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School of Law

Master of Laws (LL.M), Business Law

Product Standards under the AfCFTA Protocol on Trade in Goods and Ethiopia's Journey towards Regional Economic Integration

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Advisor: Dr. Martha Belete

**A Thesis Submitted for the Partial Fulfillment of the Requirements of the Degree of Master
of Law (LL.M) in Business Law**

August, 2025

Addis Ababa, Ethiopia

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Declaration

I Bezawit Mesfin declare that this paper consists of my original work, and it has not been published or submitted for the requirements of any other degree program.

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Confirmation

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List of Abbreviations

AfCFTA	African Continental Free Trade Area
AFRAC	African Accreditation Cooperation
AFRIMETS	Intra-Africa Metrology System
AFSEC	African Electrotechnical Standardization Commission
ARSO	African Organization for Standardization
AU	African Union
CAB	Conformity Assessment Body
EAS	Ethiopian Accreditation Service
ECAE	Ethiopian Conformity Assessment Enterprise
EMI	Ethiopian Metrology Institute
ENAO	Ethiopian National Accreditation Office
ESA	Ethiopian Standards Agency
ESI	Ethiopian Standards Institute
IES	Institute of Ethiopian Standards
ISB	International Standardization Body
ISO	International Organization for Standardization
ITC	International Trade Centre
MoTRI	Ethiopian Ministry of Trade and Regional Integration
NTBs	Non-Tariff Barriers
OAU	Organization of Africa Unity

OIML International Organization of Legal Metrology

PAQI Pan-African Quality Infrastructure

PTB Physikalisch-Technische Bundesanstalt

QSAE Quality and Standards Authority of Ethiopia

RECs Regional Economic Communities.

SPS Sanitary and Phytosanitary Measures

TBT Technical Barriers to Trade

UNECA United Nations Economic Commission for Africa

WTO World Trade Organization

Abstract

Even though Ethiopia advances policy goals that capitalize on industrialization and enhancing export sector economy, the country's market faces significant hurdles that relate to compliance with international standards and product quality requirements affecting its advancement on such sectors. As a signatory to the AfCFTA agreement, Ethiopia faces crucial obligations of harmonizing its standards and complying with the requirements of the TBT Annex of the AfCFTA Protocol on trade in goods. This study tries to assess Ethiopia's journey towards compliance with several specific obligations found in the AfCFTA TBT Annex that are related to the product standards obligations.

The study analyzes the essential features of the Ethiopian product standard regulation regime, in light of the specific obligations under the AfCFTA TBT Annex. An analysis of the overall National Quality infrastructure of the country mainly consisting of the Institute of Ethiopian Standards, the Ethiopian Conformity Assessment Enterprise, the Ethiopian Metrology Institute, and the Ethiopian Accreditation Service has been made and several challenges like inadequate standards implementation regime, inefficient conformity assessment procedures, poor coordination, inadequate funding, and staff retention problems have been flagged. The study proposes that putting in place robust policy framework, focus on implementation and follow up of standards, rigorous capacity building and awareness initiatives and building strong strategic alliance with important stakeholders is necessary for Ethiopia to comply with our AfCFTA Agreement obligations and benefit out of it.

Chapter 1: Introduction

1.1. Background of the Study

The African Continental Free Trade Area Agreement or the AfCFTA, established in 2018 by member countries of the African Union, is a free trade area agreement that has the main aim of establishing an integrated African market to enable the free flow of goods and services across the continent to enhance trade and development. Unfortunately, Africa is said to have the highest rate of non-tariff barriers in the world.¹ To curb the specific problems of technical barriers to trade as parts of non-tariff barriers the AfCFTA has a TBT Annex that covers technical regulations, standards, and conformity assessment procedures, accreditation and metrology activities.²

Ethiopia's trade policy goals capitalize on industrialization and enhancing its export sector economy.³ Even though Ethiopia's export market has shown growth over the past years, much is expected from the country to further develop the sector and reap the demanded benefits. Non-tariff barriers are also major problems encountered in Ethiopian export-import sector.

