STUDY

ECONOMY AND FINANCE

TARIFFS AND HUMAN RIGHTS

A Pilot Analysis of the AfCFTA Tariff Schedules

Guillaume Gérout and Anaïs Cren-Larvor
January 2024

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The negotiation of tariffs and resulting tariff schedules are essential aspects of trade liberalisation of goods. When developing their initial tariff offers, states should ensure that a comprehensive consultative process is put in place.

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Governments need to pay particular attention to the right to food when specifying their tariff schedules. The right to food is directly linked to the agriculture sector in trade policy terms.

FRIEDRICH EBERT STIFTUNG

ECONOMY AND FINANCE

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Content

1

INTRODUCTION: HUMAN RIGHTS AND THE AfCFTA

The African Continental Free Trade Agreement (AfCFTA) has been recognised as a critical project in the effort to achieve the aspirations and goals of the African Union's transformational agenda: Agenda 2063 "The Africa We Want". The AfCFTA aims to boost intra-African trade and strengthen its role in the global market, while promoting social and economic development on the continent.

Policies with a consistent human rights component that also adopt a right-to-development perspective are needed to ensure inclusive and sustainable implementation of the AfCFTA so that it can achieve its full potential, serve its purpose of advancing sustainable development on the continent, and fostering respect for human rights to the benefit of all humankind.

As a framework agreement, the AfCFTA and its protocols cover a broad range of areas whose implementation are necessarily associated with human rights risks that need to be precluded, addressed and mitigated. The agreement and its protocols also offer human rights opportunities that need to be seized, however.

To support human rights mainstreaming into the AfCFTA, OHCHR, the Geneva office of the Friedrich-Ebert-Stiftung (FES), and the UN Economic Commission for Africa commissioned an *ex-ante* human rights impact assessment of the AfCFTA, which was published in 2017. The assessment highlighted human rights risks and opportunities through the AfCFTA for specific segments of the population (women, youth, informal cross-border traders, small-scale farmers and manufacturers) and on selected human rights (rights to work, social security, food and an adequate standard of living). It also forwarded recommendations to policymakers on ways to prevent and mitigate possible impacts as well as possible complementary measures to ensure a fair distribution of benefits produced by implementation of the AfCFTA, so no one is left behind.

One of the main recommendations from this report posited that States needed to pay particular attention to the right to food when defining their tariff schedules. This recommendation was reiterated in a follow-up study, published in 2022 by FES Geneva with support from OHCHR, which assessed the status of implementation with regard to the recommendations made in the 2017 human rights impact assessment.

Against this background, this paper seeks to deepen the discussion about tariff schedules and human rights. It tackles questions such as how tariff schedules can be analysed by adopting a human rights perspective. What results can such an analysis be expected to produce? What does the evidence mean for policymakers with respect to current and future negotiations and decisions regarding tariff schedules?

This study is of a pilot nature. In addition to exploring answers to the above-mentioned questions, it seeks to stimulate an interest in analysis of technical trade-policy instruments from a human rights perspective. This human rights perspective is an indispensable toolkit if trade policy is to be made to work for development, to satisfy human beings' right to development, and to leave no one behind.

2

AfCFTA TARIFF OFFERS

2.1 CURRENT SITUATION

The negotiation of tariffs and resulting tariff schedules are essential aspects of trade liberalisation of goods. In customs law, a tariff line is a detailed description of a particular commodity and is assigned a code under the customs nomenclature. This code specifies applicable excise tax or tariff charges as a good crosses national borders. These tariff lines are important, as they lay down a regulatory framework with financial implications for the exchange of particular goods.

In trade negotiations over preferential terms, a tariff schedule is created to serve as a guide to a reduction of customs duties for each tariff line.

As of December 2023, most African Union (AU) Member States had outlined a provisional tariff offer.

Because the negotiating process is open to all AU Members, offers for forty-eight (48) Member States have been submitted to date, of which:

- Forty-five (45) validated at the ministerial level – forty-one (41) AfCFTA are States and four (4) are AU Member States that are yet to ratify the AfCFTA Agreement –, and
- Three (3) are being technically vetted prior to validation to ensure they meet the standards of the negotiating modalities.

Seven (7) AU Member States have not submitted their offers yet.

