



Human Rights Implications of the African Continental Free Trade Agreement For Nigeria: Evaluating legal safeguards and institutional readiness

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Abstract

The African Continental Free Trade Agreement (AfCFTA) 2018 represents a historic stride toward regional economic integration across Africa. While its primary objective lies in enhancing trade, investment, and economic development, the Agreement also carries substantial human rights implications, especially for Nigeria, Africa's most populous country and a key regional actor. Using a doctrinal methodology, this paper critically evaluates the AfCFTA's human rights dimensions, focusing on issues such as social protection, labour rights, environmental sustainability, gender equality, and access to justice. The analysis contends that although the AfCFTA presents opportunities for inclusive growth, its implementation in Nigeria risks worsening inequalities if not supported by robust legal and institutional safeguards. Drawing comparative insights from South Africa, Kenya, and Ghana, the paper highlights how regional best practices can inform Nigeria's path toward rights-compatible trade governance. It recommends that Nigeria adopt a rights-based approach by embedding human rights considerations into national trade policies, ensuring inclusive stakeholder engagement in policymaking, and utilising regional human rights instruments to protect vulnerable populations within an evolving trade landscape. The conclusion reflects on the key findings and advocates for rights-based trade governance in Nigeria's AfCFTA framework.

Keywords: African Continental Free Trade Agreement, Trade Governance, Human Rights, Nigeria, Comparative Analysis

INTRODUCTION

The African Continental Free Trade Agreement (AfCFTA), adopted in March 2018 and which entered into force in January 2021, marks a transformative milestone in advancing Africa's economic integration agenda.¹ As the flagship project of the African Union's Agenda 2063, it seeks to establish a single continental market for goods and services, facilitate the movement of persons and investments, and promote industrialization and sustainable development.² With the potential to connect 1.3 billion people across 54 countries and generate a combined GDP of over \$3.4 trillion, the AfCFTA represents not just an economic ambition but a strategic assertion of Africa's collective self-reliance and global competitiveness.³ While its economic prospects have drawn substantial policy and scholarly attention, the AfCFTA also raises important, though less examined human rights implications.⁴ Trade agreements, particularly of this scale, inevitably reshape the social contract by altering how rights are accessed, protected, or threatened.⁵ In the Nigerian context, this is especially pertinent given the country's large informal sector, widespread poverty, gender disparities, and institutional challenges in enforcing social and economic rights.⁶ As trade liberalization unfolds, there is a growing need to interrogate how AfCFTA may affect access to healthcare, education, labour protections, gender equity, the rights of indigenous communities, and environmental justice.⁷ Scholarship on the AfCFTA has predominantly focused on its economic, legal, and institutional dimensions, including issues of tariff schedules, trade remedies, and dispute resolution mechanisms.⁸ However, there remains a significant gap in the literature regarding its intersection with human rights, particularly within national implementation frameworks.⁹ This paper contributes to bridging that gap by exploring the human rights implications of AfCFTA from a Nigerian perspective. Specifically, it assesses the impact of AfCFTA on five interrelated rights areas: economic and social rights; labour rights and decent work; gender equality and women's rights; environmental rights and resource justice; and the right to access justice and effective remedies. Ultimately, this paper argues for a rights-conscious approach to AfCFTA implementation, one that balances economic liberalization with social justice, equity, and the protection of vulnerable populations. Such an approach is essential not only for compliance with Nigeria's constitutional and international human rights obligations but also for fostering inclusive and sustainable development across the continent.

METHODOLOGY

This paper adopts a doctrinal and comparative legal research methodology, drawing on primary legal instruments, policy documents, and academic literature to examine Nigeria's implementation of the AfCFTA from a human rights perspective. The doctrinal approach is appropriate for analyzing the normative content of trade and human rights obligations under Nigerian and continental law, while the comparative method enables a contextual evaluation of Nigeria's performance against that of selected

¹ UNECA (United Nations Economic Commission for Africa), 'AfCFTA and Human Rights: Unlocking Africa's Human Rights Potential through Trade' (2021) <<https://www.uneca.org/publications/afcfta-and-human-rights>> accessed 2 June, 2025.

² Ibid.

³ African Union, Agreement Establishing the African Continental Free Trade Area (2018) <https://au.int/sites/default/files/treaties/36437-treaty-consolidated_text_on_cfta_-_en.pdf> accessed 28 July 2025.

⁴ Centre for the Study of the Economies of Africa (CSEA), 'Understanding Nigeria's Informal Sector' (2021) <<https://cseaafrica.org/understanding-nigerias-informal-sector/>> accessed 28 July 2025.

⁵ UNDP, A Human Rights-Based Approach to Development Programming in Africa (2022) <<https://www.undp.org/publications/human-rights-based-approach-development-programming-africa>> accessed 28 July 2025.

⁶ Olufunmilayo B Arewa, 'The AfCFTA and Africa's Human Rights Future' in James Gathii (ed), *The Performance of Africa's International Courts* (OUP 2020).

⁷ Centre for the Study of the Economies of Africa (CSEA), 'Understanding Nigeria's Informal Sector' (2021) <<https://cseaafrica.org/understanding-nigerias-informal-sector/>> accessed 28 July 2025.