Having a robust product standard regime will ensure that only quality products will enter the Ethiopian market, which in turn will enhance safety and trust among local consumers and also ensure that Ethiopian exports will be of the required quality for the international market increasing their reliability and demand. Currently, however, it is reported that local consumers are dissatisfied with the increasing decline of quality of imported products in the market and Ethiopia's export commodities are also criticized for lacking the desired quality leading to loss of reputation, market opportunities and repeated export rejections.⁴ This situation calls out for a robust quality infrastructure in the country.

¹ United Nations Conference on Trade and Development (UNCTAD), "Key Statistics and Trends in Trade Policy 2022, Green Goods Trade and Trade Policy" (2023)

² AfCFTA Agreement on Technical Barriers to Trade, (AfCFTA TBT Agreement)(Adopted on 21 March, 2018, entered into force on 30 May 2019)

³ Firoz Lalji Institute for Africa, "Reflections on the Draft Ethiopian Trade Policy" (lse.ac.uk, October 30, 2023) <<https://blogs.lse.ac.uk/africaatlse/2023/10/30/reflections-on-the-draft-ethiopian-trade-policy/>> accessed July 26, 2025.

⁴ Birhanu Beshah, Ephrem Gidey and Assefa Leta, "National Cost of Quality in Ethiopian Import-Export" (2019) 28 Total Quality Management & Business Excellence. (Beshah B, Gidey E and Leta A, "National Cost of Quality in Ethiopian Import-Export" (2019) 28 Total Quality Management & Business Excellence)

Ethiopia, being a signatory to the AfCFTA Agreement and in the process to join the WTO, will also have the obligation to comply with these international and regional instruments. Eliminating non-tariff barriers and harmonization of standards are core obligations imposed on states while being party to the AfCFTA TBT Agreement. Enhancing product standard requirements will help Ethiopia to properly exploit the opportunity provided by these agreements and diversify its export products and destinations.

This thesis is aimed at systematically studying the status of Ethiopia's compliance with the AfCFTA TBT Agreement in relation to product standards. By ratifying the agreement Ethiopia will be faced with the crucial step of implementing the agreement on the ground. While it could require tedious work, this could also be a good opportunity for Ethiopia to revise and review its existing framework, modernize it and also aid its journey in its accession to the WTO. This study will focus on studying Ethiopia's product standard regulation regime, assess the specific obligations it would have to comply with the AfCFTA agreement, analyze its progress so far and highlight key further steps that it will need to take to benefit the most from the agreement.

1.2. Statement of the problem

By ratifying the AfCFTA agreement, Ethiopia will face the obligation to comply with the product standards obligations of the TBT Annex. The AfCFTA TBT Annex aims to regulate product standards from two major standpoints. On one hand, the agreement aims to reduce the prevalent non-tariff barriers in the intra-African trade by ensuring that member states do not implement burdensome regulations, non-harmonized standards and cumbersome conformity assessment procedures that makes trade between member states difficult. On the other hand, the Annex desires to promote the quality of African products and the development of the quality infrastructure of member states by ensuring that they are in line with relevant international standards and best practices.

Ethiopia had been long criticized for showing low trade performance mainly caused by its low productivity and quality problems.⁵ The country's export products have repeatedly faced

⁵ International Trade Centre (ITC), "Most Ethiopian Exporters Face Challenges Related to Non-Tariff Measures" (intracen.org, November 7, 2018) <<https://www.intracen.org/news-and-events/news/most-ethiopian-exporters-face-challenges-related-to-non-tariff-measures>> accessed July 26, 2025 International Trade Centre (ITC), "Most Ethiopian Exporters Face Challenges Related to Non-Tariff Measures" (intracen.org, November 7, 2018)

rejection by many importing countries posing a serious challenge to the country's brand and reputation. As quoted from Biniyam Ahmed, "the repeated product rejection from major export nations is a public secret if secret at all".⁶ Such prevalence of quality problems invites serious concerns on the standards regulation regime of the country.

Similar problems are also raised in relation to imported products. Local consumers repeatedly complain that the quality of imported products is declining over time and there is low trust on the regulation mechanism. By not regulating the safety of imported products the country will endanger local consumers' health and safety. Having a robust product standard regime ensures that only quality products will enter the Ethiopian market, and enhances safety and trust among local consumers.⁷

The AfCFTA Agreement's TBT Annex imposes several obligations on member states including obligations to harmonize product standards with regional and international standards, obligations of notification and transparency, and obligation to cooperate with member states and implement capacity building programs.

