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2030 Agenda for Sustainable Development: *see Sustainable Development Goals.*

Abnormal international market conditions: described formally by the *Agricultural Market Information System* as “typically characterized by significant price movements in several commodity markets leading to serious negative impacts”. It notes that instances of abnormally low prices could also fall into this category. [www.amis-outlook.org]

Absolute advantage: the ability of an individual firm or country to produce a good or service at a lower unit cost than a similar entity that produces the good or service elsewhere. It originates with Adam Smith who argued that international trade allows a greater specialization than would be possible in an autarky system, thereby permitting resources to be used more efficiently. *See also autarky, comparative advantage, gains-from-trade theory, Heckscher-Ohlin theorem, self-reliance and self-sufficiency.* [Smith 1991 (1776)]

Absolute standard: *see minimum standard of treatment.*

Absorption: countering the higher tariffs resulting from *anti-dumping measures* through lowering the price of the good. The producer or exporter of the good absorbs the additional cost caused by higher tariffs to preserve his place in the market. *See also anti-absorption and circumvention.*

Absorption principle: also known as “roll-up” principle, used in the administration of *preferential rules of origin* under *free-trade agreements*. It means that in defined cases, usually after they have undergone specific processing requirements in the territory of a free-trade partner, the *non-originating materials* forming part of a good to be imported will not be included in the calculation of the *regional value content* of that good. They will be deemed to be *originating materials*. *See also substantial transformation.*

Abuja Treaty establishing the African Economic Community: *see African Economic Community.* Also *African Continental Free Trade Area* and *African regional economic integration.*

Accelerated tariff liberalization: ATL. The final stage of the *APEC* initiative for *Early Voluntary Sectoral Liberalization*. *APEC* ministers decided in Kuala Lumpur in November 1998 to transfer the tariff elements of the first nine sectors of this initiative to the WTO. The nine sectors were forest products, fish and fish products, toys, gems and jewellery, chemicals, medical equipment and instruments, environmental goods and services, energy, and a telecommunications mutual recognition agreement. ATL then was deemed

to have been subsumed in the negotiations under the *Doha Development Agenda*.

Acceptable level of risk: defined in the WTO *Agreement on the Application of Sanitary and Phytosanitary Measures* as “the level of protection deemed appropriate by the Member establishing a sanitary or phytosanitary measure to protect human, animal or plant life or health within its territory”. The level varies according to country, but it is meant to be based on scientific principles. The *precautionary principle* may also apply. This concept is also known as the “appropriate level of sanitary or phytosanitary protection”. *See also sanitary and phytosanitary measures*.

Accession: the act of becoming a member of the WTO (World Trade Organization), or another international organization or agreement. Negotiations are usually limited to ensuring that the acceding country or customs territory can meet its membership obligations. Accession to the WTO thus requires negotiations between the applicant and the existing members to ensure that the applicant’s trade regime will be in harmony with WTO rules, and that the applicant is able to observe these rules. On accession, the schedules of tariffs and services commitments the new member offers should be broadly comparable to those of existing members which have participated in successive rounds of *multilateral trade negotiations* and reduced their trade barriers over the years. In other words, a country or customs territory has to be prepared to offer roughly the same as it will enjoy from membership. Accession to the *OECD* requires new members to show that their economic regime is broadly in tune with those of existing members. Membership of *UNCTAD* or other United Nations bodies does not entail this sort of obligation. Accession to the *European Union* is known as *enlargement*. *See also Group of Article XII, schedules of specific commitments on services and schedule of concessions*.

Access to medicines: an aspect of the work on *intellectual property rights* in the WTO. It deals with the balance between obligations under the *Agreement on Trade-Related Aspects of Intellectual Property Rights* (TRIPS) and the expectations of developing countries for affordable medicines. Developing countries claim that *compulsory licensing* and *parallel imports* are essential for their governments to carry out effective health policies through affordable medicines. In their view, the TRIPS agreement is biased in favour of pharmaceutical companies residing in developed countries. The differing views on access to medicines show the inherent tension between intellectual property rights (a form of monopoly rights) and public expectations of vigorous competition between companies. The Doha *Declaration on the TRIPS Agreement and Public Health* was aimed at reducing this tension. It aimed to make it easier for some developing countries seeking the required authorization to grant a compulsory licence for the purpose of making a pharmaceutical product and exporting it to *least-developed countries* and other developing countries which are also members of the WTO. This was subject to the condition that the system would only be used in case of a national emergency or in cases of public

non-commercial use. *See also Paragraph 6 System* which resolved the matter permanently.

