunities and outcomes, including resources by women and youth traders;
- (g) **“Harassment”** means the act of exerting verbal, physical, sexual, or moral pressure or violence on Women and Youth in Trade with a view to obtaining personal satisfaction or favour for his or her benefit, that of a third party, as well as any physical or non-verbal behaviour suffered by Women and Youth in Trade, the purpose or effect of which is to violate the dignity of Women and Youth in Trade and to create an intimidating, hostile, degrading, humiliating or offensive environment likely to

jeopardize Women and Youth in Trade's professional, economic and social situation, whether or not such act arises out of unequal power relations;

- (h) **"Market"** means the AfCFTA market or a substantial part thereof, where exchange or substitution of goods or services takes place between suppliers and buyers of goods, services, and technologies;
- (i) **"Measures"** means any measure by a State Party, whether in terms of a law, regulation, rule, procedure, decision, administrative action, or any other form;
- (j) **"Protocol"** means the Protocol on Women and Youth in Trade to the Agreement Establishing the African Continental Free Trade Area;
- (k) **"Small-scale Cross Border Trade"** means a form of trade across borders of low value consignments of goods;
- (l) **"State Party"** means a Member State that has ratified or acceded to the Agreement and for which the Agreement is in force;
- (m) **"Third Party"** means a State(s) that is not a party to the Agreement except as otherwise defined in the Agreement;
- (n) **"Women and Youth in Trade"** means Women and Youth as defined in paragraphs (o) and (r) of this Article in areas of trade covered under the Agreement;
- (o) **"Women in Trade"** means women who are nationals of an AfCFTA State Party who participates in the import and export of goods and services;
- (p) **"Women or Youth-led Business"** means a business that is at least 25 percent owned by one or more women or youth whose management and control lie with one or more women or youth who make important strategic and operational decisions of the business;
- (q) **"Women or Youth-owned Business"** means a business that is more than fifty (50) percent owned by a woman or a group of women or by youth or a group of youth;
- (r) **"Youth in Trade"** means nationals of an AfCFTA State Party, above the age of minority in accordance with the State Party's legislation and below the age of 35 who participate in the import and export of goods and services;

Article 2

Objectives

1. The general objective of this Protocol is to support the implementation of the AfCFTA as set out in Article 3 (e) of the Agreement by promoting and attaining sustainable and inclusive socio-economic development, equality for Women and Youth and structural transformation of State Parties.
2. The specific objectives of this Protocol are to:
 - (a) support and enhance the effective participation of Women and Youth in Trade in intra-Africa trade;
 - (b) Improve the inclusion of Women and Youth in Trade in the implementation of the AfCFTA to achieve sustainable economic development at the national, regional, and continental levels;
 - (c) strengthen the capacity of and access to opportunities for Women and Youth in Trade;
 - (d) promote value addition and innovation for increased imports and exports by Women and Youth in Trade;
 - (e) support the inclusion of Women and Youth into regional and continental value chains; and
 - (f) support measures that promote the formalisation of trade activities of Women and Youth.

Article 3

Scope

This Protocol applies to all trade policies, activities, and interventions that support Women and Youth in Trade within the framework of the AfCFTA.

Article 4

Guidelines

This Protocol shall be governed by the following principles:

1. Affirmative Action;
2. Elimination of discrimination against Women and Youth in intra-African trade activities;
3. Promotion and attainment of equality for Women and Youth in Trade; and
4. Inclusiveness.

PART II: GENERAL OBLIGATIONS AND PRINCIPLES

Article 5

Principles

1. The Protocol shall be governed by the principles stipulated in Article 5 of the Agreement in order to ensure its full implementation.
2. State Parties shall pay particular attention to Women and Youth engaged in intra-African Trade, taking into account the special provisions of this Protocol in order to guarantee effective inclusion. In this regard, State Parties shall:
 - (a) accord special consideration to the provision of technical assistance and capacity building to Women and Youth in Trade to facilitate compliance with international standards through continental, regional and national support programmes;
 - (b) take into account the challenges that may be encountered by Women and Youth in Trade and grant flexibilities; and
 - (c) provide preferential access to trade related infrastructure for Women and Youth in Trade.

Article 6

Right to Regulate

1. Each State Party may regulate and introduce new regulations on all trade activities related to Women and Youth within its territory in order to meet national policy objectives, in so far as such regulations do not in any way impair the rights and obligations arising under this Protocol.
2. Each State Party shall ensure that all measures of general application affecting all trade activities related to Women and Youth in Trade within the scope of the Agreement are administered in an objective, transparent and impartial manner.