In addition, Ethiopia will need to have a harmonized and effective product standards regime in order to fully benefit from the opportunities created by the AfCFTA Agreement.⁸ As a country our main aim should not only be at minimum compliance but also getting the best out of the agreement, expanding in the African market and achieving our development goals as a country. Complying with the agreement and harmonizing product quality standards with international best practices will benefit Ethiopia as it will significantly enhance its export capacity and thereby increase its trade benefits. As a result, this should be the right time for Ethiopia to reconsider revising its product standard and conformity assessment regulation regimes in order to fully benefit from trade through AfCFTA and aid its accession process to the WTO.

<<https://www.intracen.org/news-and-events/news/most-ethiopian-exporters-face-challenges-related-to-non-tariff-measures>> accessed July 26, 2025

⁶ Biniyam Ahmed, WTO Accession and Required Product Standards: The Case of Ethiopia, A Thesis Submitted in Partial Fulfillment of the Requirement for LL.M Degree in Business Law at the Faculty of Law, Addis Ababa University, January 2010, pp 60

⁷ Ibid

⁸ Ibid

1.3. Objectives of the Study

The general objective of the study is to analyze Ethiopia's journey in regional economic integration under the AfCFTA Agreement with the specific lens of product quality standards.

The study specifically aims to;

1. Identify the major obligations of Ethiopia that relate to product standard regulation under the AfCFTA Agreement on Trade in Goods.
2. Expose the Country's current legal and institutional framework regulating product standards.
3. Analyze the Country's journey in aligning its product standard framework with its obligations under the AfCFTA Agreement on Trade in Goods.
4. Examine the progresses and shortcomings of the Country's effort towards regional economic integration under the AfCFTA Agreement concerning product standards.
5. Outline major areas for further work and improvement and recommend appropriate ways forward, to ensure compliance with the Country's obligation under the Agreement and benefit the most out of it.

1.4. Research questions

The major research questions this study tries to answer are;

1. What are major obligations of Ethiopia with regards to product standards under the AfCFTA Agreement on Trade in Goods?
2. What does the Ethiopian legal and institutional framework look like on regulating product standards?
3. What is the current status of Ethiopia's product standard framework in light of fulfilling its obligations under the AfCFTA Agreement on Trade in Goods?
4. What are the progresses and drawbacks of Ethiopia's journey towards regional economic integration under the AfCFTA Agreement regarding product standards?
5. What should be the appropriate ways forward to ensure compliance with the Country's obligation under the Agreement and benefit the most out of it?

1.5. Significance of the study

The study will outline the major obligations of Ethiopia with regards to product quality standards under the AfCFTA Agreement and show the current progress made by the country in fulfilling its AfCFTA obligations. It will elucidate the country's journey in regional economic integration under the AfCFTA and highlight areas that will need further work and improvement. The study will also come up with essential recommendations to relevant authorities and policy makers on appropriate measures to be taken for advanced success. Lastly, the study also hopes to inspire other scholars to conduct further research and investigation on the area.

1.6. Literature review

Benjamin Ofori-Amoah highlights that for decades Africa has failed to play a significant role in global trade. Africa records the lowest share both in world import and export trade. It ranks as the second lowest participant on global import and export trade next to Oceania. In addition, Africa's share of intra-continental trade still ranks among the world's lowest, next to Oceania. Benjamin states that this is mainly caused by the lack of complementarity among goods produced within the continent. African countries are main suppliers of, usually similar, unprocessed primary goods and they mainly import processed commodities from elsewhere. Lack of product specialization and the cumbersome import regulations of member countries have made it difficult for trade to foster among African nations even in the presence of numerous RECs established within the continent. Benjamin Ofori-Amoah recommends that the aspirations of the AfCFTA Agreement to create a single continental market for goods, expand intra-African trade through better harmonization and coordination, and enhance the competitiveness of African products could be achieved only if African countries can make determined efforts to diversify the industry mix of their economies and make actual efforts to enforce the rules and regulations that they signed on paper.⁹