Accordion of likeness: an expression used by the *Appellate Body* in *Japan – Taxes on Alcoholic Beverages*. It holds that the meaning of the term “*like product*” has to be interpreted more or less generously according to the nature of the product itself. It says that there can be no precise and absolute definition of what is “like”. In its words, “[t]he accordion of ‘likeness’ stretches and squeezes in different places as the provisions of the *WTO Agreement* are applied”. [WT/DS8/AB/R]

Accounting rate: the charge made by one country’s telephone network operator for transporting calls originating in another network to their final destinations within the second network. *See also telecommunications termination services*.

ACP-EC Sugar Protocol: first concluded in 1975 as Protocol 3 to the *Lomé Convention*, but the concept has a longer history. It later became part of the ACP-EC Partnership Agreement, now the *ACP-EU Partnership Agreement*. The Protocol gave selected *ACP states* guaranteed sugar access quotas to the European Community. It expired in 2009, partly as result of a successful challenge to its legality under the *WTO* rules, and also partly in response to changes in the global sugar market. ACP countries as well as the countries benefiting from the European Union’s *Everything But Arms* initiative now have duty-free and quota-free access to the European Union sugar market.

ACP-EU Partnership Agreement: signed in Cotonou on 23 June 2000 as the successor to the *Lomé Convention*. The agreement was concluded for twenty years and expired in February 2020. The fundamental principles following its review in 2010 were: (a) equality of the partners and ownership of the development strategies, (b) central governments are the main partners, but the partnership is open also to ACP parliaments, local authorities in ACP states and different kinds of other actors, (c) a pivotal role of dialogue and the fulfilment of mutual obligations and accountability, and (d) differentiation and regionalization so that cooperation arrangements and priorities vary according to the partner’s level of development. Negotiations are under way for a new agreement which is expected to build, *inter alia*, on the *United Nations 2030 Agenda for Sustainable Development*.

ACP states: The African, Caribbean and Pacific states associated with the *European Community* through the *ACP-EU Partnership Agreement*. The group of ACP states was established on 6 June 1975 through the *Georgetown Agreement*. It now operates under a revised agreement adopted in November 1992. Its General Secretariat is located in Brussels. The main objectives of the group of ACP states are: (a) sustainable development of the member states and their gradual integration into the global economy, (b) activities coordination in the framework of ACP-EU partnership agreements, (c) consolidation of unity and solidarity, and (d) establishment of peace and stability in a free and democratic society. The members of the group are Angola, Antigua and Barbuda, Bahamas, Barbados, Belize, Benin, Botswana, Burkina Faso, Burundi,

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Cabo Verde, Cameroon, Central African Republic, Chad, Comoros, Republic of Congo, Democratic Republic of Congo, Cook Islands, Côte d'Ivoire, Cuba, Djibouti, Dominica, Dominican Republic, Eritrea, Eswatini, Ethiopia, Fiji, Gabon, The Gambia, Ghana, Grenada, Equatorial Guinea, Guinea, Guinea-Bissau, Guyana, Haiti, Jamaica, Kenya, Kiribati, Lesotho, Liberia, Madagascar, Malawi, Mali, Marshall Islands, Mauritania, Mauritius, Federated States of Micronesia, Mozambique, Namibia, Nauru, Niger, Nigeria, Niue, Palau, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Solomon Islands, Somalia, South Africa, Sudan, Suriname, Tanzania, Togo, Tonga, Trinidad and Tobago, Tuvalu, Uganda, Vanuatu, Zambia and Zimbabwe. Cuba is not a party to the ACP-EU Partnership Agreement.