Article 7

Elimination of Non-Tariff Barriers

1. State Parties, pursuant to commitments under Article 12 of the Protocol on Trade in Goods and Annex 5 on Non-Tariff Barriers, shall progressively eliminate all non-tariff barriers affecting Women and Youth in Trade.
2. State Parties shall ensure and promote the participation of Women and Youth in Trade associations in national monitoring committees as established in Article 8 of Annex 5 to the Protocol on Trade in Goods to ensure their active role in the identification, resolution, monitoring and elimination of non-tariff barriers.

PART III: WOMEN AND YOUTH IN TRADE

Article 8

Inclusive Socio-Economic Development

State Parties undertake, where appropriate, to:

- (a) promote and facilitate the empowerment and the effective integration of Women and Youth in Trade;
- (b) identify and progressively eliminate legislations, regulations and discriminatory practices against Women and Youth in Trade;

- (c) promote quality education and information awareness programmes on cross border trade;
- (d) enhance the productive capacity of Women and Youth in Trade;
- (e) strengthen and support associations of Women and Youth in Trade responsible for coordinating and advocating trade issues;
- (f) collect and share information on best practices relating to the inclusion of Women and Youth in Trade; and
- (g) take such other measures aimed at eliminating prejudices against and promote equality for Women and Youth in Trade.

Article 9

Participation in Policy Formulation and National AfCFTA Implementation

1. State Parties shall take appropriate measures to promote and strengthen the full and active participation of Women and Youth in Trade in the formulation, implementation and review of policies and programmes related to this Protocol.
2. State Parties shall establish and strengthen continuous dialogue with Women and Youth in Trade, and their associations at the national, regional, and continental levels to help create an improved business environment for the successful and inclusive implementation of the AfCFTA.
3. State Parties shall ensure meaningful representation of Women and Youth in Trade in existing bodies including AfCFTA National Implementation Committees.

Article 10

Harmonisation of National, Regional and Continental Programmes to support Women and Youth in Trade

Each State Party shall adapt its national policies and programmes to facilitate the effective implementation of regional and continental programmes on Women and Youth in Trade.

Article 11

Access to Finance for Women and Youth in Trade

State Parties shall, in accordance with their national laws and regulations:

- (a) implement measures that facilitate access to affordable financial instruments, services and guarantees adapted to trading activities by Women and Youth in Trade to enable them to import and export as well as protect them from trade related risks in collaboration with financial service providers;
- (b) incentivize the creation of funding schemes in sectors with high potential for growth and in high-value sectors with low participation of Women and Youth in Trade;
- (c) establish and/or strengthen business development services to train Women and Youth in Trade in financial literacy and services; and
- (d) facilitate access to relevant knowledge and information on financial products and services and make it available to Women and Youth in Trade.

Article 12

Development of Productive and Export Capacity

State Parties shall endeavour to:

- (a) provide appropriate educational and training programmes, in collaboration with any relevant institutions, to improve the technical capacity and compliance with regulatory requirements and standards for Women and Youth in Trade;
- (b) develop and strengthen special programmes for Women and Youth in Trade to enhance their productive capacity and foster their integration into regional and continental value chains; and
- (c) promote the participation of Women and Youth in Trade in national, regional continental trade fairs, business fora, conferences, and any other platforms to increase the visibility of their products and services.

Article 13

Access to Trade Information

1. State Parties shall endeavour to:

- (a) facilitate access to market intelligence and trade information for Women and Youth in Trade, including in remote geographical areas, to improve their ability to access AfCFTA market opportunities using the most modern and appropriate information communication technology;
- (b) ensure that the development and dissemination of market intelligence and trade information include information on value chains and requirements to enter and expand market segments that provide high income opportunities for Women and Youth in Trade;
- (c) decentralise information on trade related processes and procedures through collaboration with public and private institutions to enhance accessibility of information; and
- (d) ensure that enquiry points established under Article 5 of Annex 4 on Trade Facilitation to the Protocol on Trade in Goods and any other trade related information points are responsive to the trade related information needs of Women and Youth in Trade;

2. The information as set out in this Article shall be provided in a manner that is simple and easily understandable.

Article 14

Intellectual Property Rights

1. State Parties shall, in accordance with the relevant provisions of the Protocol on the Intellectual Property Rights:

- (a) establish mechanisms to assist Women and Youth in Trade in the registration and use of intellectual property rights; and
- (b) provide capacity building to Women and Youth in Trade in various sectors to effectively utilise and protect their intellectual property rights;

2. State Parties shall facilitate affordable access to resources and knowledge in terms of intellectual property rights for Women and Youth in Trade.