A joint technical study published by the African Union, the AfCFTA Secretariat, the United Nations Economic Commission for Africa and the African Standardization Organization¹⁰ identifies that industrialization is a central pillar of the AfCFTA Agreement. It states that if

⁹ Benjamin Ofori-Amoah, *The African Continental Free Trade Area: Prospects, Problems and Challenges* (Springer, Switzerland, 2024)

¹⁰ African Union and others, "Identifying Priority Products and Value Chains for Standards Harmonization in Africa" (ECA Printing and Publishing Unit 2010).

implemented appropriately, the AfCFTA Agreement has the potential to be a “game changer” for industrialization with in the continent as it will foster a business environment that is conducive for value addition and intra-continental trade. However this aspiration of the AfCFTA Agreement to promote industrialization cannot be materialized unless there are adequate quality assurance infrastructure like standardization, quality management, conformity assessment, metrology, and accreditation. This is because the quality of produced goods and their compliance with relevant standards is an indispensable prerequisite for their trade.

In addition, the study also notes that in order to freely trade produced products among African nations the impediments posed by the complexity of regulations, variety of standards and cumbersome conformity assessment procedures should be addressed. To address the unnecessary and unjustifiable technical barriers to trade, the study emphasizes that AfCFTA member states should give significant priority to harmonization of standards and ensure the equivalence of technical regulations, meteorology and accreditation. However, as harmonization could be a lengthy task that cannot be completed in a single day, the study recommends that Members identify most commonly traded goods with in their regional block as priority goods and harmonization efforts at continental level should prioritize such commodities. It also recommends that the priority products should be products that at least two RECs have a comparative advantage of and for which standards already exist at least in two of such communities in order to promote trade. As a result the study tries to identify potential export baskets of selected RECS and recommends commodities for harmonization.

Biniyam Ahmed emphasizes that common standards promote trade and lower barriers by creating commonly recognized values, sizes and weights. In the case of Ethiopia, he reports that some individuals contend ‘market access’ has never been a major issue for the country but Ethiopia has lost many export opportunities to open global borders due to the long pressing issue of product quality. Ethiopia was repeatedly seen failing to fulfill the quality requirements of major export markets. Biniyam tries to analyze the legal and institutional frameworks related to product standards in light of obligations contained in the WTO Agreement. He argues that lack of appropriate standard infrastructure is a major hindrance for the implementation of standard related laws. Biniyam concludes that the standards regulation infrastructure in the country is not satisfactory and he recommends that government organs modernize their procedures in line with

evolving technology, focus on the implementation of the standards they set rather than merely issuing them. He also recommends that capacity building initiatives should receive significant attention and Ethiopia should also actively engage in international standard setting bodies that it is a member of.¹¹

1.7. Scope of the Study

Due to time and resource constraints this research will be mainly doctrinal and only limited numbers of semi-structured and unstructured interviews will be conducted to support the doctrinal analysis and fill gaps in the literature. In addition, even though product standard issue concerns both TBT and SPS Annexes, the research will only focus on the TBT annex of the AfCFTA agreement and will not advance to the SPS Annex. This does not mean the research excludes food and medicinal products, as the scope of TBT is broad and they can fall under it in appropriate instances. The study will also mainly focus on product standards and not services or other types of standards.

1.8. Limitation of the Study

One of the significant challenges faced by the researcher has been accessing relevant literature supporting the study. Usually taken as a subject matter of complex scientific and technical issues, product standards have rarely taken the attention of legal scholars. In addition, the AfCFTA, being a recent agreement, lacks sufficient literature, especially in relation to specific and detailed concepts like regulation of product standards. In addition, there had been very limited literature on the country-specific aspects of the problem. As a result, finding adequate sources on the Africa and Ethiopia specific aspects of the issue was challenging. However, the researcher has tried to use relevant materials that have been available to her.

1.9. Research Methodology

1.9.1. Study Context

The research examines the implementation of the TBT Annex of the AfCFTA agreement with in the specific member state of Ethiopia. It tries to assess country's journey in regional economic

¹¹ Binnyam Ahmed, WTO Accession and Required Product Standards: The Case of Ethiopia, A Thesis Submitted in Partial Fulfillment of the Requirement for LL.M Degree in Business Law at the Faculty of Law, Addis Ababa University, January 2010

integration with the specific focus on the product standards regulation. The research is conducted in Addis Ababa, Ethiopia where access to relevant governmental institutions and regional organization like the UNECA was available.

