AGOA and FOCAC: Competing for African Markets through Multilateral Trade Agreements

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The post-Cold War global economy has been characterized by an exponential increase in the number of MTAs/RTAs to reduce and eliminate barriers to multilateral trade and economic exchanges. The US post-Cold War foreign policy was anchored on 'engagement and enlargement' to build a community of free market nations. China confronted by domestic economic metamorphosis, embarked on the policy of ***zhuada fangxiao*** *and* ***zouchuqu*** *to expand its economic and commercial networks. In 2000 both the US and China formed AGOA and FOCAC respectively, to open up their economies and accelerate economic exchanges with Africa. AGOA and FOCAC while not by their nature intentionally exacerbating trade inequalities, reinforce significant disparity between the 'net-winner' countries and 'net-loser' countries in Africa. This paper attempts to explore the origins and objectives of the schemes, the trade trends and the implications of the evolving trade relationships between African countries, the United States and China.*

INTRODUCTION

The intensification of the process of globalization has significantly contributed to the growth of multilateral/regional trade arrangement (MTAs/RTAs) among countries and regions. The number of MTA/RTAs that have notified to the World Trade Organization (WTO), and in force as of November 15, 2008 stood at 234 (WTO 2008). MTAs take different forms and shapes and their memberships consist of a plethora of countries in various stages of development. Scholars from diverse disciplines have tried to proffer different explanations for this surge. These explanations range from the traditional Vinerian theory, the Everett Roger's diffusion of invention theory, the club good theory (Cornes and Sander 1996, Padoan 1997), to the prospect theory (Frankel 1997). A review of these theories is well articulated in McClough (2004, p.5 – 15). Propelled by the collapse of the former Soviet Union, determined to increase its share of Africa's market hitherto dominated by Europe, and encouraged by the need to increase trade and investment to Africa and create greater economic environment and opportunities for African entrepreneurs, the United States Congress in 1995 proposed a bill which eventually led to the creation of the Africa Growth and Opportunity Act (AGOA) under the Trade and Development Act Title II of May 2000. Similarly in October 2000 due to the need to address globalization and enhance cooperation between China and Africa, the Chinese government initiated a ministerial meeting with 45 African states which led to the creation of the Forum on China-Africa Cooperation (FOCAC). Both MTAs are more than mere neo-classical liberal economic schemes: they are also political, social and cultural instruments through which exchanges between these countries have intensified. For the United States and China, both schemes were intended to offer strong competition with Europe which has for decades dominated economic and other exchanges in Africa. This paper therefore seeks to find out which countries have become dominant in trade with Africa.

The formation of liberal trade agreements between African countries and countries from other regions is not new. For examples, the Yaoundé Conventions of 1963 and 1969 between the European Economic Community (EEC) and 18 associated African ex-colonies of France, Belgium and Italy; the British Association of Commonwealth Countries between Britain and its ex-colonies; the various Lomé Conventions of 1973, 1979 and 1984 between the European Union (EU), Africa, Caribbean and Pacific countries (EU-ACP); and the ongoing Economic Partnership Agreement (EPA) formed under the Cotonou Agreement of 2000 by EU and ACP countries in response to the non-reciprocal and discriminatory preferential trade agreements by the EU which are incompatible with the rules of WTO.

The creation of AGOA was underscored by the post-Cold War America policy of 'engagement and enlargement' to build a community of free market nations, in which the US would no longer cede the African market to Europe. For China, its post-Cold War economic policy which was anchored on *zhuada fangxiao* ('grasping the large and releasing the small') and *zouchuqu* ('going out'), and the need to find sources of energy for its expanding economy were the driving forces in its resurgence in Africa to compete with Europe and US.