⁸ OHCHR and UNEP, 'Human Rights and the Environment' (2020) <<https://www.ohchr.org/en/environment>> accessed 28 July 2025.

⁹ Olabisi D Akinkugbe, 'Re-Imagining the Role of Law in the AfCFTA: Dispute Settlement and Beyond' (2021) 44 *Fordham International Law Journal* 1167.

African states, such as South Africa, Kenya, and Ghana. This combined approach provides a robust framework for identifying legal and institutional gaps, assessing rights-aligned policy coherence, and developing reform-oriented recommendations grounded in precedent and best practice.

CONTEXTUAL BACKGROUND AND LEGAL-INSTITUTIONAL FRAMEWORKS

Following economic reforms in the late 1980s, Nigeria gradually liberalized its trade regime, driven by structural adjustment policies and obligations under the World Trade Organization (WTO).¹⁰ These reforms facilitated increased access to goods and foreign investment, but also exposed local producers and informal workers to intensified global competition, often without corresponding social protections. It has been observed that liberalization has historically yielded “uneven developmental outcomes” in Nigeria, particularly where legal frameworks fail to anticipate the distributive effects of trade.¹¹ A recent study on Micro, Small and Medium Enterprises (MSMEs) in Nigeria revealed that over 50% of respondents feared being undercut by cheaper imports under the African Continental Free Trade Agreement (AfCFTA), reflecting acute anxieties over livelihood, security and market exclusion.¹² To date, social safety nets such as conditional cash transfers and agricultural subsidies remain limited in scope and implementation, leaving many households and vulnerable groups without effective protection.

The disjuncture between Nigeria’s trade policy and its human rights obligations has constrained the translation of economic gains into meaningful social outcomes. It has been argued that trade liberalization frameworks often prioritize market efficiency over distributive justice unless deliberately integrated with rights-based safeguards.¹³ In Nigeria, the absence of such integration is reflected in the failure to align trade policy with constitutional rights and treaty obligations on socio-economic entitlements. Nigeria’s domestic legal instruments, including the 1999 Constitution (as amended), the National Trade Policy, the National Micro, Small, and Medium Enterprises Policy, and the Federal Competition and Consumer Protection Act 2018, outline obligations to protect local industry and promote inclusive growth.¹⁴ These frameworks intersect with AfCFTA’s Protocols on Trade in Goods, Trade in Services, Investment, Competition, and Intellectual Property, all of which endorse broad goals such as gender equity, sustainable development, and poverty reduction.¹⁵ However, most of these commitments remain declaratory without binding implementation timelines or enforceable rights language.

On the institutional front, Nigeria has established the National AfCFTA Coordinating Office under the Federal Ministry of Industry, Trade and Investment, and participates in inter-ministerial committees including Trade, Finance, Labour, and Women Affairs to coordinate tariff negotiations, rules of origin, and policy domestication.¹⁶ These mechanisms provide the architecture for operationalizing AfCFTA, yet existing accountability measures such as stakeholder consultations, impact assessments, and gender-responsive planning remain ad hoc and underdeveloped, especially with respect to informal workers, women-led enterprises, and rural traders.¹⁷ Scholars have noted that without strong national ownership and

¹⁰ Annabel Nanjira & Nwamaka Okany, ‘African Practice in International Economic Law 2022-2023’ (2025) 4, *African Journal of International Economic Law*, 105, 112.

¹¹ Ayo Adetuyi, ‘Economic Integration and the Right to Development in Africa: A Human Rights Perspective’ (2020) 11 *Nigerian Annual Journal of International Law and Jurisprudence* 174.

¹² UNDP Nigeria, ‘Impact of the AfCFTA on Nigerian MSMEs: Baseline Study Report’ (2022) 17–18 <<https://www.undp.org/nigeria/publications/impact-afcfta-nigerian-msmes>> accessed 2 June 2025.

¹³ Lorand Bartels, ‘The WTO and Human Rights’ (2008) 13 *European Human Rights Law Review* 301.

¹⁴ Adetuyi (n 11) 174.

¹⁵ African Union, Protocol on Trade in Goods (AfCFTA, 2018); Protocol on Investment (2023); Protocol on Women and Youth in Trade (2023).

¹⁶ Adetuyi (n 11) 174.

¹⁷ Adetuyi (n 11) 174.

inclusive implementation, AfCFTA risks reinforcing existing inequalities rather than redressing them.¹⁸ This underscores the urgency of embedding rights-conscious strategies into Nigeria's AfCFTA implementation to ensure that trade liberalization advances rather than undermines social justice and economic equity.¹⁹

Assessing Nigeria's Human Rights Commitments under the African Continental Free Trade Agreement

This section explores how Nigeria integrates key human rights considerations into its AfCFTA implementation framework.