Article 15

Competition Policy

State Parties shall, in fulfilment of the objectives of the AfCFTA and in accordance with relevant provisions of the Protocol on Competition Policy and through appropriate measures, promote fair and equitable competition to support the entry and effective participation of Women or Youth-owned and Women or Youth-led Businesses in the AfCFTA Market.

Article 16

Participation in Formal Trade Activities by Women and Youth in Trade

Given that Women and Youth participate significantly in small scale cross border trade which plays an important role in the economic development of the continent, State Parties shall, in accordance with their national laws and regulations:

- (a) take measures to promote the participation of Women and Youth in Trade in formal cross border trade;
- (b) simplify documentation, procedures, and processes for small scale cross border trade;
- (c) agree on and implement guidelines to simplify documentation, procedures and processes to be developed by the Committee on Trade in Goods upon adoption of this Protocol taking into account national, regional and continental specific context;
- (d) enforce trade facilitation instruments and other related international instruments to support Women and Youth in small scale cross border trade;
- (e) collect and reciprocally share statistical data disaggregated by sex and age on small scale cross border trade, in accordance with ~~existing~~ national, regional, continental, and international data privacy regulations, to facilitate evidence-based policy design to improve the economic, social, and cultural status of Women and Youth in Trade and increase their participation in trade activities; and
- (f) Put in place and strengthen mechanisms to assist small scale cross border traders to comply with the simplified requirements.

Article 17

Protection against Harassment and Related Practices

State Parties shall:

- (a) establish and strengthen, in accordance with their national laws and regulations, grievance redress mechanisms on issues of harassment, and related practices that affect Women and Youth in Trade and Women; and
- (b) 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.

Article 18

Digital Trade

States Parties shall, in accordance with the relevant provisions of the Protocol on Digital Trade:

- (a) ensure that digital regulatory and institutional frameworks support Women and Youth in Trade to facilitate access to digital trade platforms, tools and solutions to trade;
- (b) identify and eliminate barriers that affect the entry and participation of Women and Youth in Trade in digital trade and provide information on the procedures adopted and the tools deployed in the field of digital trade;
- (c) design and implement capacity building programmes to equip Women and Youth in Trade with the necessary knowledge and information required to participate in digital trade;
- (d) encourage the participation of Women and Youth in Trade in digital platforms that enable them to engage with international suppliers, buyers, and other potential business partners; and
- (e) promote safe and inclusive digital trade policies that consider the specific needs and challenges faced by Women and Youth in Trade.

Article 19

Women and Youth-owned or led Micro, Small and Medium sized Enterprises

State Parties shall, in accordance with their national laws and policies:

- (a) take appropriate measures to facilitate and support business associations and business clusters of Women and Youth in Trade and Women and Youth-owned or led Micro, Small and Medium size Enterprises in order to facilitate their participation in trade within the framework of the AfCFTA; and
- (b) facilitate the integration of Women and Youth-owned or led Micro, Small and Medium size Enterprises into innovation ecosystems including incubators and technology hubs.

PART IV : INSTITUTIONAL ARRANGEMENTS

Article 20

Committee on Women and Youth in Trade

1. The Council of Ministers, in accordance with Article 11 of the Agreement, shall establish the Committee on Women and Youth in Trade which shall carry out such functions as may be assigned to it by the Council of Ministers to facilitate the implementation of this Protocol and further its objectives.
2. The Committee may establish such subsidiary bodies as it considers appropriate for the effective discharge of its functions with the approval of the Council of Ministers.
3. The Committee shall maintain close relationships with other AfCFTA Committees, including in the areas of Intellectual Property Rights, Competition Policy, Digital Trade, or any other relevant bodies with a view to better implement this Protocol.

Article 21

Implementation, Monitoring and Evaluation

1. The Committee on Women and Youth in Trade shall be responsible for the monitoring and evaluation of this Protocol and report to the Committee of Senior Trade Officials.
2. The AfCFTA Secretariat shall assist and support the Committee on Women and Youth in Trade in the implementation, monitoring, and evaluation of this Protocol.
3. The AfCFTA Secretariat shall, in consultation with State Parties, prepare annual factual reports to facilitate the process of implementation, monitoring and evaluation of this Protocol.
4. These reports shall be considered and adopted by the Council of Ministers.