For African states, both schemes at least offer them an opportunity to diversify their [inter]dependence, on economic, political and socio-cultural exchanges from Europe-dominated post-colonial arrangements. The creation of both the AGOA and FOCAC has dramatically altered the post-colonial commercial map of Africa which hitherto had been controlled by Britain and France. Both the United States and China have become major players in economic activities in Africa. For example, the US is the largest destination for exports from Sub-Saharan Africa, while China is the second largest trading partner in Africa behind US. China – Africa trade is up by 24 percent from 1995 to 2007 (Africa News Network 2008), and it is projected to increase to \$100 billion by 2010. The \$100 billion projection for 2010 was reached in 2008, when the two-way China-Africa trade reached \$107 billion (China Daily 2009). In 2005, Africa posted a trade surplus of \$2.4 billion (Wenping 2008). The pertinence of AGOA and FOCAC cannot be overemphasized. While AGOA exemplifies North-South cooperation, FOCAC is an archetype of South-South, 'win-win' cooperation. Finally, both schemes are post-Cold War articulation of efforts by China and US to compete with the European countries in the share of trade and economic exchanges in Africa. The intent of this paper therefore is, to examine the origins and objectives of these schemes, the trend of trade and implications for Africa.

THE CREATION AGOA

The bill which led to the formation of AGOA was initiated in 1995 and after a five-year battle; it was passed into act by the US Congress on May 18, 2000 under the Trade and Development Act Title II. It came into force on October 1, 2000. The Act offers tangible incentives to designated sub Saharan African (SSA) countries to continue their efforts to open their economies and build free markets. AGOA delegates authority to the Office of the United States Trade Representative (USTR) to publish determinations regarding whether a country has established an effective visa system and meets the other customs-related requirements under section 112 of the Act (USTR 2000). It gives the President of the United States the authority to designate a SSA country as eligible to participate in AGOA or to remove from the list of designated beneficiary of SSA countries, any country deemed not to be making progress or violated the eligibility criteria. AGOA was intended to advance US economic and security interests in SSA countries which make significant progress towards economic development and political reforms. Since October 2000, there have been three other phases of AGOA, namely, AGOA II (2002) which would significantly expand preferential access for imports from beneficiary SSA countries; AGOA III (2004) which would extend preferential access for imports from beneficiary SSA countries until September 30, 2015; and AGOA IV (2006) which would extend the third country fabric provision from September 2007 to September 2012 (AGOA 2006).

AGOA is based on the principle that increased trade and investment flows would have greater impact on the economic environment in which trading partners eliminate obstacles to trade and capital flows and encourage the development of a prosperous private sector that would offer greater economic opportunities to Africans. Its primary objective is therefore to offer duty-free and quota-free access to a wider range of products from SSA to American market for an initial period of eight years (later extended to 2015). Conventional orthodox economists would argue that AGOA is a non-reciprocal trade agreement in that SSA countries are not required to offer duty- and quota-free access to American products. This assumption is parochial, for AGOA not only lays down certain economic and political criteria to be satisfied by SSA countries, it ensures increased trade and carries with it certain essential ingredients of American capitalist philosophy and governance. This assertion is clearly articulated in the objectives and eligibility criteria of AGOA.

OBJECTIVES OF AGOA

According to section 103 of the Act, the objectives of AGOA are as follows:

1. Encourage increased trade and investment between the United States and Sub-Saharan Africa;
2. Reduce tariff and non-tariff barriers and other obstacles to sub-Saharan African and Unites States trade;
3. Expand United States assistance to sub-Saharan Africa's regional integration efforts;
4. Negotiate reciprocal and mutually beneficial trade agreements, including the possibility of establishing free trade areas that serve the interest of both the United States and the countries of sub-Saharan Africa;
5. Focus on countries committed to the rule of law, economic reform, and the eradication of poverty;
6. Strengthen and expand the private sector in sub-Saharan Africa, especially enterprises owned by women and small business;
7. Facilitate the development of civil societies and political freedom in sub-Saharan Africa;
8. Establish a United States-sub-Saharan African Trade and Economic Forum; and
9. Accession of the countries of sub-Saharan Africa to the Organization for Economic Cooperation and Development (OECD), Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (AGOA 2000).

From the above it is quite clear that the objectives are wide-ranging and beyond ordinary non-reciprocal tariff-free trade arrangements. It is an economic and political arrangement for further deepening of the relationship between the US and SSA.