1. **Economic and Social Rights:** The AfCFTA presents an opportunity to foster broad-based economic development across Africa. In Nigeria, this includes increased intra-African trade, greater access to regional markets, and stimulation of local industries.²⁰ These outcomes could support the realization of Article 22 of the African Charter on Human and Peoples' Rights, which guarantees the right to development.²¹ However, economic liberalization has historically had mixed effects on inequality. Without redistributive mechanisms or targeted social investment, the gains of trade often bypass marginalized populations. For instance, studies by the Economic Commission for Africa (ECA) warn that trade-induced growth, while positive overall, may worsen rural-urban inequality without social buffers.²² In Nigeria, pre-existing disparities, such as income inequality, spatial poverty, and limited access to education compound this risk. Informal traders, subsistence farmers, and low-wage workers remain poorly positioned to benefit from the scale-driven efficiencies of liberalized markets.²³ Moreover, Nigeria's constitutional aspiration under section 16 (2) (d) to provide suitable shelter, food, and social welfare remains under-implemented due to weak institutional capacity and underfunded safety nets.²⁴ Hence, while the AfCFTA offers economic potential, it may entrench exclusion without deliberate social policy frameworks, such as conditional cash transfers, equitable procurement systems, and universal social protection floors.
2. **Labour Rights and Decent Work:** Trade expansion under AfCFTA is expected to shift employment patterns, with gains in manufacturing and logistics but potential displacement in traditional sectors.²⁵ This directly implicates the right to work and to favorable labour conditions under Article 15 of the African Charter.²⁶ Yet Nigeria's labour enforcement is under-resourced. The National Labour Advisory Council remains underutilized, and labour inspectorates are stretched thin.²⁷ Informal workers, who constitute over 80% of the Nigerian labour force, often operate outside protective frameworks, without written contracts, health insurance, or pension coverage.²⁸ These institutional gaps raise the risk of "precarity zones" under AfCFTA regions or sectors where job growth is numerically positive but qualitatively exploitative. The ILO's Decent Work Programme for Nigeria (2015–2018) acknowledged

¹⁸ David Luke and Robert Machemedze, 'Mainstreaming Human Rights in AfCFTA Implementation' in James Gathii (ed), *The Performance of Africa's International Economic Law Frameworks (AfIELN 2023)* 69.

¹⁹ South Centre, 'Assessing Five Years of the AfCFTA: Opportunities, Challenges, and the Way Forward' (2025) accessed at <https://www.southcentre.int> on June 2, 2025.

²⁰ Nigerian Office for Trade Negotiations, 'Nigeria's National AfCFTA Implementation Strategy' (2021) <https://notn.gov.ng> accessed 28 July 2025.

²¹ African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) OAU Doc CAB/LEG/67/3 rev 5, art 22.

²² United Nations Economic Commission for Africa, 'The AfCFTA and Inequality: Impacts and Implications' (2021) (UNECA 2021) <<https://www.uneca.org/publications/the-afcfta-and-inequality>> accessed 29 July 2025.

²³ James T Gathii, 'The Promise of Legal Pluralism in Africa for the Regulation of Cross-Border Informal Trade' (2021) 16 (2) *Law and Development Review* 647.

²⁴ Constitution of the Federal Republic of Nigeria (1999, as amended), s 16(2)(d).

²⁵ Fatima Olanike Kareem, 'How Do Labour Provisions in Trade Agreements Affect Decent Work?' (2023) 33 (6) *Journal of International Trade & Economic Development* 1108-1133

²⁶ African Charter on Human and Peoples' Rights art 15.

²⁷ International Labour Organization, 'Nigeria Labour Inspection and Administration: Country Report (ILO 2020)' (2020) <https://www.ilo.org/wcmsp5/groups/public/---africa/documents/publication/wcms_745657.pdf> accessed 29 July 2025.

²⁸ National Bureau of Statistics, *Labour Force Survey Q4 2023* (NBS 2024).

such concerns, calling for reform in labour dispute mechanisms, social dialogue, and workplace monitoring.²⁹ Yet implementation remains stalled. In the context of regional competition, Nigeria's inability to enforce minimum wage, occupational safety, or gender equity laws could incentivize exploitation in order to attract foreign investment.

3. Gender Equality and Women's Rights: Gender-neutral trade liberalization often reinforces existing inequalities unless accompanied by active gender policies.³⁰ In Nigeria, where women dominate informal retail and agriculture, the AfCFTA risks intensifying gender disparities in income and access if those sectors are flooded by competitive imports or cross-border firm.³¹ Although the Maputo Protocol obliges states to eliminate gender discrimination,³² Nigeria lacks a comprehensive gender mainstreaming strategy for trade. Studies by UN Women and the African Trade Policy Centre show that female-owned SMEs often lack access to trade financing, registration platforms, and transborder transport infrastructure.³³ Moreover, women face legal and customary constraints in land ownership and formal contracting, particularly in rural northern Nigeria.³⁴ Consequently, without gender-responsive budgeting or technical assistance programmes, AfCFTA implementation may deepen gender gaps, excluding half the population from the promised benefits of regional integration.
4. Environmental Rights and Resource Justice: Nigeria's extractive economy already generates severe ecological degradation, particularly in the Niger Delta, where gas flaring, oil spills, and land dispossession persist.³⁵ Trade-induced industrial expansion under AfCFTA may further strain ecosystems, especially in sectors such as mining, timber, and agriculture. Although Nigeria's Environmental Impact Assessment Act requires project reviews, enforcement is weak, especially for small-scale projects below formal thresholds.³⁶ Moreover, Nigeria lacks a national framework for integrating environmental sustainability into trade policy. This absence risks sacrificing environmental rights at the altar of trade competitiveness. While the African Charter does not explicitly codify environmental rights, regional jurisprudence such as in *SERAC v Nigeria*, recognizes their interdependence with socio-economic rights.³⁷ If environmental degradation accelerates without accountability, communities may face health crises, food insecurity, and livelihood loss, all without access to compensation or remediation.³⁸
5. Right to Access Justice and Remedies: AfCFTA-related harms, whether through land expropriation, industrial accidents, or unfair competition may trigger legal claims.³⁹ However, Nigeria's justice sector suffers systemic challenges: case delays, judicial underfunding, and weak legal aid systems.⁴⁰ These impair the ability of affected individuals to seek redress for rights violations tied to trade activities. More critically, the AfCFTA's Dispute Settlement Mechanism focuses on inter-state disputes and

