



National University of Lesotho

WTO Chairs Programme – 1st Annual Conference

Maseru, Kingdom of Lesotho; 27-28 October 2022

Conference Theme: *The Right to Development and Operationalisation of the African Continental Free Trade Area Agreement*

CONCEPT NOTE – CALL FOR ABSTRACTS

The African Charter on Human and Peoples' Rights guarantees to the peoples of Africa, the collective entitlement to economic, social, and cultural development. The Charter provides, in Art 22(2), that 'States shall have the duty, individually or collectively to ensure the exercise of the right to development'. Of the 55 member states of the African Union, 54 have ratified the Charter¹ and therefore, by human rights standards, undertake to ensure that the right to development enshrined therein as a legal promise to the peoples of Africa, is achieved. The obligation to do so necessitates coordinated efforts and, thus, enjoins state governments to engage in strategic concerted actions, particularly in mobilising and harnessing the requisite resources, which individual states may not be able to accomplish single-handedly. The right to development, accordingly, imposes a duty on state governments to collectively create an enabling environment to facilitate the processes of ensuring that the abstract guarantees of socio-economic and cultural development translate into substantive entitlements of better living standards and sustainable livelihood patterns across the continent.

To achieve this purpose requires establishing relevant operating systems, functional policies, and framework mechanisms. In respect thereof, the African Union established the African Continental Free Trade Area (AfCFTA), worth an estimated USD 3 trillion, which came into force in 2021. The United Nations Conference on Trade and Development estimates that 'The African Continental Free Trade Area is expected to be a game changer for development ambitions in Africa'.² Agenda 2063 highlights the commitment to eradicate poverty on the African continent in one generation and build shared prosperity through social and economic transformation.³ The AfCFTA, as the World Bank Group (2020) points out, has the potential to eradicate extreme poverty for an estimated 30 million people and to raise the income levels of an additional 68 million people by 2035.⁴ While the AfCFTA is, by this estimation, seen as a framework mechanism through which the right to development could be actualised, its founding instrument makes no mention of the right to development as an objective to be achieved. It only cursorily enshrines, as one of its objectives, to 'promote and attain sustainable and inclusive socio-economic development'⁵

Robert Howse observes that since the Third World Trade Organization's (WTO) Seattle Ministerial Conference of 1999, there has been a concerted effort within the international human rights community to understand how trade affects the realisation of human rights and what implications human rights obligations have for the interpretation and negotiation of trade agreements.⁶ The right to development in Africa is examined from this viewpoint with the aim to determine the implication

¹ African Commission on Human and Peoples' Rights 'Ratification Table: African Charter on Human and Peoples' Rights' available at: <https://www.achpr.org/ratificationtable?id=49> (accessed: 13 March 2022).

² UNCTAD 'Reaping the potential benefits of the African Continental Free Trade Area for inclusive growth' *Economic Development in Africa Report*, 2021.

³ African Union Commission 'Agenda 2063: The Africa we want' *African Union* 2015, para 9.

⁴ M. Maliszewska & M. Ruta *African Continental Free Trade: Economic and Distributional Effects* (Washington DC: World Bank Group, 2020).

⁵ Agreement Establishing the African Continental Free Trade Area, adopted by the African Union in Kigali, Rwanda on 21 March 2018 AU Doc T121086_E., art 3(e).

⁶ R. Howse 'Mainstreaming the right to development into the World Trade Organization' in UN Human Rights (eds) *Realizing the Right to Development* (Geneva: UN Publication, 2013) 249.



of trade for its realisation within the context of the WTO trading system broadly and of the AfCFTA in particular. This is motivated by the fact that while there is broad consensus on the benefits of trade liberalisation in achieving development objectives particularly for developing countries,⁷ Desta and Hirsch point out that despite pursuing liberalisation within the multilateral trading system, the economic performance of most African countries has been disappointing.⁸ Can the AfCFTA make a difference? Responding to this question, provides the opportunity for greater in-depth enquiries on whether, how, and to what extent the AfCFTA could be envisaged to facilitate realisation of the right to development, particularly with regard to meeting the aspirations for poverty eradication and shared prosperity across the African continent. Sub-themes include, but are not limited to:

1. Intra-African trade and the prospects for poverty eradication
2. The role of foreign direct investment on development in Africa
3. Agricultural development and the food security value chain
4. Linkages between the AfCFTA and the WTO multilateral trading system
5. Challenges confronting landlocked least developed countries (LDCs) within the AfCFTA and WTO multilateral trading system
6. The contribution of trade to sustainable and inclusive socio-economic development

The 1st Annual Conference of the National University of Lesotho's WTO Chair is planned to take place in a hybrid mode (virtual and physical) in Maseru on 27 - 28 October 2022. It is intended to provide a forum for robust and interdisciplinary engagement, incorporating perspectives from the field of Law, International Trade, Economics, Development Studies, International Relations/International Political Economy and related disciplines. Abstracts and full papers are expected to explore the above theme and sub-themes and demonstrate, in a balanced critique, how the operationalisation of the AfCFTA could contribute (or not) to advancing the right to development in Africa. In keeping with standard academic practice, the conference papers shall be rigorously peer-reviewed and outstanding contributions will be selected for publication in a special edition of an accredited journal and some as book chapters in an edited volume by a renowned publisher. The papers for publication shall be selected strictly based on academic quality and relevance to the conference theme.

The conference is planned to run according to the following timelines:

30 April 2022	:	Deadline for receiving abstracts
15 May 2022	:	Notification of accepted abstracts
30 September 2022	:	Cut-off date for receipt of full papers
27-28 October 2022	:	Conference (hybrid)
30 November 2022	:	Deadline for revised conference papers
From 1 December 2022	:	Peer-review and compilation for publication

An abstract of about 300 to 500 words with author(s) name(s), institutional affiliation and email address should be sent to: cc.ngang@nul.ls & wtochair@nul.ls on or before **30 April 2022**. Selection of papers for the conference will be subject to a preliminary review of the abstracts received. The full papers should range between 6 000 and 8 000 words and written following the OSCOLA referencing guide.

⁷ S. Fernández de Córdoba 'Trade and the MDGs: How trade can help developing countries eradicate poverty' available at: <https://www.un.org/en/chronicle/article/trade-and-mdgs-how-trade-can-help-developing-countries-eradicate-poverty> (accessed: 11 March 2022).

⁸ M.G. Desta & M. Hirsch 'African countries in the world trading system: International trade, domestic institutions and the role of international law' *The International and Comparative Law Quarterly* 2012, 61(1): 127.