ELIGIBILITY CRITERIA

The Act prescribed certain economic and political requirements which participating SSA countries must fulfill before becoming actively involved. According to section 104 of the Act, the President of the United States is authorized to designate a sub-Saharan African country as eligible if the President determines that the country has:

(1) Established, or is making continual progress toward establishing:

a. a market-based economy that protects private property rights, incorporates an open rules-based trading system, and minimizes government interference in the economy through measures such as price controls, subsides, and government ownership of economic assets;
b. the rule of law, political pluralism, and the right to due process, a fair trial, and equal protection under the law;
c. the elimination of barriers to United States trade and investment, including by – (i) the provision of national treatment and measures to create an environment conducive to domestic and foreign investment; (ii) the protection of intellectual property; and (iii) the resolution of bilateral trade and investment disputes;

d. economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, promote the development of private enterprise, and encourage the formation of capital market through micro-credit or other programs;
e. a system to combat corruption and bribery, such as signing and implementing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; and
f. protection of internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wage, hours of work, and occupational safety and health;

(2) Does not engage in activities that undermine United States national security or foreign policy interests; and

(3) Does not engage in gross violation of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violation and terrorist activities (AGOA 2000).

Based on these criteria, the President of the United States can approve the membership of SSA countries to AGOA. Similarly, the President can terminate the membership of any SSA country that is not continually making progress in meeting these requirements.

The removal of a country from the list of designated countries as a beneficiary country is based on section 502(b) of the US Trade Act of 1974 as amended, which states that the President shall not designate any country as a beneficiary country if:

1. The country is a Communist country, unless its products receive normal trade relations treatment, it is a member of the WTO and International Monetary Fund or is not dominated or controlled by international communism;
2. The country is a party to an arrangement or participates in any action that withholds or has the effect of withholding vital commodity resources or raise their prices to unreasonable levels, causing serious disruption to the world economy;
3. The country affords preferential treatment to products of a developed country which has or is likely to have a significant adverse effect on US commerce;
4. The country has nationalized, expropriated or otherwise seized property, including trademarks, patents, or copyrights owned by a US citizen without compensation;
5. The country does not recognize or enforce arbitrary awards to US citizens or corporations;
6. The country aids or abets, by granting sanctuary from prosecution, any individual or group which has committed international terrorism;
7. The country has not taken or is not taking steps to afford internationally-recognized worker rights, including the right of association, the right to organize and bargain collectively, freedom from compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work and occupational safety and health;
8. The country has not implemented its commitment to eliminate the worst forms of child labor, as defined by the International Labor Organization's Convention 182 (AGOA 2003).

The implication of section 502(b)(2) is that, if for example, the Organization of Petroleum Exporting Countries (OPEC) decides to increase the price of crude by reducing its production as was the case in the late 1970s and 1980s, Nigeria's participation in AGOA may be terminated. The rules of termination like the rules of entry are set down by the US and the power is exercised by the US President.

As of April 2008, forty SSA countries were eligible for AGOA benefits (USTR 2008). AGOA has expanded the list of duty-free treatment under GSP to AGOA eligible countries to more than 1,800 tariff line items in addition to the standard GSP list of approximately 6,000 items available to non-AGOA GSP beneficiary countries (AGOA 2001). These products range from raw materials, semi-processed, processed, semi-assembled parts, spare parts, textiles to finished manufactured products. Although these products have been classified as eligible for duty-free treatment under AGOA, they are required to meet certain non-tariff specifications and standards such as weight, inspection, quality, quantity, and unit price.