²⁹ International Labour Organization, 'Nigeria Decent Work Country Programme 2015–2018 (ILO 2015)' (2018) <https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/documents/publication/wcms_613503.pdf> accessed 29 July 2025.

³⁰ Taku Fundira and Lynet Mukumba, 'Mainstreaming Gender in AfCFTA Implementation' (2022) Tralac Trade Brief <<https://www.tralac.org/documents/resources/policy-briefs/4579-mainstreaming-gender-in-afcfta-implementation-tralac-brief-april-2022/file.html>> accessed 29 July 2025.

³¹ Ibid.

³² Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (adopted 11 July 2003, entered into force 25 November 2005), art 2.

³³ UN Women and African Union Commission, 'Gender Mainstreaming in AfCFTA Implementation: Policy Brief' (2021) <<https://www.unwomen.org/en/digital-library/publications/2021/03/gender-mainstreaming-in-afcfta>> accessed 29 July 2025.

³⁴ Taku Fundira and Lynet Mukumba (n 30).

³⁵ AELEX, 'Climate Change and Environmental Considerations in the Implementation of the AfCFTA' (2024) <<https://www.mondaq.com/nigeria/climate-change/1537120/climate-change-and-environmental-considerations-in-the-implementation-of-the-afcfta>> accessed 29 July 2025.

³⁶ Environmental Impact Assessment Act Cap E12 LFN 2004.

³⁷ Social and Economic Rights Action Centre (SERAC) and Another v Nigeria (2001) AHRLR 60 (ACHPR 2001).

³⁸ AELEX (n 35).

³⁹ Bachinger G and Naidoo K, 'Access to Justice in Africa: Challenges and Opportunities in the Wake of Regional Economic Integration' (2021) 19 African Human Rights Law Journal 157.

⁴⁰ Ibid.

investor protections, leaving no clear route for private or community-level complaints grounded in human rights.⁴¹ While Article 7 of the African Charter guarantees access to a fair hearing, Nigeria has not yet institutionalized trade and human rights adjudication such as specialized tribunals or ombuds mechanisms.⁴² Without reform, trade liberalization may occur in a legal vacuum, where grievances are left unresolved and rights remain notional rather than enforceable.

Identifying Human Rights Deficits in Nigeria's AfCFTA Framework

A rights-based implementation of the African Continental Free Trade Agreement (AfCFTA) requires that member states actively embed human rights principles into trade-related laws, institutions, and public policy mechanisms. Although Nigeria adopted its AfCFTA National Strategy in 2022, its implementation framework remains primarily economic, with limited institutional, legal, or procedural safeguards for rights protection. This section interrogates the multidimensional gaps impeding a rights-based AfCFTA regime in Nigeria.

1. **Weak Integration of Human Rights in Institutional Frameworks:** The National Action Committee on AfCFTA (NAC-AfCFTA), inaugurated in 2020 to guide Nigeria's AfCFTA implementation, has prioritized competitiveness, export development, and industrialization.⁴³ However, it lacks a normative or institutional mechanism to assess the human rights impact of trade liberalization.⁴⁴ There is no sub-unit, technical working group, or policy budget dedicated to social protection or human rights compliance within the Committee's structure. Nor is there any formal collaboration between the NAC-AfCFTA and national human rights institutions such as the National Human Rights Commission (NHRC), despite Nigeria's binding obligations under the African Charter on Human and Peoples' Rights.⁴⁵ This oversight renders the institutional framework vulnerable to exclusion, abuse, and unmonitored socio-economic disruptions.
2. **Legal and Regulatory Fragmentation:** Nigeria's trade-related legal regime, including instruments like the Nigeria Trade Policy 2012 and the Export Expansion Grant Scheme remains largely deregulatory and industrial-centric.⁴⁶ These frameworks do not mandate human rights due diligence, Environmental and Social Impact Assessments (ESIAs) with rights-based criteria, or labour safeguards tied to trade measures.⁴⁷ The Labour Act, for instance, is outdated, weakly enforced, and misaligned with Nigeria's ratified ILO Conventions.⁴⁸ Furthermore, Nigeria lacks binding corporate accountability legislation that imposes duties on transnational corporations to prevent, mitigate, or redress human rights violations stemming from AfCFTA-related operations.⁴⁹ This legal vacuum fosters impunity and limits redress mechanisms for vulnerable groups affected by trade policies or private sector expansion.
3. **Exclusion of Marginalized Stakeholders:** The participatory legitimacy of AfCFTA implementation is undermined by the exclusion of marginalized groups, particularly informal traders, women-led businesses, youth cooperatives, persons with disabilities, and rural communities.⁵⁰ Although government consultations have been held with key private sector actors, civil society input has been

⁴¹ African Continental Free Trade Area Protocol on Dispute Settlement (2018) Part III.