1.9.2. Research Approach

The study employs a combination of doctrinal and non-doctrinal research methods where the researcher mainly made analysis of the current regional and domestic laws, policies and various literatures to analyze the subject area and conduct expert interviews (semi-structured and unstructured) and direct observations to address void in literature.

1.9.3. Sources of Data

The research will be based on both primary and secondary data. The primary sources used include the AfCFTA Agreement Protocol on Trade in Goods and the TBT Annex, the Ethiopian Standards Proclamation no. 1343/2024 and other important treaties and domestic legislations. Books, journal articles, working papers and other forms of literature will also be consulted as secondary sources. In addition, empirical data in the form of semi-structured and unstructured stakeholder interviews will be used to support the doctrinal analysis.

1.9.4. Data Collection Method

Semi-structured and unstructured stakeholder interviews will be conducted with selected participants who are principally project officers or managerial office holders in the Ethiopian National Quality Infrastructure Institutions (IES, EAS, ECAE and EMI) and from ARSO and UNECA. The interviews will include open-ended questions to encourage detailed responses. The interview questions will mainly be directed at understanding the current status, challenges and working gaps of the targeted institutions. With regards to sampling techniques, purposive sampling will be used to select participants who have relevant knowledge about the aforementioned institutions. The anonymity of respondents is reserved to encourage open discussions and honest feedback.

1.9.5. Data Analysis and Presentation

The collected data will be analyzed using narrative method to communicate the message the participants intended to share in a direct manner and thematic method to identify recurring

patterns of organizational challenges. In addition the researcher will also use narrative analysis of data to present the reflections and experiences of interviewees. With regards to data presentation, narrative and descriptive methods will be employed to provide clear explanation of the state of fact with in the organizations.

1.10. Structure and organization

This paper will be composed of five main chapters. The first chapter will deal with introductory matters while the second chapter provides a brief introduction to standards and the AfCFTA product standards framework. Major concepts related to product standards like technical regulations, standards and conformity assessment procedures will be introduced and an explanation of major state obligations with regards to product standards under the AfCFTA TBT Annex will be discussed. The ARSO, the major African regional standardization organization and major other quality infrastructures in the continent will also be discussed. The third chapter focuses on Ethiopia's legal and institutional framework on product standards. the major national quality infrastructure institutions will also be covered. The fourth chapter is dedicated to assessing the Country's journey in complying with its obligations under the AfCFTA agreement in light of various topics. Chapter five will be dedicated to conclusion and recommendations.

Chapter 2: Introduction to Standards and the AfCFTA Framework

2.1. What are Standards?

Standards could be defined as consensual documents that prescribe the way of doing things.¹² These prescriptions could relate to a wide range of characteristics of a product including its chemical compositions, material inputs, safety requirements, environmental friendliness, energy consumption levels or interoperability with other products. In addition, standards may not only be limited to the content or characteristics of a product, but also to the ways and methods that it is made. These are called process and production methods or PPM's. Standards could also be retained as packaging, tasting, labeling, inspection and information requirements.¹³

Standards could be developed by governments or private organizations. They may take the form of government regulations, voluntary certifications, industry association practices or guidelines and rules issued by technical body.

The relevance of standards is growing rapidly and the numbers of standards set and adopted are increasing significantly in recent times. The recognition given for standards grows with level of modernization. As the living standard rises, consumer awareness and preference to higher quality products increases and their preference to environment-friendly products and products that are made using ethical means will also rise.¹⁴

Many products are required to meet several mandatory and voluntary standards set by different stakeholders upon passing a country's boundaries. Most of the products that we use on daily basis including food products, medical appliances, different types of machines and even bottled waters are subjected to several types of specifications or requirements either on their intrinsic or extrinsic components. These standards could be set with several objectives that may range from

¹²The Chartered Quality Institute (CQI), "What Are Standards?" (quality.org, 2025) <<https://www.quality.org/article/what-are-standards>> accessed July 28, 2025.