Figure 1
Member States

Source: Authors' compilation

Table 1
The AfCFTA tariff structure

<table>
<tr><th></th><th>Non-LDCs</th><th>LDCs</th><th>Timeframe:
Non-LDCs</th><th>Timeframe:
LDCs (SDT)</th></tr>
<tr><td>Level of Ambition</td><td>90 %</td><td>90 %</td><td>5 years</td><td>10 years</td></tr>
<tr><td rowspan="2">Sensitive Products</td><td>Not more than 7 %</td><td>Not more than 7 %</td><td>10 years</td><td>13 years</td></tr>
<tr><td colspan="2">Subject to Notification and Negotiations;
Method of Negotiation: Request and Offer.
Criteria:
food security,
national security;
fiscals revenue;
livelihood; and industrialisation.</td><td colspan="2">a) A 5 year transitional period for liberalisation of sensitive products. State Parties and/or Customs Unions, may commence liberalisation of the sensitive products in year 6.
However State Parties and/or Customs Unions who are willing to do so may commence liberalisation of the sensitive products earlier.</td></tr>
<tr><td>Exclusion List</td><td colspan="4">Not more than 3% accounting for no more than 10 % of the value of imports from other African countries – average of a 3-year reference period to be determined (2014–2016 or 2015–2017);
Review after 5 years;
Subject to negociation;
Subject to Double Qualification and anti-Concentration Clause.</td></tr>
<tr><td colspan="5">Transition Period: Tariff phase down shall be in equal annual installments i. e. Linear Approach</td></tr>
<tr><td colspan="5">Supplementary Modality: Member States may complement the linear approach with request and offer approach.</td></tr>
<tr><td colspan="5">Variable Geometry: Member States who may wish to make deeper cuts within a shorter time period may do so, on the basis of reciprocity.</td></tr>
</table>

Source: AfCFTA Secretariat, December 2021

2.2 AfCFTA TARIFF LIBERALISATION SCHEME

Because tariff negotiations have not yet been completed – and associated rules-of-origin negotiations are hence also still ongoing[1] – the AU Heads of State decided to start the implementation of tariff liberalisation in those cases in which both tariff concessions and rules of origin have already been agreed upon.

The AfCFTA tariff structure has been designed to liberalise trade while recognising the diverse economic landscapes of its State Parties. For this reason, the liberalisation scheme is to be implemented differently across three baskets of products based on their sensitivity for the importing State:

– **Category A** (Non-sensitive Tariff Lines): Accounting for 90% of tariff lines, these are to be progressively liberalised over a period of ten (10) years for Least Developed Countries (LDCs) and five (5) years for other member countries through tariff reductions in equal amounts every year until the end of the tariff dismantlement period,
– **Category B** (Sensitive Tariff Lines): Accounting for 7% of tariff lines, this category has been earmarked as sensitive, with a more extended tariff dismantling period of thirteen (13) years for LDCs and ten (10) years for other States, with a possible five-year grace period,

– **Category C** (Exclusions): This segment encompasses a maximum of 3% of all tariff lines that may be excluded from liberalisation commitments. The import value accounted for by these lines is not supposed to exceed 10% of the aggregate value of African imports as calculated over a consistent three-year average, however.

These modalities aim to facilitate a progressive liberalisation of trade in goods within the AfCFTA framework, allowing governments to identify categories of productive sectors they would like to liberalise depending on their national contexts and economies.

1 The rules of origin are a set of rules which set out the eligibility criteria for goods to benefit from the tariff concessions that are negotiated. Without rules of origin associated to a tariff concession, it is not possible to grant any preference. For this reason, tariff and rules-of-origin negotiations are often linked. It is noteworthy that some State Parties have announced that they will not be in a position to finalise tariff negotiations as long as the related rules-of-origin negotiations have not been completed.

3

A HUMAN RIGHTS PERSPECTIVE FOR TARIFF SCHEDULES

3.1 RATIONALE

As explained earlier, the AfCFTA tariff reforms are currently being implemented on a provisional basis. This is because category B and C tariff concessions have yet to be finalised. Some State Parties or customs unions have only submitted their category A lists. Others have submitted their entire initial offers. It is essential to note that preferential trade under the AfCFTA is only allowed for products listed as category A, however.

When specifying the tariff schedules, preparing negotiation strategies and positions for the AfCFTA, it is crucial that public decisionmakers consider a wide range of inputs. Trade negotiators often receive inputs from a limited group of stakeholders, however, which can result in the perspectives, interests, and concerns of underrepresented social groups being overlooked (UNECA, 2022). Decisions made solely with a view to maximising economic output can further increase inequalities, leading to only few groups benefitting, while others continue to be marginalised. It is crucial to consider the needs and interests of all stakeholders to ensure fair and inclusive decision-making processes. And it is even more imperative that the results of such a process be reflected in the output – in the case of this study in the tariff schedules.

3.2 DEVELOPING A HUMAN RIGHTS PERSPECTIVE FOR TARIFF SCHEDULES

Tariff schedules are not commonly analysed from a human rights angle. For the purpose of this paper, a new approach needed to be developed. This is a pilot approach and seeks to deepen the discussion regarding similar analytical tools.

As mentioned in the foregoing, earlier studies suggested that States needed to pay particular attention to the right to food when specifying their tariff schedules. The right to food is directly linked to the agriculture sector in trade policy terms, which is subject of this analysis. Hence, creating a detailed map of the sector is essential to understanding the different entities involved and their impact on the value chain within a trade sector. This mapping should focus on the sector's unique characteristics, challenges and opportunities in a specific national context. The development of such tools requires a multidisciplinary analytical approach, while it must be ensured that underrepresented groups and populations are given due consideration.

For the purposes of this paper, segments of the population most likely to be affected by trade liberalisation were identified. In addition, products were ascertained specific to an agriculture sector that may be sensitive to possible human rights violations. Above and beyond this, trade dynamics should not be left out of the picture. The task here is to identify potential differences between material sectoral interests, often resulting from significant commercial interests on the one hand, and potentially diverging domestic stakeholders' interests and needs on the other. Tariff concessions, in contrast, may offer an angle from which to identify discrepancies in how the interests of different stakeholders are reflected by decisionmakers.