⁴² African Charter on Human and Peoples' Rights (n 1) art 7.

⁴³ National Action Committee on AfCFTA, 'Nigeria AfCFTA National Strategy 2022–2025' (2022) (Federal Ministry of Industry, Trade and Investment, 2022) <<https://afcfta.gov.ng/afcfta-strategy>> accessed 29 July 2025.

⁴⁴ Ibid.

⁴⁵ African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) 1520 UNTS 217 (Banjul Charter), art 1.

⁴⁶ Federal Ministry of Industry, Trade and Investment, 'Nigeria Trade Policy 2012' (2012) <https://nitda.gov.ng/files/National_Trade_Policy_2012.pdf> accessed 29 July 2025.

⁴⁷ Babafemi A Fagbayibo, 'Reimagining the African Integration Legal Framework from a Human Rights Perspective' (2021) 46 (1) *Journal for Juridical Science* 25.

⁴⁸ Labour Act (CAP L1 Laws of the Federation of Nigeria 2004); International Labour Organization, Ratifications for Nigeria <https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO::P11200_COUNTRY_ID:103264> accessed 29 July 2025.

⁴⁹ Babafemi A Fagbayibo, (n 47).

⁵⁰ UN Economic Commission for Africa, 'Inclusive Implementation of the AfCFTA: Ensuring the Participation of Women and Youth' (UNECA Policy Brief, 2021) <<https://repository.uneca.org/handle/10855/45687>> accessed 29 July 2025.

minimal, and engagement with structurally disadvantaged populations has been largely symbolic. This violates the participatory obligations embedded in the African Charter's right to development under Article 22.⁵¹ Moreover, trade liberalization without inclusive participation risks exacerbating existing inequalities and marginalization, contrary to the goals of social justice, equity, and economic citizenship.

4. Limited Public Awareness of Human Rights and AfCFTA Provisions: Access to information is a gateway to rights enforcement.⁵² However, awareness of the AfCFTA's provisions and their rights implications remains low among Nigeria's population, particularly among informal sector actors and small businesses who stand to be most affected.⁵³ Reports show that even trade associations and union groups have limited knowledge of mechanisms for seeking redress or influencing policy adaptation.⁵⁴ This information irregularity weakens democratic oversight, undercuts advocacy efforts, and diminishes the public's capacity to demand trade justice.⁵⁵ It also signals a violation of the right to information, a foundational element of both the African Charter and Nigeria's constitutional governance framework.
5. Fragmented Inter-Agency Coordination on Rights and Trade: Nigeria's trade and human rights institutions remain siloed, with little coordination on overlapping issues such as gender, labour, environment, and corporate responsibility.⁵⁶ The Ministry of Industry, Trade and Investment and the NHRC, for example, do not have a standing coordination framework, joint programming, or shared indicators for rights-sensitive trade governance.⁵⁷ This institutional fragmentation perpetuates policy incoherence and hinders Nigeria's capacity to meet its treaty obligations under regional and international human rights law.⁵⁸ Effective rights-based trade governance demands horizontal integration across ministries, cross-sectoral data sharing, and harmonized policy responses, elements currently absent from Nigeria's AfCFTA trajectory.⁵⁹

COMPARATIVE ANALYSIS: SOUTH AFRICA, KENYA, AND GHANA

As the African Continental Free Trade Area (AfCFTA) unfolds, assessing how state parties embed human rights into trade governance is essential. The approaches of South Africa, Kenya, and Ghana offer instructive examples for Nigeria, particularly in strengthening institutional linkages, embedding rights in trade processes, and enhancing stakeholder inclusion.

South Africa

South Africa's AfCFTA implementation is underpinned by a robust constitutional framework that enshrines justiciable socio-economic rights in Chapter 2 of the 1996 Constitution. These rights, including access to housing, healthcare, and social security, are enforceable through litigation, as illustrated in *Government of the Republic of South Africa v Grootboom and Minister of Health v Treatment Action Campaign (No 2)*.⁶⁰ The Department of Trade, Industry and Competition (DTIC) works closely with other ministries, including Employment and Labour, to align trade implementation with labour protections under

⁵¹ African Charter on Human and Peoples' Rights art 22.

⁵² Friedrich-Ebert-Stiftung, 'Nigeria, Awareness and Perception of the AfCFTA among Nigerian Businesses' (2023) (FES, 2023) <<https://nigeria.fes.de/e/afcfta-awareness-report>> accessed 29 July 2025.

⁵³ Ibid.

⁵⁴ AfCFTA Secretariat, AfCFTA Agreement (2018) <<https://au.int/en/treaties/agreement-establishing-african-continental-free-trade-area>> accessed 29 July 2025.

⁵⁵ Friedrich-Ebert-Stiftung (n 52).

⁵⁶ National Human Rights Commission (NHRC), Annual Report (2022) <<https://nigeriarights.gov.ng>> accessed 29 July 2025.