THE CREATION OF FOCAC

Driven by the accentuation of the globalization process, the need to seek for potential energy sources, the proclivity to reciprocate Africa's support during the Tiananmen Square debacle, the long-term strategic interests to boost its international status and to curb Taiwan's relations with Africa, China in October 2000 organized a Cooperation-Ministerial meeting in Beijing which culminated in the formation of FOCAC. The meeting was attended by 80 ministers in charge of foreign affairs and international trade and economic development from 45 African states. Delegates also came from 17 international and regional organizations, and representatives from Malawi and Liberia (two countries that did not have diplomatic ties with China at the time of the meeting). The meeting reached a broad consensus about establishing a fair and just international political and economic order for the 21st century, and how to promote Sino-Africa economic and trade cooperation. The meeting also prepared and passed two official documents: the Beijing Declaration of the Forum on China-Africa Cooperation, and the Sino-Africa Cooperation Guidelines for Social and Economic Development to provide a framework for China and Africa to build closer and long-standing, stable and mutually beneficial relations (China.Org.cn 2000). The Beijing Declaration recognized FOCAC as a south – south, 'win-win' cooperation scheme between developing countries (Embassy of Republic of China in the Republic of Zimbabwe 2004). Since this inaugural meeting, there have been FOCAC ministerial meetings in Addis Ababa, Ethiopia on December 15 -16 2003, Beijing on November 3 – 5, 2006, and Sham El Sheik, Egypt on November 8 -9, 2009. While the Addis Ababa meeting passed the Addis Ababa Action Plan (2004 – 2006), the Beijing summit passed the FOCAC Action Plan (2007 – 2009) and the Sham El Sheik summit passed the 2010 – 2012 Action Plan. Although the FOCAC ministerial confabs *de jure* provide the platform for setting the tone for collaborative agreements, by *de facto* most development exchanges between China and Africa take place on bilateral basis.

The FOCAC's Beijing declaration of the FOCAC, the Addis Ababa Action plan and the Beijing Action Plan are all well articulated and all encompassing documents which focus on a wide range of issues including the impact of globalization, the need for south-south cooperation, the issue of nuclear weapons, the role of the UN and the African Union, the spread of HIV/AIDS, human rights, and political, economic, energy and social cooperation. Each plan sets out certain accomplishable goals and objectives which are consistent with the key principles of China's African policy based on peaceful coexistence, respect for Africa independence, mutual benefit, mutual support and common development. The Beijing FOCAC Action Plan for 2007 – 2009 was aimed to build on the success of the previous plans by encouraging: political cooperation in the areas of high level visits, collective dialogue, contacts between legislature and level of governments, consular and judicial cooperation. Furthermore, the Plan hoped to establish economic cooperation in the areas of agriculture, investment and business cooperation, trade, finance, infrastructure, cooperation in energy and resources, cooperation in science and technology. It also hoped to create cooperation with Africa in international affairs in the areas of the observance of various international instruments including the UN charter, the Five Principles of Peaceful Coexistence, the Constitutive Act of the African Union (AU), human rights, the principles of the World Trade Organization (WTO); and cooperation in social development in the areas of human resources development, culture, education, medical care and public health, environmental protection, tourism, news media and people-to-people, youth and women exchanges. Finally, through FOCAC, China hopes to liberalize trade with Africa. Since the creation of FOCAC, China has accomplished some of the following projects to boost trade: introduced and expanded zero-tariff treatment to over 440 products from least developed countries (LDCs) in Africa and increased trade; established five special economic zones (SEZs) (at various stages of completion) in parts of Africa (two in Nigerian, one in Ethiopia, one in Zambia, and one in Mauritius) (Brautigan *et al* 2010, p.2); significantly increased Chinese government scholarships to African students to 5500 per year; and increased trade by over 30 percent annually (China Daily 2008).

AGOA, FOCAC AND TRENDS IN TRADE WITH AFRICA AND THEIR IMPLICATIONS

In this section, I examine the trend and implications of both the AGOA and FOCAC on trade between Africa and US, and trade between Africa and China on the other hand. Although both arrangements are trade centered, cooperation under FOCAC is more encompassing than AGOA. While AGOA is a cooperation between the US and Sub-Saharan African countries, FOCAC is a cooperation between China and African countries. For example, the various Action Plans articulate cooperation in all aspects of multilateral relations. While AGOA is a trade arrangement under the genre of North – South relations, FOCAC brings together developing countries in Africa under South – South umbrella. AGOA provides eligibility criteria for entry and for de-membership, FOCAC on the other hand has no such elaborate criteria. Rather, all African states with diplomatic relations with China (regardless of the type of political regime) can join the forum.