4

CASE STUDIES

Building on publicly available tariff offers, two case studies are used to illustrate the approach mentioned in the foregoing, focusing on the impact of tariff liberalisation in the dairy sector on the right to food, and on an adequate standard of living for small-scale farmers in Egypt and in the Economic Community of West African States (ECOWAS) region.

4.1 EGYPT

4.1.1 PRODUCTION AND TRADE

Dairy production is a vital element in Egypt's agricultural sector.

Over the period 2019-2021, the country had an overall milk output of 5.4 million tonnes, 68% of which was from cattle and 29.7% from buffalo. Production totalled USD 7.3 billion.

A detailed analysis reveals a stratified structure in Egypt's dairy production landscape (ILO, 2020):

– At the grassroots level, subsistence micro-farmers – who hold between one (1) and ten (10) animals – account for about 69% of Egypt's milk yield. They mainly produce for household consumption, selling any surplus on the domestic market. They grapple with challenges, however, primarily relying on intermediaries for milk marketing and logistics in their operations. Their modest scale of operation renders them susceptible to the adverse impacts of market liberalisation, potentially undermining their competitiveness vis à vis larger domestic and foreign producers. Such a scenario raises concerns regarding implications for their viability and the right to food of rural populations that rely on these milk micro-producers.

– Small and medium-scale producers – who hold eleven (11) to one hundred (100) head of livestock – account for 6% of Egypt's milk production. Their operating model is similar to that of micro-producers. A substantial share of their yield is consumed domestically, with the surplus being sold on local markets, often through informal networks. Reliance on intermediaries characterises this segment as well. Just like with micro-farmers, the viability of small- and medium-sized producers depends largely on their output and sales of surplus production. Consequently, the intensification of competition due to liberalisation of dairy products within the AfCFTA framework could pose a challenge to their productive capacity as well as their right to food and food security.

– Specialised, modern commercial farms – which hold over one hundred (100) head of livestock – only account for 5% of national milk output. This estimate was made on the basis of a survey of 134 commercial farms with an average cattle holding of three thousand one hundred (3,100) head carried out in 2020; these farms operate with large structures, including in-house sales and marketing operations. Their efficiency, scale, and quality put them in an advantageous position to stand up to external competition and spearhead Egypt's competitive advantage in dairy production on the African continent.

In terms of African trade, Egypt is a net exporter of cheese and curd (accounting for 63.7% of all its dairy exports) and dairy products (35.7% of exports to Africa). It is a net importer of dairy-based fats, however.

4.1.2 AfCFTA TARIFF CONCESSIONS

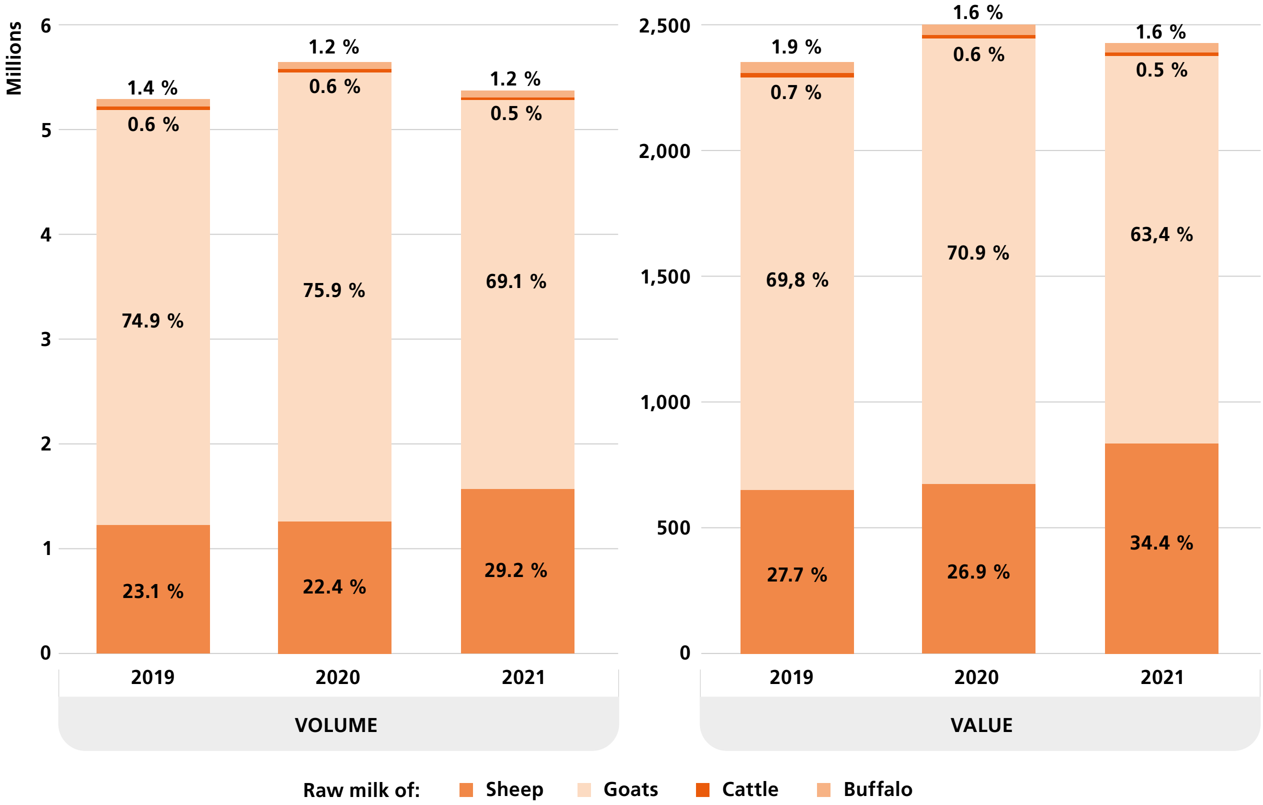
As discussed in the foregoing, the AfCFTA positions are divided into three baskets of products, namely the non-sensitive ones, which are to be liberalised by Egypt over a period of five years; the sensitive ones, to be liberalised over ten (10) years; and the excluded ones, which are not associated with any liberalisation commitments.