⁵⁷ OHCHR and UNECA, 'Integrating Human Rights into Trade Agreements in Africa: A Pathway for the AfCFTA' (2022) <<https://www.ohchr.org/sites/default/files/2022-12/HR-AfCFTA-Report.pdf>> accessed 29 July 2025.

⁵⁸ Ibid.

⁵⁹ Ian Taylor, 'The Political Economy of the African Continental Free Trade Area: Pitfalls and Prospects' (2023) 55 (1) Review of African Political Economy 1.

⁶⁰ [2002] 5 SA 721 (CC).

statutes like the Labour Relations Act 1995 and the Basic Conditions of Employment Act 1997.⁶¹ In addition, the legislature plays an active oversight role, with trade agreements subject to review and human rights screening before ratification. South Africa also employs ex ante human rights impact assessments (HRIAs) in its trade policymaking processes, although these are not yet codified in legislation.⁶² Notably, South Africa's judiciary provides a credible avenue for accountability if economic policies infringe on constitutionally protected rights. Trade policy is thus not isolated from the broader human rights framework but embedded within it.

Lesson for Nigeria: South Africa's approach demonstrates the importance of justiciable socio-economic rights, legislative scrutiny of trade agreements, and the integration of HRIAs. Nigeria can adapt these practices by enacting legislation that links AfCFTA commitments with enforceable human rights norms and enabling judicial oversight of trade's social impacts.

Kenya

Kenya's Constitution of 2010 provides a strong legal basis for inclusive trade governance.⁶³ Article 43 guarantees socio-economic rights, while Article 56 mandates affirmative action for marginalized groups.⁶⁴ These provisions inform the country's AfCFTA strategy, which aims to promote broad-based participation. A standout feature of Kenya's model is its National AfCFTA Implementation Committee, which includes representatives from civil society, women's organizations, youth groups, and sub-national county governments.⁶⁵ This participatory mechanism aligns with Kenya's devolved governance structure and enhances transparency and legitimacy. Kenya also employs Regulatory Impact Assessments (RIAs) and public consultation protocols, which, while not legally binding, shape administrative decision-making.⁶⁶ However, enforcement remains weak due to capacity limitations, especially at the local government level, and jurisprudential support for socio-economic rights enforcement is still evolving.

Lesson for Nigeria: Kenya shows that institutionalizing participation at all levels, especially local and marginalized groups enhance ownership and equity in AfCFTA outcomes. Nigeria should decentralize its trade implementation frameworks and adopt consultative models that reflect its federal structure.

Ghana

Ghana has taken a deliberately inclusive and development-driven approach to AfCFTA. Although the socio-economic provisions in the 1992 Constitution are non-justiciable, they commit the state to equitable economic participation and social justice.⁶⁷ Ghana's National AfCFTA Policy Framework and Action Plan (2021–2025), developed in partnership with the UNDP, integrates gender equality, youth empowerment, and support for micro, small, and medium enterprises (MSMEs).⁶⁸ The strategy is operationalized by the Ministry of Trade and Industry and coordinated with agencies like the Ghana Standards Authority and Ghana Revenue Authority. To ensure grassroots engagement, Ghana has established district-level AfCFTA desks, conducts outreach campaigns, and targets capacity-building for informal sector actors, especially women traders. While challenges persist, especially in rural access and infrastructure, Ghana's model reflects strategic alignment between trade and the Sustainable Development Goals (SDGs).

⁶¹ Ibid.

⁶² Ebenezer Durojaye and Gladys Mirugi-Mukundi, 'The Right to Social Security in South Africa and Malawi' (2017) 18 ESR Review 7.

⁶³ Constitution of Kenya 2010.

⁶⁴ Constitution of Kenya 2010, arts 43, 56.

⁶⁵ Muthoni Mutemi, 'Mainstreaming Gender and Informal Sector Priorities in Kenya's AfCFTA Strategy' (Friedrich-Ebert-Stiftung Kenya, 2021) <<https://library.fes.de/pdf-files/bueros/kenia/18184.pdf>> accessed 29 July 2025.

⁶⁶ Government of Kenya, Public Participation Guidelines for the Policy and Legislative Process (2021) <<https://parliament.go.ke>> accessed 29 July 2025.

⁶⁷ Constitution of Ghana 1992, Chapter 6 (Directive Principles of State Policy).

⁶⁸ Ghana Ministry of Trade and Industry, 'National AfCFTA Policy Framework and Action Plan (2021–2025)' (2021) <https://moti.gov.gh> accessed 29 July 2025.

Lesson for Nigeria: Ghana's model illustrates the value of a clearly articulated, human rights-aligned national strategy. Nigeria can adopt a similar framework that embeds gender, youth, and MSME priorities within its AfCFTA implementation, supported by partnerships with multilateral development actors.