Acquis communautaire: all legislation adopted under the treaties establishing the *European Union*, including *regulations, directives, decisions, recommendations* and *opinions*, as well as the judgments handed down by the *Court of Justice of the European Union* and international agreements concluded by the European Union from 1959 to the present. Before a country accedes to the European Union, its national legislation needs to be harmonized with the *acquis communautaire*. This can mean revising hundreds of parliamentary acts. European Union law prevails over national law. No member state may derogate permanently from the *acquis*. *See also enlargement, European Union legislation and European Union treaties.*

Actionable subsidies: a category of subsidies described in the *WTO Agreement on Subsidies and Countervailing Measures*. Subsidies may be actionable, and therefore illegal, if they cause *injury* to the domestic industry of another member, negate other commitments made under the GATT, or cause *serious prejudice* to the interests of another member. If such adverse effects exist, the country maintaining the subsidy must withdraw it or remove its adverse effects. *See also non-actionable subsidies, prohibited subsidies and subsidies.*

Action plan: a list of actions to be carried out individually or collectively. Sometimes it is no more than a device to keep a process going when it has run into difficulties. Too often the plan is far too ambitious to stand any chance of being carried out. At other times it represents a genuine attempt to develop an agenda capable of leading to the solution of a raft of problems.

Action Plan for Boosting Intra-African Trade: issued in 2012 by the *African Union* and the United Nations *Economic Commission for Africa*. One of the stepping stones to the realization of the *African Continental Free Trade Area*. The Action Plan contains several priority programme clusters: (I) Trade Policy: fast-tracking intra-African trade development, (II) Trade Facilitation: reducing the time it takes to move goods from point A to point B, (III) Productive Capacity: creating regional and continental value chains or complementarity, (IV) Trade-Related Infrastructure: development of innovative legal, financial and other mechanisms for multi-country infrastructural development projects, (V) Trade Finance: develop and strengthen African financial institutions and

mechanisms to promote intra-African trade and investment, (VI) Trade Information: bridging the information gap, and (VII) Factor Market Integration: increase regional mobility of labour. *See also African regional economic integration.*

Act of state doctrine: the principle, as expressed in a United States Supreme Court judgment of 1897, that “every sovereign State is bound to respect the independence of every other sovereign State, and the courts of one country will not sit in judgment on the acts of the government of another, done within its own territory”. Other jurisdictions of course also use versions of this doctrine.

Adding-up problem: *see fallacy of composition.*

Additional commitments: the *General Agreement on Trade in Services* permits WTO members to make *commitments* on trade in services that are additional to those made under *market access* and *national treatment*. Qualifications, standards and licensing matters are mentioned specifically, but additional commitments need not be confined to these areas. *See also schedules of specific commitments on services.*

Additive manufacturing: AM. The technology to build three-dimensional (3D) objects by adding layer upon layer of material in a process analogue to printing, usually called 3D-printing.

Additive regionalism: describes the concurrent membership of several *free-trade agreements* by one country. *See also multilateralization of free-trade agreements* and *spaghetti-bowl effect*. [Schiff and Winters 2003]

Adjusted value: *see build-down method* and *build-up method*.

Adjustment costs: the economic and social costs arising from *structural adjustment*.

Administered protection: *see contingent protection* and *non-tariff measures*.

Administered trade: *see managed trade*.

Administrative guidance: the practice of influencing the activities of an industry by government ministries through formal or informal measures. Guidance may simply consist of advice on how to interpret a government act or decision. It may also be a method of enforcing, for example, voluntary export restraints through the publication of indicative production and export forecasts. Industries are then supposed to work out among themselves how to divide the export cake. Administrative guidance of the second kind probably works best in countries where the enforcement of *competition policy* is weak.

Administrative international commodity agreements: these are *international commodity agreements* that do not operate a *buffer stock*, *export quotas* or other mechanism designed to influence the price of a commodity through manipulating the amount coming on the market. This type of agreement is concerned with matters such as *market transparency*, more efficient production, processing and distribution, consumer information, and the collection and dissemination of statistical information. *See also economic international commodity agreements.*

Administrative protection: *see* **contingent protection** and **non-tariff measures**.