¹³ James J. Nedumpara, Satwik Shekhar and Akshaya Venkataraman, Handbook on Product Standards and International Trade: Navigating the Regulatory Landscape in India, World Trade Law Series: Trade Regulation of Product Standards: An Overview, vol 55 (Kluwer Law International BV 2022). pp 10

¹⁴ Ming Du, The Regulation of Product Standards in World Trade Law, Studies in International Trade and Investment Law Series, vol,23 (Bloomsbury Publishing Plc, 2020) pp 2

protection of human life or health, consumer protection, prevention of unfair competition and even security interests.¹⁵

Even though they could bring numerous trade benefits, standards may also become unnecessary barriers to trade especially when they are set with protectionist intentions. They may entail additional and unnecessary compliance burden on producers and therefore may hamper international trade significantly. That is why most international trade agreements are interested in regulating product standards and promoting harmonization efforts. Standards are one of the central concerns of both TBT and SPS measures. Consequently, they play a very crucial function in the regulation of international trade and are one of the most frequently applied trade measures.

2.2. The AfCFTA Standards Framework

The African Continental Free Trade Area Agreement or the AfCFTA, was established in 2018 by member countries of the African Union with the main aim of establishing an integrated African market to enable the free flow of goods and services across the African continent to enhance trade and development. The protocol on trade in goods is one of the agreements that come with the AfCFTA.¹⁶

Africa is said to have the highest presence of non-tariff barriers among the other continents. To address such problem, the AfCFTA protocol on trade in goods comes with annexes on non-tariff barriers, technical barriers to trade and sanitary and phytosanitary measures. The AfCFTA TBT Annex is incorporated as Annex 6 of the Protocol on trade in goods.

The AfCFTA TBT Annex aims to regulate product standards from two sides. The first one is that African countries should be cautious not to make their product standards become unnecessary barriers to trade among themselves. Secondly, the AfCFTA member states should also focus harmonizing their product standard regimes and come up with quality and competitive products to make their exports desirable both in the African and international arena and benefit the most from the agreement.

¹⁵ Peter Van Den Bossche and Werner Zdouc, *The Law and Policy of the World Trade Organization: Text, Cases, and Materials* (5th edn, Cambridge University Press 2022) pp 1580

¹⁶ AfCFTA Agreement on Technical Barriers to Trade, (AfCFTA TBT Agreement)(Adopted on 21 March, 2018, entered into force on 30 May 2019)

The AfCFTA TBT Annex repeatedly refers to the WTO TBT Agreement showing a clear effort to incorporate it as part of its framework. The WTO TBT agreement has the main aim of making sure that technical regulations, standards and conformity assessment procedures do not become unnecessary barriers to international trade while allowing Member States to exercise certain amount of discretion to take regulatory measures that achieve certain legitimate objectives.

The AfCFTA TBT Annex states that one of its main objectives is to foster cooperation between State parties in standards, technical regulations, conformity assessment, accreditation and metrology. It also aims to eliminate unnecessary technical barriers to trade by enforcing international best practices in regulation, promoting the use of relevant international standards as a basis for technical regulations and using instruments of trade facilitation such as harmonization and equivalence of standards.

The AfCFTA TBT Annex covers technical regulations, standards, and conformity assessment procedures, accreditation and metrology activities. Each of the above mentioned terms will be further elaborated in the next section of this paper.

The AfCFTA TBT Annex establishes a subcommittee on technical barriers to trade. The subcommittee has extensive role given to it as per Article 13 of the Annex.¹⁷ The Agreement also refers any dispute based on the Annex to be settled by the AfCFTA Dispute Settlement framework.¹⁸

2.3. Major Concepts Related to Standards: Technical Regulations, Standards and Conformity Assessment Procedures

This section is dedicated to introducing the major concepts that relate to standards as covered in the AfCFTA TBT Annex. Understanding these key terms will be essential in order to understand the Annex and the scope of the obligations imposed on State parties.