Article 22

Transparency and Notification

1. Each State Party shall publish and notify the AfCFTA Secretariat promptly, except in emergency situations, in a medium that is accessible, at the latest by the time of entry into force, all relevant measures of general application which affect the operation of this Protocol.
2. Each State Party shall designate National Women and Youth in Trade Focal Point(s) and submit the details to the AfCFTA Secretariat.
3. Each State Party shall notify the AfCFTA Secretariat of any international, regional, and bilateral agreements pertaining to or affecting Women and Youth in Trade with other State Parties and third parties to which they are signatory prior to or promptly after the entry into force of this Protocol.
4. The AfCFTA Secretariat shall be responsible for all notifications to and from the Committee on Women and Youth in Trade and State Parties.
5. The AfCFTA Secretariat shall promptly circulate the information received under paragraph 3 above to all State Parties for their comments and/or feedback.
6. The AfCFTA Secretariat shall promptly transmit the feedback and/or comments received from the State Parties to the State Party concerned.
7. The Committee shall develop procedures for notification and comments.

8. Each State Party shall notify the AfCFTA Secretariat, promptly, of the introduction of any new laws or amendments to existing laws or regulations which pertain to this Protocol.

Article 23

Technical Assistance and Capacity Building

1. State Parties recognise the importance of technical assistance and capacity building to promote Women and Youth in Trade under this Protocol.
2. The AfCFTA Secretariat shall work with State Parties, Regional Economic Communities, and relevant stakeholders to coordinate and provide technical assistance and capacity building to facilitate the implementation of this Protocol.

Article 24

Cooperation

1. State Parties shall promote cooperation to support and enhance the effective participation of Women and Youth in intra-African trade and their inclusion in regional and continental value chains.
2. State Parties agree, where possible, to mobilise resources, in collaboration with development partners, international organisations and experts to implement measures in support of the domestic efforts of State Parties with a view to, *inter alia*:
 - (a) cooperate in the creation of enabling legal, administrative, institutional, technical, fiscal and financial frameworks for the establishment and expansion of Women or Youth-owned and Women or Youth-led Businesses;
 - (b) provide assistance required by Women and Youth in Trade, in areas such as financial services, skills development, technology and marketing;
 - (c) include provisions in trade related infrastructure development that are conducive for Women and Youth in Trade;
 - (d) facilitate the development of programmes to assist Women or Youth-owned and Women or Youth-led Businesses to participate in and integrate effectively into regional markets, regional value chains; and
 - (e) foster close cooperation on digital trade between Women and Youth in Trade.

3. State Parties may seek to collaborate with appropriate experts and international organisations in carrying out any programme or activity to implement this Protocol.

PART V

FINAL PROVISIONS

Article 25

Ratification and Entry into Force

1. This Protocol shall be open for signature and ratification by the State Parties, in accordance with their respective constitutional procedures.
2. This Protocol shall enter into force in accordance with the provisions of Article 23 (2) and (4) of the Agreement.

Article 26

Application

1. State Parties shall apply appropriate measures to bring effect to the rules and procedures set out in the provisions of this Protocol.
2. State Parties shall cooperate with each other in complying with the provisions of this Protocol.
3. A State Party shall not take any measure that is inconsistent with the provisions and objectives of this Protocol.
4. State Parties shall, within a period of five (5) years from the entry into force of this Protocol, align their national laws, regulations, and policies with this Protocol.

Article 27

Conflict and inconsistency with other Agreements

Any conflict and inconsistency between the provisions of this Protocol and ~~national, bilateral, regional or international~~ instruments related to Women and Youth in Trade shall be resolved in accordance with Article 19 of the Agreement.

Article 28

Dispute Settlement

Any dispute arising from this Protocol shall be settled in accordance with the AfCFTA Protocol on the Rules and Procedures on the Settlement of Disputes.

Article 29

Review

The Protocol shall be subject to review by State Parties every five (5) years after its entry into force, or as is deemed necessary, to ensure it achieves its objectives in accordance with Article 28 of the Agreement.

Article 30

Amendments

Amendments of this Protocol shall be undertaken in accordance with Article 29 of the Agreement.

Article 31

Negotiations of Annexes to this Protocol

State Parties shall, as and when deemed necessary, negotiate annexes to this Protocol upon its adoption.

Article 32

Authentic Text

This Protocol is drawn up in six (6) original texts in Arabic, English, French, Portuguese, Spanish and Kiswahili, all of which are equally authentic.