Egypt has categorised all its dairy products as non-sensitive, except ungrated or unpowdered process cheeses, which are excluded products.

Looking at Egypt's most-favoured-nation (MFN) tariff structure,[2] it is also notable that ungrated or unpowdered processed cheeses are afforded higher tariffs than the average dairy product. This tariff structure may indicate a policy decision to protect these products from international competition on the domestic market.

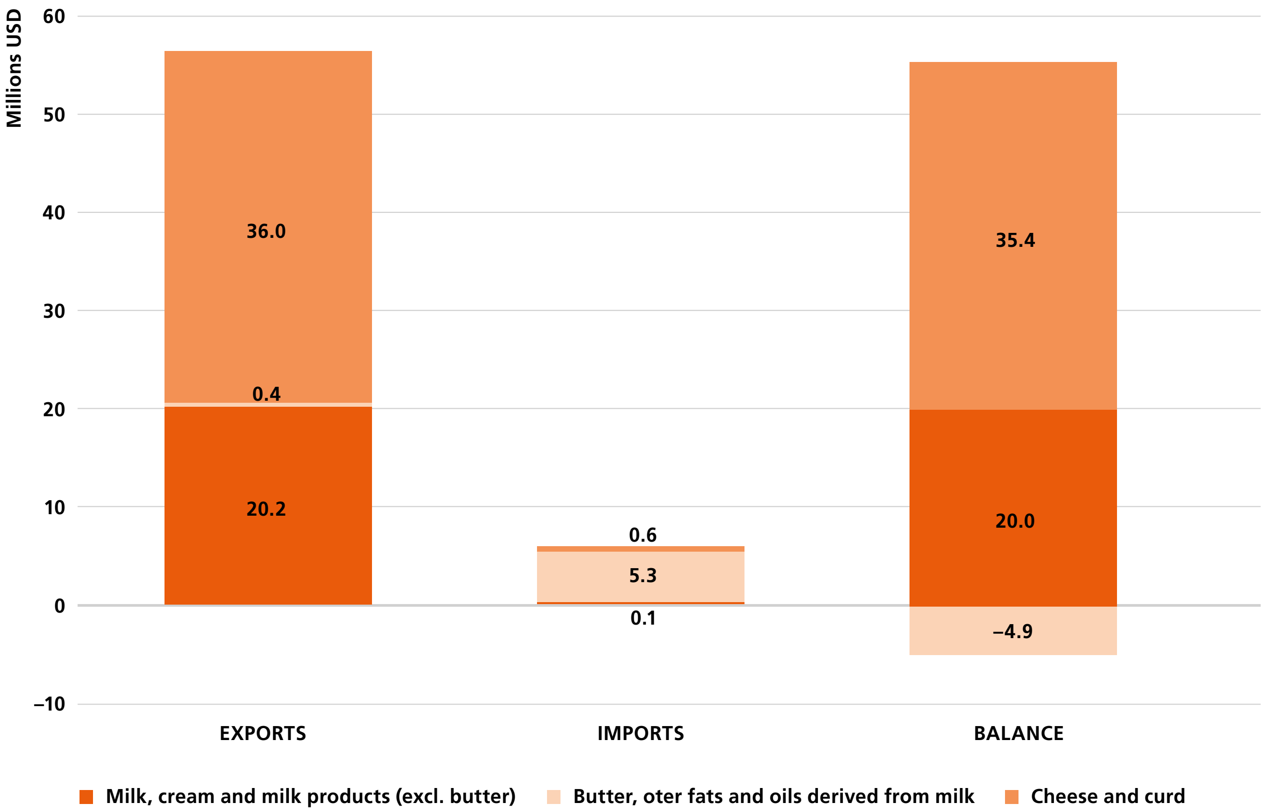
2 The MFN tariff is the baseline for dismantling tariffs under the AfCFTA.