2.3.1. Mandatory Standards or Technical Regulations

The AfCFTA TBT Annex does not define or lay detailed provisions on technical regulations. Rather the Annex directly mandates that states comply with the WTO TBT Agreement in the

¹⁷ Art 13 AfCFTA Annex on Technical Barriers to Trade, (AfCFTA TBT Annex)(Adopted on 21 March, 2018, entered into force on 30 May 2019)

¹⁸ Article 16 of the AfCFTA TBT Annex

development of technical regulations. In addition, the Annex stresses on the general obligations of state parties to use international standards as a basis for their technical regulations and apply Good Regulatory Practices.¹⁹

According to the WTO TBT Agreement, technical regulations are mandatory documents that specify product characteristics or their related processes and production methods, including their applicable administrative provisions. Technical regulations may also contain terminology requirements, symbol requirements, packaging requirements, marking requirements, and labeling requirements.²⁰ Technical regulations are also referred to as mandatory standards in many other relevant documents like the ISO/IEC guide.²¹

2.3.2. Voluntary Standards

The AfCFTA TBT Annex does not also define standards. However, the term is defined under Annex 1.2 of the WTO TBT Agreement as a document approved by a recognized body, providing for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with voluntary compliance requirements. The definition given in Annex 1 of the WTO TBT agreement also makes a cross reference to another document, the ISO/IEC Guide 2:1991.²²

The essential defining feature of standards is that compliance with standards is voluntary. The incentives behind the need for producers to comply with voluntary product standards could be the need to respond to consumers concerns or to ensure that their products are compatible with other complementary goods. But usually, even if compliance with a certain standard would on the face of it result in getting only a certification or a logo of compliance for the producer, it is often very difficult, if not impossible for sellers to sell their products without such assurance.²³ In addition, while it is usually a government organ that makes technical regulations, standards could be made by both governmental or non-governmental bodies.

¹⁹ Article 7 of the AfCFTA TBT Annex

²⁰ Annex 1.1, WTO TBT Agreement

²¹ ISO/IEC, ISO/IEC Guide 2: General terms and their definitions concerning standardization and related activities, (1991)

²² Ibid

²³ Supra Note 12, pp 19

2.3.3. Conformity Assessment Procedures

A conformity assessment is a procedure whereby one examines a product to ensure its conformity with a certain standard. Annex 1.3 of the WTO TBT Agreement defines conformity assessment procedure as any procedure used, directly or indirectly, to determine that relevant requirements in technical regulations or standards are fulfilled. CAPs may include sampling, testing, inspection, evaluation, and so on.

The AfCFTA Annex does not contain any relevant definitions of the procedures used for conformity assessment. Therefore, we may need to consult definitions provided in other relevant documents made by relevant organizations in order to get a better understanding. For example the ISO/IEC guide²⁴ tries to put definitions for testing, inspection and certification procedures, the International Bureau of Weights and Measures (BIPM) has also tried to define metrology.²⁵

The researcher was informed that there are efforts to add an Appendix to the TBT Annex of the AfCFTA Agreement that focuses on mutual recognition of Conformity Assessment Procedures among AfCFTA member states. It is expected to create expanded mutual recognition of CAPs within the continent.

We can generally classify conformity assessment procedures into two. The first groups of procedures are important to conduct the conformity assessment procedure itself. These are basically testing, inspection and certification procedures. The second groups of procedures are the procedures that are done to examine the credibility of conformity assessment procedures themselves. These are metrology, calibration, and accreditation. We shall discuss each procedure below.

A. Testing

Testing is one of the most common conformity assessment procedures performed. According to the ISO/IEC Guide 2:1991, a test is an operation to determine of one or more characteristics of a given product, process or service according to a specified procedure. The usual form of testing

²⁴ Supra Note 21

²⁵ WTO, “Module 4, Measures within the scope of application of the Agreement on Technical Barriers to Trade”, WTO E-learning Platform <<https://www.learning.wto.org/course/view.php?id=180>> (accessed via login) last accessed July 15, 2025, pp 13

involves laboratory checking however, this is not the only method applied. Testing usually forms the initial stage of several conformity assessment procedures, including certification.²⁶

