

**INITIAL DOCUMENTATION FOR THE WEBINAR
SERIES ON
ECONOMIC AND EDUCATION
INTERDEPENDENCIES IN THE
AFRICA–EU PARTNERSHIP
UNPACKING THE AFCFTA – HIGHER EDUCATION LINK**

Initiative on Leveraging the African Continental Free Trade Area (AfCFTA) for integration in higher education

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HAQAA Materials

1. The HAQAA Materials on Continental and Regional Integration in Higher Education: <https://haqaa3.obreal.org/publications/#Materials>
2. The HAQAA3 Policy Briefs Series: <https://haqaa3.obreal.org/publications/#policybriefs>

The basic materials of the Yaoundé Initial Conference (7th – 8th April 2025) on Leveraging the African Continental Free Trade Area (AfCFTA) for Integration in Higher Education

1. The Initiative's Rationale: https://obreal.org/wp-content/uploads/2025/03/AfCFTA-Initiative-Rationale_2.pdf
2. The Conclusions of the Conference: https://obreal.org/wp-content/uploads/2025/04/AfCFTA-Conclusions_FINAL.pdf

The PowerPoint presentation for the first webinar

1. PPT Presentation <https://obreal.org/wp-content/uploads/2025/09/First-Session-AfCFTA-Webinar-Series-1.pdf>

A selection and comparison of the main provisions of the GATS/WTO and of the AfCFTA Protocol on Trade in Services

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1. WTO'S GENERAL AGREEMENT ON TRADE IN SERVICES (GATS)

PART I

SCOPE AND DEFINITION

Article I. Scope and Definition

1. This Agreement applies to measures by Members affecting trade in services.
2. For the purposes of this Agreement, trade in services is defined as the supply of a service:
 - (a) from the territory of one Member into the territory of any other Member (mode 1 in the jargon);
 - (b) in the territory of one Member to the service consumer of any other Member (mode 2 in the jargon);
 - (c) by a service supplier of one Member, through commercial presence in the territory of any other Member (mode 3 in the jargon);
 - (d) by a service supplier of one Member, through presence of natural persons of a Member in the territory of any other Member (mode 4 in the jargon).
3. For the purposes of this Agreement:
 - (a) "measures by Members" means ...
 - (i)
 - (ii)

In fulfilling its obligations and commitments under the Agreement, each Member shall take such reasonable measures as may be available to it to ensure their observance by regional and local governments and authorities and non-governmental bodies within its territory;

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(b) *"services" includes any service in any sector except services supplied in the exercise of governmental authority;*

(c) *"a service supplied in the exercise of governmental authority" means any service which is supplied neither on a commercial basis, nor in competition with one or more service suppliers.*

PART II

GENERAL OBLIGATIONS AND DISCIPLINES

PART III

SPECIFIC COMMITMENTS

PART IV

PROGRESSIVE LIBERALIZATION

PART V

INSTITUTIONAL PROVISIONS

PART VI

FINAL PROVISIONS

Article XXVIII. Definitions

For the purpose of this Agreement:

- (a)
- (b)

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- (c) "measures by Members affecting trade in services" include measures in respect of
 - (i)
 - (ii)
 - (iii) the presence, including commercial presence, of persons of a Member for the supply of a service in the territory of another Member;
- (d) "commercial presence" means any type of business or professional establishment, including through
 - (i) the constitution, acquisition or maintenance of a juridical person, or
 - (ii) the creation or maintenance of a branch or a representative office, within the territory of a Member for the purpose of supplying a service;
- (e)
 - (i)
 - (ii)
- (f) "service of another Member" means a service which is supplied,
 - (i)
 - (ii) in the case of the supply of a service through commercial presence or through the presence of natural persons, by a service supplier of that other Member;
- (g)
- (h)
- (i)
- (j)
- (k)
 - (i)
 - (ii)
- (l) "juridical person" means any legal entity duly constituted or otherwise organized under applicable law, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, joint venture, sole proprietorship or association;

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- (m) "juridical person of another Member" means a juridical person which is either:
- (i) constituted or otherwise organized under the law of that other Member, and is engaged in substantive business operations in the territory of that Member or any other Member; or
 - (ii) in the case of the supply of a service through commercial presence, owned or controlled by:
 - 1. natural persons of that Member; or
 - 2. juridical persons of that other Member identified under subparagraph (i);
- (n) a juridical person is:
- (i) "owned" by persons of a Member if more than 50 per cent of the equity interest in it is beneficially owned by persons of that Member;
 - (ii) "controlled" by persons of a Member if such persons have the power to name a majority of its directors or otherwise to legally direct its actions;
 - (iii) "affiliated" with another person when it controls, or is controlled by, that other person; or when it and the other person are both controlled by the same person;
- (o)

2. AGREEMENT ESTABLISHING THE AFRICAN CONTINENTAL FREE TRADE AREA. PROTOCOL ON TRADE IN SERVICES

Please notice how the relevant provisions are just copied from the parallel ones in GATS

PART I – DEFINITIONS

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Article 1 – Definitions

For the purposes of this Protocol:

(a) "Commercial presence" means any type of business or professional establishment, including through:

- i) the constitution, acquisition or maintenance of a juridical person, or
- ii) the creation or maintenance of a branch or a representative office, within the territory of a State Party for the purpose of supplying a service;

(c) "Juridical person" means any legal entity duly constituted or otherwise organised under applicable law of State Parties, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, joint venture, sole proprietorship or association;

(d) A juridical person is:

- i. "Affiliated" with another person when it controls, or is controlled by, that other person; or when it and the other person are both controlled by the same person;
- ii. "Controlled" by persons of a State Party if such persons have the power to name a majority of its directors or otherwise to legally direct its actions; and
- iii. "Owned" by persons of a State Party if more than 50 per cent of the equity interest in it is beneficially owned by persons of that State Party;

(e) "Juridical person of another State Party" means a juridical person which is either:

- constituted or otherwise organised under the law of that other State Party, and is engaged in
- substantive business operations in the territory of that State Party or any other State Party; or
- in the case of the supply of a service through commercial presence, owned or controlled by:
 - natural persons of that State Party; or

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- juridical persons of that other State Party identified under subparagraph (i);

(p) "Trade in services" means the supply of service:

- from the territory of one State Party into the territory of any other State Party;
- in the territory of one State Party to the service consumer of any other State Party;
- by a service supplier of one State Party, through commercial presence in the territory of any other State Party;
- by a service supplier of one State Party, through presence of natural persons of a State Party in the territory of any other State Party.

PART II – SCOPE OF APPLICATION

Article 2 – Scope of application

1. This Protocol applies to measures by State Parties affecting trade in services.
2. For the purposes of this Protocol, trade in services is based on the four modes of supply of a service as defined in Article 1(p) of this Protocol.
3. For the purposes of this Protocol:
 - (a)
 - (b) "Services" includes any service in any sector except services supplied in the exercise of governmental authority; and
 - (c) "A service supplied in the exercise of governmental authority" means any service which is supplied neither on a commercial basis, nor in competition with one or more service suppliers.

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