Figure 2
Milk production in Egypt in terms of volume and value



Source: Calculations from FAOstat

Figure 3
Egypt's trade with Africa



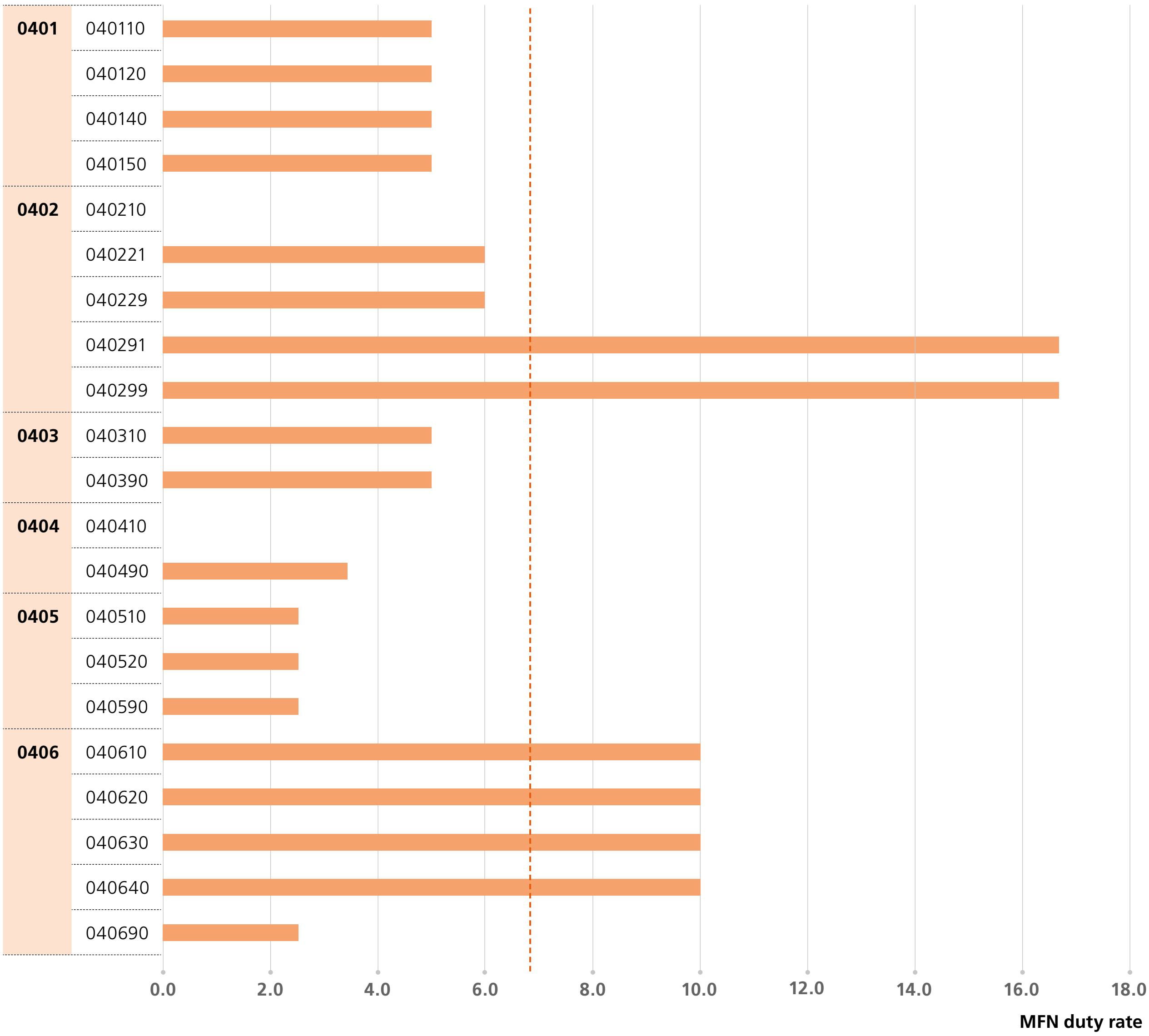
Source: Calculations from UNCTADstat

Table 2
Egypt's AfCFTA tariff offer in the dairy sector

HS4	HS6	Category	Number of tariff lines
0401	040110	A	1
	040120	A	1
	040140	A	1
	040150	A	1
0402	040210	A	3
	040221	A	5
	040229	A	5
	040291	A	3
	040299	A	3
0403	040310	A	1
	040390	A	2
0404	040410	A	1
	040490	A	2
0405	040510	A	2
	040520	A	2
	040590	A	4
0406	040610	A	4
	040620	A	3
	040630	C	3
	040640	A	3
	040690	A	4

Source: Calculations from Egypt's AfCFTA tariff offer and WTO TAO

Figure 4
Egypt's MFN tariff structure



Source: Calculations from WTO TAO

4.1.3 CONCISE INTERPRETATION AND ASSESSMENT REGARDING MICRO-, SMALL- AND MEDIUM-SIZED PRODUCERS

The decision by Egypt to liberalise its dairy sector without affording special protection to the majority of products, with the exception of processed cheese, may reflect choices motivated by economic and political factors. Given that industrial dairy farms are export-oriented, one could argue that the government prioritised these exports in developing the tariff schedule. This strategy could make Egypt more competitive in regional and global dairy markets while attracting foreign investment in more technologically advanced and scalable dairy operations.