Administrative regulation: *see* **regulation**.

Administrative ruling of general application: defined in the *APEC principles on transparency standards* and some *free-trade agreements*, such as *NAFTA*, as “an administrative ruling or interpretation that applies to all persons and fact situations that fall generally within its ambit and that establishes a norm of conduct, but does not include: (a) a determination or ruling made in an administrative or quasi-judicial proceeding that applies to a particular person, good or service of another economy in a specific case, or (b) a ruling that adjudicates with respect to a particular act or practice”. In other words, an administrative ruling of general application establishes a norm of conduct applying to all persons, goods, services and practices, as the case may be, in a given economy.

Ad notes: the notes and explanatory provisions contained in Annex I to the **GATT**. They amplify and interpret some of the **GATT** articles proper. They always have to be read together with the relevant article.

Ad referendum agreement: provisional acceptance of the outcome of a set of negotiations. Definitive acceptance may depend on the results of related negotiations, approval by the government or the fulfilment of some other condition. *See also* **bracketed language** and **without prejudice**.

Ad valorem: a proportion of the value of a good or a transaction. *See* **ad valorem tariff**.

Ad valorem equivalent: a calculation of the level of a **specific tariff**, which converts a rate expressed as a fixed monetary value per product into a value expressed as a percentage of the value of the product. This gives the **ad valorem tariff** rate. For example, a specific tariff of one dollar levied on an item worth ten dollars would give an *ad valorem* equivalent of 10 per cent. On an item worth twenty dollars, a tariff of one dollar would amount to 5 per cent. *See also* **compound tariff**.

Ad valorem tariff: a **tariff** rate expressed as a percentage of the value of the goods to be imported or exported. Most tariffs are now expressed in this form. *See also* **customs valuation** and **specific tariff**.

Advance deposit: the requirement to lodge all or part of the cost of the imported good with a government authority, usually at the time it is ordered. *See also* **non-tariff measures**.

Advance informed consent: an obligation embodied in the *Cartagena Protocol on Biosafety*. It establishes the need for an exporter to seek consent from an importing country before the first shipment of a **living modified organism** intended for intentional release into the environment. *See also* **prior informed consent**.

Advance rulings: an aspect of customs procedures. Many customs authorities provide advice on request, normally in writing, on how they will treat a good to be imported. Such advice may include the tariff classification, the applicable tariff rate and whether a good qualifies for **preferential market access**. Such

advice is not always legally binding, but customs authorities usually honour it unless it was based on false information or an error of law. Advance rulings therefore are an important way to bring predictability into the trading system. Importers and exporters alike may apply for them. *See also trade facilitation.*

Advisory Centre on WTO Law: established on 17 July 2001 in Geneva as an independent *intergovernmental organization*. The Centre provides legal services and training to developing countries and economies in transition that have contributed to its endowment fund. *Least-developed countries* can use the Centre's services without contributing funds.

Advisory opinion: a non-binding opinion by a judicial authority on the interpretation of a law or a constitutional provision. Sometimes these opinions are given upon request, and at other times a court or judicial panel offers its view anyway. Advisory opinions have become an issue in *WTO* dispute settlement proceedings because some panels and the *Appellate Body* have resorted to them in some cases. Opponents of this practice note that the *Dispute Settlement Understanding* makes no mention of this possibility. *See also judicial activism.*

A fortiori: Lat. with stronger reason; much more so.

African Common Market: *see African Continental Free Trade Area and African regional economic integration.*