Both schemes are intended to increase trade, investment and other exchanges between the member countries. In this section, I concentrate on trade under both schemes. Both schemes have also led to increases in trade with Africa. It is important to note that not all trade between Africa and China and US are under FOCAC or AGOA. China's trade with Africa is based on the framework of the endowment-based theory in which Africa enjoys comparative advantage because of its natural resources while China benefits from the export of manufactured goods due to the rich stock of skilled labor (Broadman 2007).

According to USTR report (2008) since the inception of AGOA it has helped increase US two-way trade with SSA. And as shown in Table 1, US total exports to SSA in 2007 was $14.3 billion, more than double the amount in 2001 (International Trade Administration 2008). Also in 2008, US imports from SSA significantly increased during this period to $86.1 billion (International Trade Administration 2009). As tables 1 and 2 further showed, the United States continued to maintain a large share of the African market over China. However, in 2006 and 2007 as indicated in table 3, China was the largest individual country exporter to SSA with a growing market share of 8.9 percent or $19.0 billion in exports and 9.8% or $26.3 billion for 2006 and 2007 respectively, to the region. Similarly, the US was the largest individual country home to exports from SSA with a market share of 29.6 percent or $52.4 billion in 2006. The EU as a group maintains the largest market share for both SSA's imports and exports. Both China and the US have altered the direction of trade which had hitherto been dominated by Britain and France.

TABLE 1
US TRADE WITH SUB-SAHARAN AFRICA 2004-2008 (BILLIONS OF US $)

	2004	2005	2006	2007	2008
US. Exports	8.4	10.3	12.1	14.3	18.4
US. Imports	35.9	50.4	59.1	67.4	86.1

International Trade Administration (2008 and 2009)

TABLE 2
CHINA TRADE WITH AFRICA 2003-2008 (MILLIONS OF US $)

	2003	2004	2005	2006	2007	2008
China Exports	9012	12083	16308	22888	31870	43295
China Imports	8169	15041	19961	26856	34445	52884

IMF (2009) *Direction of Trade Statistics Yearbook*.

TABLE 3
AFRICA'S MAJOR TRADING PARTNERS 2005-2006
(IN BILLIONS OF US $ AND MARKET SHARE %)

	2006	%share	2007	%share		2006	% share	2007	% share
SSA's imports					**SSA's Exports**				
China	19.0	8.9%	26.5	9.8%	US	61.5	29.5%	69.6	28.5%
Germany	13.0	6.1%	15.0	5.6%	China	26.3	12.6%	32.9	13.4%
US	12.1	5.6%	14.4	5.3%	UK	13.0	6.2%	13.7	5.6%
France	11.3	5.3%	13.1	4.9%	Japan	12.5	6.0%	13.3	5.4%
UK	8.9	4.1%	9.8	3.6%	Spain	10.9	5.2%	12.0	4.9%
S. Africa	7.3	3.4%	9.0	3.3%	France	9.2	4.4%	10.5	4.3%
Japan	7.2	3.3%	8.6	3.2%	Germany	8.9	4.3%	9.4	3.8%
Netherlands	6.0	2.8%	8.6	3.2%	Netherlands	6.8	3.2%	9.1	3.7%
Italy	5.5	2.6%	6.3	2.4%	Italy	7.4	3.6%	9.1	3.7%
Spain	2.8	1.3%	3.1	1.2%	S. Africa	3.3	1.6%	5.3	2.2%
Total EU	62.0	28.9%	74.9	27.8%	Total EU	67.0	32.1%	76.9	31.4%

International Trade Administration (2009, p.6)

TABLE 4
MAJOR AFRICAN COUNTRIES' EXPORTERS OF GOODS TO US AND CHINA

US	**China**
Nigeria	Angola
Angola	South Africa
South Africa	Sudan
Republic of Congo	Republic of Congo
Gabon	Equatorial Guinea
Chad	
Equatorial Guinea	

TABLE 5
MAJOR AFRICAN COUNTRIES'IMPORTERS OF GOODS FROM US AND CHINA

US	China
South Africa	South Africa
Nigeria	Mozambique
Angola	Sudan
Kenya	Liberia
Gabon	
Ghana	