This decision is likely to have adverse effects, however, especially for micro, small, and medium-sized farmers primarily oriented toward the domestic market. By liberalising this sector, the government will be exposing these smaller producers to international competition which, without complementary measures, would potentially threaten their livelihoods. This could lead to economically and socially differentiated effects wherever commercial, industrial-scale farms benefit at the expense of smaller operations, thus exacerbating inequalities within the sector. Moreover, the decision to protect only processed cheese – accounting for a significant 25% of Egypt's dairy exports – reveals a selective approach that may be aiming to shelter a segment of the market accounting for more value added. This raises questions about why similar protection has not been extended to other products which constitute the livelihood for more vulnerable producers. Consequently, one could question whether human rights implications, including the possible impact on economic and social rights, were properly assessed and adequately weighted before submitting the offer.

Since many of these smaller farms operate at slim margins and may need more resources to modernise or compete on the African continent, liberalisation could marginalise an already vulnerable segment of industry. The absence of protective and complementary measures for these producers thus underscores a trade policy that could benefit a specific part of the dairy sector, but at a social and economic cost that warrants critical evaluation.

4.2 ECOWAS REGION

4.2.1 PRODUCTION AND TRADE

The dairy sector in West Africa is predominantly characterised by small-scale production.

In the Sahelian countries, namely Niger, Mali, and Burkina Faso, livestock is indispensable, constituting the primary livelihood for up to 30% of inhabitants. Primarily directed towards domestic consumption, milk production in the region ensures sustenance for many rural families and is pivotal in efforts to bolster regional food security and nutrition (Oxfam, 2018). An integral facet of this sector is the role played by women. They are heavily involved in various activities related to dairy production, from animal healthcare and mineral supplementation for lactating cows to the distribution of milk for familial needs and surplus sales. This emphasis on the dairy sector underscores its significance as a catalyst for women's economic empowerment in the region (FAO, 2017).

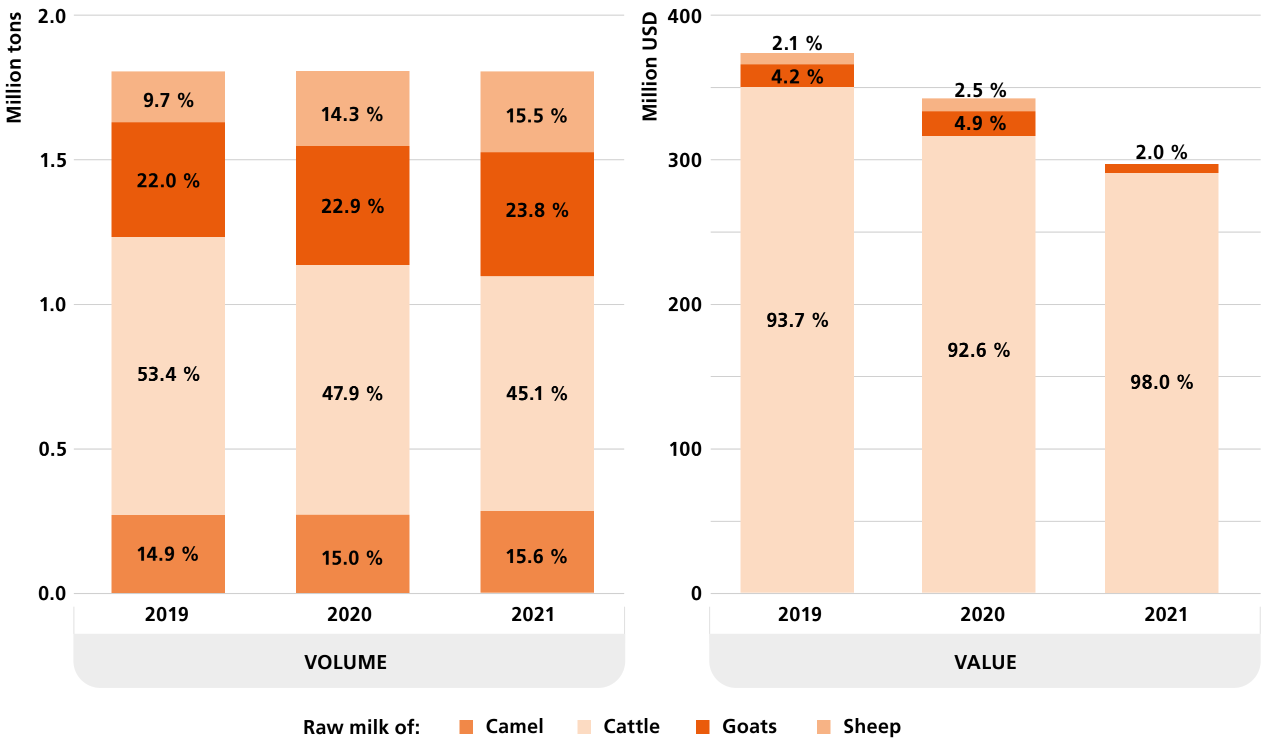
The dairy landscape in West Africa can be seen as bifurcated. On one side, small-scale milk producers primarily utilise their yields for subsistence, with excess production finding its way into local informal markets, typically as fresh milk. Contrasting this, a burgeoning supply is directed towards urban locales and processing units. This includes a limited number of larger farmers and networks of smaller producers who supply agro-processing firms. These dairy products are then processed to convert raw milk into products such as butter and yoghurt.