African Continental Free Trade Area: AfCFTA. A continent-wide *free-trade area* for Africa negotiated under the auspices of the *African Union*. Forty-four of its members signed the Agreement on 21 March 2018. It gives impetus to the aims of the Abuja Treaty establishing the *African Economic Community*. Consists of a framework agreement and three protocols (trade in goods, services, dispute settlement). It is open to all members of the African Union. The Agreement entered into force on 30 May 2019. Fifty-four of the fifty-five African Union members have signed the Agreement, and twenty-eight members have ratified it. The aims of the Agreement will be realized in stages. Phase I was the negotiation of this Agreement and its three protocols. Negotiations for Phase II (intellectual property rights, investment and competition policy) have been launched. The objectives of the Agreement are (a) to create a single continental market for goods and services facilitated by the movement of persons, (b) create a liberalized market for goods and services through successive rounds of negotiation, (c) contribute to the movement of capital and natural persons and facilitate investments building on the initiatives and developments in the parties and the *Regional Economic Communities*, lay the foundation for the establishment of a Continental Customs Union, (e) promote and attain sustainable and inclusive socio-economic development, gender equality and structural transformation, (f) enhance the competitiveness of member economies within the continent and the global market, (g) promote industrial development through diversification and regional value chain development and food security, and (h) resolve the challenges of multiple and overlapping memberships and expedite the regional and continental integration processes. The Agreement, when completed, will cover trade in goods, services, investment,

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intellectual property rights and competition policy. It requires the parties to observe transparency and notify each other of laws, regulations, procedures and administrative rules of general application. It also requires the parties to accord each other, on a reciprocal basis, preferences no less favourable than those given to third parties, and it establishes a dispute settlement mechanism. No reservations may be made on any part of the Agreement. The Agreement will be reviewed every five years to ensure its effectiveness. The *Protocol on Trade in Goods* envisages the progressive elimination of tariffs and non-tariff barriers, enhanced efficiency of customs procedures, trade facilitation and transit, enhanced cooperation in the areas of technical barriers to trade and sanitary and phytosanitary measures, and the development and promotion of regional and continental value chains. It also affords the parties most-favoured nation treatment and national treatment. Quantitative restrictions are only allowed to the extent that that the WTO rules allow them. **Rules of origin** are yet to be developed. Anti-dumping and countervailing measures as well as global safeguards may be applied. The *Protocol on Services* (which appears to have taken the **General Agreement on Trade in Services** as a broad model) requires the parties to undertake successive rounds of negotiations based on the principle of progressive liberalization. If a party enters into a new preferential agreement with a third party, preferential treatment given to the third country must be extended to all the parties to the Agreement. The parties are to develop schedules of specific commitments. The *Protocol on Rules and Procedures on the Settlement of Disputes* establishes a Dispute Settlement Body, procedures for the work of panels, and it establishes an Appellate Body. Again, the WTO **Dispute Settlement Understanding** appears to have informed the provisions of this Protocol. *See also African regional economic integration.*

African Economic Community: AEC. An organization aiming to promote the economic, social and cultural development of Africa. It was established on 12 May 1994 through the Treaty of Abuja. Membership is open to all members of the Organization of African Unity, now the **African Union**. Its secretariat is located in Addis Ababa. Projected milestones are establishment of a continent-wide **customs union** in 2019, a continent-wide **African Common Market** in 2023 and establishment of a continent-wide economic and monetary union as well as a parliament in 2028. Current plans call for the completion of these tasks by 2034. *See also African Continental Free Trade Area and African regional economic integration.*

African Group: a group of forty-three countries active in the WTO. Its members are Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of Congo, Côte d'Ivoire, Djibouti, Egypt, Eswatini, Gabon, The Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, Seychelles, Sierra Leone, South Africa, Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe.

African Growth and Opportunity Act: AGOA. A United States Act adopted on 18 May 2000 with an original validity to 30 September 2008. It has since been renewed to 2025. The Act provides significant market access for most products to countries in *sub-Saharan Africa*, but provision for textiles may be more restrictive in some cases. Only sub-Saharan countries are eligible for benefits under this Act. Countries must meet certain eligibility requirements to benefit from this Act. Among these are that the country (a) has established, or is making progress towards, a market-based economy, (b) enjoys the rule of law and political pluralism, (c) is eliminating barriers to United States trade and investment, (d) has economic policies to reduce poverty, (e) has a system to combat corruption and bribery, and (f) protects internationally recognized *worker rights*. Activities undermining United States national security or foreign policy interests and engaging in gross human rights violations or international terrorism make a country ineligible for the benefits of this Act. Countries must also have implemented commitments to eliminate the *worst forms of child labour*.