Tables 4 and 5 indicated that there was a significant similarity of the major African trading partners to China and US. This similarity is reflected in the major exports of these African countries. The tables further suggested that there was concentration of trade among the 'more prosperous' or net-winner countries (Nigeria, Ghana, Ivory Coast, South Africa, Botswana, Egypt) in Africa thereby creating disparities with less developed or 'net-loser' countries. For example, Holslag *et al* (2007, p.33) pointed that 'between 1996 and 2005, the total deficit of thirty net-loser countries increased from $1 billion to nearly $6 billion, whereas the surplus of the net-winner countries rose from $210 million to $11.7 billion'. Both schemes therefore reinforced the existing dichotomy in growth and development between the resources endowed African states and those countries that do not have natural resources. Furthermore, table 6 indicated that for both China and US, the main exports from Africa were raw materials which included oil, natural gas and other minerals. Oil and natural gas accounted for 62 percent of Africa's exports to China, followed by 17 percent of ores and metals in 2004 (Broadman 2007, p.80). And in 2005, Africa provided 21.1 per cent of China's total oil imports (Holslag *et al* 2007, p.26). For the US, oil imports from Africa accounted for 79.6 percent, while platinum (5.6 percent) remained second, and diamond (2.3 percent) remained third in 2007(International Trade Administration 2008). Most of US oil imports come from Nigeria and Angola, while most of China's oil imports come from Angola, Sudan, Democratic Republic of Congo, and Equatorial Guinea (Broadman 2007, 81). Apart from oil, table 6 further indicated that metalliferious ores (iron ore, cobalt, manganese, niobium and tantalum) were indispensable imports products for China's high-tech industries. On the other hand, the leading Africa's imports from China and US are mainly manufacture goods with more value added.

TABLE 6
LEADING ITEMS OF TRADE

Leading Africa' imports from China and US			**Leading Africa's exports to China and US**	
China	US		China	US
Clothing and textile	Motor vehicles		Crude oil and natural gas	Oil (crude and non-crude
Machinery	Machinery and equipment		Ores and metal, and precious stones	Platinum
Transportation equipment	Oilseeds and grains		Wood products	Diamonds
Base metal	Aircraft and parts		Auto parts	Woven and knit apparel
Footwear	Petroleum and coal products			Natural gas

Information culled from: Broadman (2007); Holslag *et al* (2007); International Trade Administration (2008 and 2009); Africa's News Network (2008)

CONCLUSION AND IMPLICATIONS

Africa, China and United States have explored the benefits of the phenomenal rise in MTAs since the 1990s. Africa's trade with China and US has significantly increased due in part to the creation of FOCAC and AGOA. Both China and the United States have not only become major players in Africa, they have in some cases dwarfed European countries which had previously dominated trade in Africa. However, in spite of the burgeoning demand for Africa's products by both China and US, trade under these schemes are largely concentrated in a few countries and are based on raw minerals, metals and forest products. This means that in spite of the volume of trade, the monetary value from trade is lower when compared to value from manufactured goods from China and US. For example, in the timber sector, China's accelerated demand for Africa's timber and forest products has not led to corresponding development in domestic processing and manufacturing capacity (*Canby et al* 2006). Africa countries need to engage in schemes that will increase their manufacturing and processing capacities so that they can add more value to their exports.

The US and China's trade with Africa is an archetype of neo-classical trade between unequal partners in which China's industrial and technological advantages create higher monetary value than Africa's largely unprocessed crude oil, minerals and forest products. The study by Canby *et al* (2006, p.19) for forest products indicated that although the volume of Africa's export of saw wood and other forest products rose significantly to China's export of furniture, fiber board, paper, and plywood, China gained higher dollar value per cubic meter because its exports to Africa were composed of processed and manufactured products. As important as these trade scheme are to Africa, they replicate in significant ways, the dominant countries' policies and trade regimes, which are sometimes unfair, and exploitative.

The African economy is constrained by the existence of disparities between the 'more prosperous' or "net-winner" countries and the less developed countries or "net-losers" in the continent. These schemes while not by their nature intentionally exacerbating trade inequalities, reinforce significant disparity between net-winner countries and net-loser countries in Africa.

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