The region has a high demand for milk, but relies heavily on imported milk products to meet it. Although raw milk makes up only 3% of all dairy imports, powdered milk accounts for a majority (81.3%) of dairy imports.[3] To keep the market prices of imported milk products under control, the tariff structure has been adjusted. This has been done by reducing the import duty on an MFN basis, as explained in more detail in the following. One of the reasons why powdered milk has been prioritised for liberalisation is because of this structural reliance on imported milk products to meet regional demand. Nevertheless, these choices are likely to have a significant bearing on the ability to develop a sectoral capacity to meet regional demand, especially from small-scale producers.

Despite a significant production capacity, ECOWAS's African trade in all three categories of dairy products exhibits a net deficit.

3 Average 2020-2022. Calculations from TradeMap

Figure 5
Milk production in ECOWAS in terms of volume and value



Source: Calculations from FAOstat

The export value of milk is about ten times higher than the production value, however, suggesting a high value added – notably through milk processing and processing into yoghurt (making up 95.2% of all dairy exports)[4] – for export purposes.

Exports to Africa primarily go to destinations outside the region, with only 3.6% of total ECOWAS exports of dairy products being exported to the rest of the ECOWAS region.

4 Source: Calculations from ITC Trade Map, average 2019-2021

4.2.2 AfCFTA TARIFF CONCESSION

As discussed above, AfCFTA offers are split up into three baskets of products, namely non-sensitive ones, which are to be liberalised by ECOWAS over a period of ten (10) years;[5] sensitive ones, which are to be liberalised over a period of thirteen (13) years; and excluded ones, which are not associated with any liberalisation commitments.

5 ECOWAS presented its offer as a customs union. Because ECOWAS is mostly comprised of LCDs, its offer is based on LDC modalities.

Table 3
ECOWAS's AfCFTA tariff offer in the dairy sector

HS4	HS6	Category		Number of tariff lines
		A	Unspecified	
0401	040110		1	1
	040120		1	1
	040140		1	1
	040150		1	1
0402	040210	3		3
	040221	3		3
	040229	3		3
	040291	1	1	2
	040299		1	1
0403	040310		4	4
	040390	3	1	4
0404	040410	1		1
	040490		1	1
0405	040510		1	1
	040520		1	1
	040590	1	1	2
0406	040610		1	1
	040620	1		1
	040630		1	1
	040640		1	1
	040690		1	1

Source: Calculations from ECOWAS's AfCFTA tariff offer and WTO TAO

Figure 6
ECOWAS's MFN tariff structure

Source: Calculations from WTO TAO

Of these, ECOWAS has only submitted its offer for non-sensitive products. It is, therefore, impossible to know whether the unspecified tariff lines will be treated as sensitive or excluded.

In addition, the ECOWAS tariff structure on an MFN basis would appear to be characterised by generally high tariffs in the dairy sector (17.2% on average), although tariffs for processed milk have been significantly reduced (i.e. powered milk under HS 04.02) and are exceptionally high for yoghurts (i.e. HS 0403.10).

The notably lower MFN tariffs on processed milk, more specifically powdered milk under HS 04.02, might aim to meet a domestic demand not sufficiently met by local producers. While this makes processed milk imports more accessible to ECOWAS consumers, it may put pressure on local producers, potentially targeting international markets rather than domestic ones. The fact that these products are A-listed under the AfCFTA offer supports this analysis.

The exceptionally high tariffs on yoghurts (HS 0403.10) could signify a policy aimed at nurturing a nascent local industry in value-added dairy products. The high tariff barrier could also encourage local producers to penetrate this market, as it implies potential profitability with prospects of growth.

A concise interpretation and assessment regarding micro-, small- and medium-sized producers

The ECOWAS offer suggests a more nuanced approach toward trade liberalisation in its dairy sector, and furthermore appears to be more protective of its smaller-scale farmers than Egypt's strategy. In ECOWAS, although most milk production originates from micro, small and medium-scale farmers primarily focused on household consumption and local markets, export capacities are concentrated in industrial-scale commercial farms.

ECOWAS has treated dairy-based products as "unspecified" in its offer, meaning that these will be treated as sensitive or excluded. Whether intended or not, such a policy helps mitigate the potential negative impact of trade liberalisation on smaller, more vulnerable producers.

The contrast in approaches seen here lies in ECOWAS's strategic choice to cautiously liberalise the dairy sector, most notably by seeking exceptions for raw milk products. This can be viewed as a calculated move intended to shield the bulk of domestic milk producers from the pitfalls of open competition, while simultaneously leveraging its comparative advantage in processed milk exports. The exception for pasteurised and concentrated milk suggests that ECOWAS aims to promote value-added, more processed forms of milk for African trade, most likely the output of commercial, industrial-scale farms. Given that over 95% of the region's milk-based exports are processed products, this may constitute an effort to further fortify an already substantial segment of the dairy export market.