RECOMMENDATIONS

To promote human rights-based implementation of the AfCFTA in Nigeria, the following recommendations are proposed:

1. **Establishment of a Human Rights Impact Assessment Framework:** Nigeria should establish a formal Human Rights Impact Assessment (HRIA) framework as a standard procedure for implementing trade policies under the AfCFTA.⁶⁹ HRIAs allow states to evaluate potential or actual human rights implications of economic agreements before and during implementation. This would involve setting up an inter-ministerial working group comprising the Federal Ministry of Industry, Trade and Investment, Ministry of Justice, National Human Rights Commission, and civil society organizations.⁷⁰ The framework must be legally binding and ensure that decisions on tariff liberalization, investment incentives, and sectoral priorities are preceded by a detailed analysis of their impact on marginalized groups, especially women, informal workers, and rural communities. The United Nations has long recognized the need to integrate HRIAs into trade agreements, arguing that such assessments are essential for ensuring coherence between economic policies and human rights obligations.⁷¹ By adopting this framework, Nigeria can strengthen the preventive safeguards in its trade governance, reduce unintended harm, and better align national implementation with regional commitments under the African Charter on Human and Peoples' Rights.
2. **Enactment and Enforcement of Legal Reforms that Promote Human Rights in Trade Regulation:** Legal reform is essential to ensure that Nigeria's domestic laws support human rights compliance in trade and investment transactions.⁷² While existing legislation covers aspects of labour, environment, and business regulation, there is a notable gap in integrating human rights due diligence (HRDD) obligations for corporations, particularly those operating in sectors likely to benefit from AfCFTA liberalization such as agriculture, mining, and manufacturing.⁷³ Nigeria should legislate HRDD obligations in line with the UN Guiding Principles on Business and Human Rights, requiring businesses to identify, prevent, and remedy adverse human rights impacts in their operations and supply chains.⁷⁴ Labour laws must be updated and effectively enforced to protect workers from exploitative practices, unsafe conditions, and arbitrary dismissals. Furthermore, regulations should include enforceable environmental and social safeguards to mitigate the impact of increased industrialization under AfCFTA.⁷⁵ Such reforms will ensure Nigeria does not fall into a regulatory gap where trade expansion leads to deteriorating social conditions, contradicting the very objectives of the AfCFTA Protocol on Trade and Sustainable Development.
3. **Facilitate Inclusive Stakeholder Engagement in AfCFTA Policymaking:** Nigeria must develop a participatory framework that enables inclusive stakeholder engagement in AfCFTA-related policymaking.⁷⁶ Currently, trade decisions are made by a limited circle of government officials and private sector actors, often excluding the voices of those most likely to be affected, informal traders, small-scale producers, women's associations, labour unions, and youth groups.⁷⁷ A rights-based

⁶⁹ African Union, 'Agenda 2063: The Africa We Want' (2020) (AU Commission 2020) <https://au.int/en/agenda2063> accessed 29 July 2025.

⁷⁰ Ibid.

⁷¹ African Union (n 69)

⁷² Tralac, 'Business and Human Rights under the AfCFTA' (2021) <<https://www.tralac.org/documents/resources/african-union/afcfta/4304-business-and-human-rights-under-the-afcfta/file.html>> accessed 29 July 2025.

⁷³ Ibid.

⁷⁴ Tralac (n 72).

⁷⁵ Tralac (n 72).

⁷⁶ UNCTAD, 'Monitoring Frameworks for Trade and Sustainable Development' (2019)

(UN 2019) <<https://unctad.org/webflyer/framework-monitoring-trade-and-development>> accessed 29 July 2025.

⁷⁷ Ibid.

approach demands that affected communities are not only informed but also meaningfully consulted in designing and implementing trade policies. This can be operationalized through regular national consultations, decentralized town hall meetings, and digital platforms for feedback.⁷⁸ Public education campaigns, in partnership with civil society, are crucial to increasing awareness of AfCFTA's benefits and risks. According to the United Nations Economic Commission for Africa, the legitimacy and sustainability of trade reforms are greatly enhanced when the process is inclusive.⁷⁹ Participatory mechanisms also strengthen policy ownership and create accountability loops between the state and its citizens.⁸⁰

4. Develop a Human Rights-Based Monitoring and Accountability System: Nigeria should adopt a robust monitoring and accountability framework specifically designed to track the human rights effects of AfCFTA implementation.⁸¹ This framework should include disaggregated data collection, rights-based performance indicators, and regular impact assessments.⁸² Particular attention should be paid to changes in employment quality, environmental health, gender parity, and income inequality. In addition to state-led monitoring, independent human rights bodies, academic institutions, and NGOs should be empowered to conduct shadow reporting and raise early warning signals. A national grievance redress mechanism should also be established for victims of rights violations linked to AfCFTA activities, whether committed by state actors or businesses. As UNCTAD notes, accountability is a crucial element in aligning trade agreements with sustainable development goals.⁸³ Without credible oversight, trade liberalization may result in impunity for rights violations and exacerbate existing inequalities.
5. Strengthen Regional Cooperation on Trade and Human Rights: Nigeria should champion the development of a continental mechanism under the African Union (AU) to monitor and report on human rights compliance in AfCFTA implementation.⁸⁴ Given that trade liberalization can have cross-border implications, regional cooperation on labour standards, environmental safeguards, and corporate accountability is vital. This could take the form of a Human Rights and Trade Observatory under the AU Commission, providing technical assistance to member states, issuing periodic reports, and promoting best practices across the continent.⁸⁵ Nigeria can lead by example through bilateral and regional partnerships that mainstream human rights into regional value chains. Such cooperation reflects the vision of Agenda 2063, which emphasizes people-centered development and inclusive growth across Africa.⁸⁶ Nigeria's active role in shaping this agenda will strengthen its standing in continental policymaking and ensure that AfCFTA evolves as a socially just framework.
6. Implement AfCFTA Gradually in Vulnerable Sectors: A phased implementation strategy is essential to prevent shock-induced rights violations in high-risk sectors such as agriculture, textiles, and informal retail trade.⁸⁷ These sectors are often dominated by low-income, unregulated labour, especially women and rural entrepreneurs who lack the capacity to compete with more established firms entering the Nigerian market. Nigeria should begin by piloting AfCFTA-compliant programs in these sectors, incorporating Human Rights Impact Assessment Frameworks, regulatory protections, and support