African regional economic integration: achieving regional economic integration in Africa is a challenge of a high order because of the diversity of the fifty-five countries making up the African continent, as the last fifty years have shown. For example, the Lagos Plan of Action, adopted by the *Organization of African Unity*, called for the creation of five Regional Economic Communities: North Africa, West Africa, Central Africa, Eastern Africa and Southern Africa. This plan was realized in part. The Treaty of Abuja of 1994 established an *African Economic Community* with the goal of free-trade areas, customs unions, a single market, a central bank and a common currency. Some progress towards these aims has been made, but the regional achievements remain uneven. The path forward is now becoming clearer through the efforts of the *African Union* (AU) and some of the African regional organizations. The task will require years of patient work. The step-by-step implementation of the AU's *Agenda 2063*, which has many important aims outside the trade and economic area, should greatly assist the task. The work of the NEPAD Agency in implementing the *New Partnership for Africa's Development* should also make a tangible contribution to African regional development. A major step towards continent-wide integration was the signing of an agreement in 2018 establishing the *African Continental Free Trade Area* which entered into force on 30 May 2019. A range of regional integration initiatives also exists, most of them with a considerable history behind them. The following is an outline of the principal ones. *A. North Africa.* The *Arab Maghreb Union* consisting of Algeria, Libya, Mauritania, Morocco and Tunisia appears to be largely inactive, though member countries are pursuing their own economic initiatives. The *Community of Sahel-Saharan States*, established in 1998, seeks to establish a comprehensive economic union. *B. East Africa.* The *East African Community* established a *customs union* in 2004. A *common market* followed in 2010, and a monetary union is to be created by 2023. *C. South-East*

Africa. The **Common Market for Eastern and Southern Africa** (COMESA) was established in 2000. It is to be transformed into a monetary union by 2025. Its members are Burundi, Comoros, Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Eswatini, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Uganda, Zambia and Zimbabwe. The proposal for a **Tripartite Free Trade Area** to consist of COMESA, SADC and the East African Community is also relevant in this context. The **Intergovernmental Authority on Development** (IGAD) is not a trade arrangement, but among its objectives is the promotion of COMESA and the African Economic Community. *D. Southern Africa.* The **Southern African Development Community** (SADC) established a free-trade area in 2008. This was to be followed by a customs union by 2013 and a common market by 2015. SADC consists of Angola, Botswana, Democratic Republic of Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia and Zimbabwe. The **Southern African Customs Union** (Botswana, Eswatini, Lesotho, Namibia and South Africa) was established in 2002 in its current form. *E. West Africa.* The **Economic Community of West African States** (ECOWAS) was originally established in 1975 and relaunched in 1993. ECOWAS is establishing a customs union and working towards the implementation of ECOWAS 2020 which envisages, by 2020, a single unified market. Its members are Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo. The **West African Economic and Monetary Union** (WAEMU) or **Union Économique et Monétaire Ouest Africaine** (UEMOA) was established in 1994. It has a programme of deep integration based on a common market with the free movement of persons, goods, services and capital. Its members are Benin, Burkina Faso, Côte d'Ivoire, Guinea Bissau, Mali, Niger, Senegal and Togo. *F. Central Africa.* The **Economic Community of Central African States** was established in 1983, but it remained inactive from 1992 to 1998. Its aim is to promote cooperation and self-supporting development in a wide range of fields. A longer-term aim is to create by 2025 a zone of free movement of people, goods and services. Its members are Angola, Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of Congo, Equatorial Guinea, Gabon, and Sao Tome and Principe. The United Nations **Economic Commission for Africa** has an overall mandate for promoting economic progress in Africa, but it is not party to any regional arrangement.

African Union: established in July 2001 at a meeting in Lusaka of African heads of government as the successor to the **Organization of African Unity**. It consists of all fifty-five countries making up the African continent. The **African Continental Free Trade Area** of 2018 was negotiated under its auspices. The AU's long-term vision is contained in **Agenda 2063** adopted in 2013. It is a strategic framework for the socio-economic transformation of Africa over the