It is yet to be ascertained whether this approach was aimed at striking a balance between fostering international competitiveness for its dairy industry and ensuring the livelihoods of its smaller-scale producers. Nevertheless, by labelling milk-based products as sensitive and adopting a more cautious stance on liberalising raw milk, ECOWAS is acknowledging the vulnerability of its micro, small, and medium-sized producers, thereby adopting a potentially more inclusive trade policy that aims to safeguard both social equity and economic viability.

The next rounds of negotiations on categories B and C for dairy products may provide more evidence on the human rights sensitivity exhibited toward dairy products.

5

CONCLUSIONS AND RECOMMENDATIONS

AfCFTA's tariff liberalisation framework offers a vantage point from which the complexities of intra-African trade can be examined.

The experiences of Egypt and ECOWAS offer insight regarding the intersection between trade liberalisation measures like tariff offers and human rights.

The concise assessments have highlighted the linkages between tariff liberalisation and potential impacts on the right to adequate standard of living and food for small-scale farmers.

The proposed methodology has shown its usefulness in highlighting trade's possible human rights implications. An extensive literature review focusing on specialised reports and databases has effectively contributed to a mapping of the interplay between vulnerable groups and populations, their human rights, and specific trade sectors.

The analysis of Egypt's and ECOWAS's tariff offers reveals how human impacts can be integrated in the analysis and decision-making process to ensure that economic objectives complement each other rather than overshadow one another, which is the desired development outcome for trade policies under the AfCFTA.

Although this approach has yielded the expected insight, moving on to adopting it in a pilot project and then testing it while targeting different human rights and populations would be a key step forward. A few lessons can already be drawn at this stage, however.

– **Need for Integrated Trade Analysis:** Trade decisions, especially those involving tariff liberalisation, need to consistently include a human rights impact assessment. This ensures a comprehensive framework allowing a balancing of economic considerations with human rights risks and opportunities to enhance sustainable development. For this reason, an awareness of the human rights element of tariff liberalisation needs to be cultivated, including through case studies like the ones presented in this paper. On the other hand, evidence-driven tools are also needed. This includes knowledge products that help us understand the actors and their interests, including impacts on upstream and downstream segments of the value chain, complemented by in-depth and extensive upstream consultations.

– **Stakeholders' involvement:** When developing their initial tariff offers, States should ensure that a comprehensive consultative process is put in place. Their first-hand experience can offer valuable information on potential human rights challenges and adjustment measures that may be required to address risks associated with liberalisation.

– **Skillset development and interdisciplinary analysis/work:** Governments and trading entities should devote resources to training programmes that integrate a human rights perspective into the elaboration and implemention of trade strategies. Reciprocally, setting out arguments for a human rights-sensitive approach to negotiations requires a specialised knowledge of trade issues on the part of human rights specialists (e.g. customs law, including harmonised system classification, origin and valuation) to guide trade negotiators. Interdisciplinary analysis involving both, trade policy and human rights experts, is desirable. Policy silos should become less rigid to allow a productive collaboration. This exploration has illuminated the multifaceted relationship between trade and human rights. The path forward, while complex, holds promise. Prioritising human rights considerations in the design of trade policies is not only an obligation for States – it is also an economically sound step essential to achieving sustainable development.

Acknowledging that the relationship between tariffs and human rights is only one aspect of liberalising trade in goods is essential. Other factors, such as the consequences of rules of origin, are critical to trade liberalisation. To ensure that the benefits of a tariff schedule that is mindful of human rights do not become negated by arbitrary rules of origin, careful consideration must be afforded to all aspects of trade liberalisation.

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TARIFFS AND HUMAN RIGHTS

A Pilot Analysis of the AfCFTA Tariff Schedules

This paper seeks to deepen the discussion about tariff schedules and human rights. It tackles questions such as how tariff schedules can be analysed by adopting a human rights perspective. What results can such an analysis be expected to produce? What does the evidence mean for policymakers with respect to current and future negotiations and decisions regarding tariff schedules?

The AfCFTA tariff structure has been designed to liberalise trade while recognising the diverse economic landscapes of its State Parties. For this reason, the liberalisation scheme is to be implemented differently across three baskets of products based on their sensitivity for the importing State. Building on publicly available tariff offers, two case studies are used to illustrate the approach mentioned in the foregoing, focusing on the impact of tariff liberalisation in the dairy sector on the right to food, and on an adequate standard of living for small-scale farmers in Egypt and in the Economic Community of West African States (ECOWAS) region.

Acknowledging that the relationship between tariffs and human rights is only one aspect of liberalising trade in goods is essential. Other factors, such as the consequences of rules of origin, are critical to trade liberalisation. To ensure that the benefits of a tariff schedule that is mindful of human rights do not become negated by arbitrary rules of origin, careful consideration must be afforded to all aspects of trade liberalisation.

Further information on the topic can be found here:
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