⁷⁸ UNCTAD (n 76)

⁷⁹ United Nations Economic Commission for Africa (UNECA), 'AfCFTA and Inclusive Growth: Policy Brief' (2020) <<https://www.uneca.org/publications/policy-brief-afcfta-and-inclusive-growth>> accessed 29 July 2025.

⁸⁰ Ibid.

⁸¹ United Nations Office of the High Commissioner for Human Rights (UN OHCHR), 'Guiding Principles on Human Rights Impact Assessment of Trade and Investment Agreements' (2014) (UN 2014) <<https://www.ohchr.org/sites/default/files/Documents/Publications/HR-ImpactAssessments-Trade.pdf>> accessed 29 July 2025.

⁸² Ibid.

⁸³ United Nations Office of the High Commissioner for Human Rights (n 81).

⁸⁴ United Nations, 'Guiding Principles on Business and Human Rights: Implementing the UN "Protect, Respect and Remedy" Framework' (2011) <<https://www.ohchr.org/en/publications/guiding-principles-business-and-human-rights>> accessed 29 July 2025.

⁸⁵ Ibid.

⁸⁶ United Nations (n 84).

⁸⁷ Firew Tiba, 'Assessment of the Potential Impact of the African Continental Free Trade Area on the Right to Food Security of Small-Scale Farmers and Vulnerable Groups' (2023) 7 *African Human Rights Yearbook* 325.

services.⁸⁸ Lessons from these pilots can then inform broader national rollouts. This adaptive strategy will allow the government to identify implementation gaps, allocate support efficiently, and build resilience among vulnerable groups.⁸⁹ Gradual liberalization will also buy time for institutional reforms, capacity-building, and policy experimentation necessary for a socially equitable transition.⁹⁰

CONCLUSION

This paper critically examined Nigeria's implementation of the African Continental Free Trade Area (AfCFTA) through a human rights lens, highlighting key institutional, legal, and policy gaps that undermine the realization of inclusive and sustainable trade. The analysis reveals that Nigeria's current approach to AfCFTA implementation remains primarily economic-centric, with insufficient integration of human rights principles such as labour protections, gender equality, environmental sustainability, and stakeholder inclusion. These gaps manifest in weak institutional mandates, fragmented regulatory frameworks, exclusion of vulnerable groups, limited public awareness, and poor inter-agency coordination, thereby constraining Nigeria's ability to meet its constitutional and international human rights obligations under the African Charter on Human and Peoples' Rights. To contextualize Nigeria's performance, the paper conducted a comparative analysis of South Africa, Kenya, and Ghana, three AfCFTA signatories that have adopted varying models of rights-conscious trade implementation. These case studies revealed how judicial enforceability (as seen in South Africa), structured stakeholder consultation (as in Kenya), and proactive national planning (as in Ghana) can serve as useful models for aligning trade liberalization with social justice goals. The contrast underscored Nigeria's need for institutional reform, participatory governance, and policy coherence to avoid exacerbating socio-economic disparities under the AfCFTA.

In light of these findings, the paper advanced seven interconnected recommendations: embedding human rights impact assessments in trade policy; strengthening legal protections for labour, gender, and the environment; creating institutional linkages between trade and human rights agencies; promoting the participation of marginalized stakeholders; improving awareness among local communities and businesses; enforcing corporate accountability through due diligence; and developing a unified inter-ministerial framework for trade governance. Collectively, these strategies provide a blueprint for rights-based AfCFTA implementation in Nigeria. Future research should deepen empirical understanding of how trade liberalization under AfCFTA is impacting specific rights-holders, particularly women, informal workers, and rural communities in Nigeria. There is also scope for more comparative research with other African states to further identify scalable best practices for aligning trade and human rights. From a practical perspective, policymakers should collaborate with civil society and academia to establish transparent monitoring systems, develop training tools, and refine laws that translate rights commitments into enforceable safeguards across the trade lifecycle.

A rights-anchored implementation of the AfCFTA is not merely aspirational; it is a legal, developmental, and moral imperative. If Nigeria is to benefit equitably from the Agreement, it must institutionalize trade practices that advance both economic growth and the protection of fundamental human rights. This is not a secondary obligation but a precondition for building a just, inclusive, and resilient economic future. Real progress will only emerge when trade policy becomes inseparable from human dignity.

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⁸⁸ Ibid.

⁸⁹ Firew Tiba (n 87).

⁹⁰ Firew Tiba (n 87).

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