B. Inspection

Inspection could also be considered as a less strict means of testing. Inspection is defined in the ISO/IEC Guide 2:1991 as an evaluation of conformity by measuring, observing, testing or gauging the relevant characteristics of a product. While testing involves more scientific and rigorous examination of products to assess their conformity, inspection usually uses more simple methods than testing like visual examination and simple measurement of scales. Inspection also relies more on the personal judgment of the inspector while testing relies more on measurements and numbers.²⁷

C. Certification

Certification is a more formal conformity assessment procedure which involves a third party not only examining the conformity of products, but also providing a written attestation as to its compliance with certain requirements. Certification comes as a next step to testing and inspection because it is only after the conformity of products is tested or examined by these procedures that the relevant organ can certify the products. In addition to conformity of products, certification can also be provided in relation to the conformity of systems, like the conformity of an organization's quality management system to the ISO 9000 quality management standard.

D. Metrology

Metrology is a science or field that is concerned with ensuring that measuring equipments comply with the requirements for their intended use. The BIPM defines metrology as the science of measurement that encompasses both experimental and theoretical determination of any level of uncertainty in any field of science and technology.²⁸ During conformity assessment procedures, it is important to assure that the measuring equipment that we use measure the products whose quality is tested appropriately and they give an accurate test result.

²⁶ Ibid pp 15

²⁷ Ibid, pp 16

²⁸ Id, pp 16

Metrology can generally be divided into three, scientific metrology, industrial metrology and legal metrology. Scientific metrology is mainly concerned with the science of setting out measurement standards. Industrial metrology is mainly related to the industrial and experimental application of measurement methods. And legal metrology is, on the other hand, concerned with setting out legal requirements regarding metrology or measurements and regulating their trade effects.²⁹

Article 10 of the AfCFTA Annex puts an obligation of cooperation in metrology. It states that members have to adopt and implement the SI as the basis for a harmonized system for legal, industrial and scientific metrology activities and they should cooperate in participation in the work of the AFRIMETS. Regarding legal metrology, members are placed with the obligation to promote the setting up of national legal metrology systems and acceptance of OIML recommendations. States should also work to get membership in the BIPM and the CGPM.³⁰

E. Calibration

Once made with applying the appropriate meteorology, the performance of testing equipment may change from time to time for several reasons such like age, improper handling, use, or the influence of the environment. Therefore the precision of a measure should not only be assessed while being made, but it should also be checked from time to time. The field of examining the precision of test equipments during their time of use is called calibration. Calibration is an act that is highly related with meteorology. Both meteorology and calibration are usually measured against the SI (The International System of Units).³¹

F. Accreditation

Accreditation is a method whereby the legitimacy and efficiency of conformity assessment bodies is Recognized by an authoritative body. Accreditation bodies do not directly involve in conformity assessment procedures by their own, but they are independent entities that evaluate bodies that provide CAPs and approve their procedures of conformity assessment. The

²⁹ Fluke, “What Are the Different Types of Metrology?” (Fluke, 1994) <<https://www.fluke.com/en-us/learn/blog/calibration/types-of-metrology#>> last accessed in July 15, 2025

³⁰ Art 10 (3) of the AfCFTA TBT Annex

³¹ Fluke, “Why Is Calibration Important?” (Fluke, 1995) <<https://www.fluke.com/en-us/learn/blog/calibration/why-is-calibration-important>> last accessed in July 15, 2025.

evaluation and recognition of competence may be made to testing laboratories, inspection bodies and certification bodies.

The AfCFTA TBT Annex under Article 9 states that Member States are encouraged to support the use of accredited conformity assessment bodies to facilitate trade within the AfCFTA, promote utilization of existing accreditation structures for cooperation and support African accreditation bodies operating in Africa to achieve international recognition. They also have the obligation to cooperate with one another in relation to accreditation activities and participate and support organizations like the AFRAC, ILAC and the IAF.³²

2.4. Major State Obligations in Relation to Standards

This section will be dedicated to discussing the major AfCFTA TBT Annex specific obligations applicable to states in relation to Standards. These principles apply to technical regulations, standards and conformity assessment procedures alike and they are also embedded in AfCFTA agreement on trade in goods and the TBT Annex. It should also be noted that as the AfCFTA TBT Annex incorporates the WTO TBT Agreement, therefore the obligations set by the later like principles of non-discrimination and avoidance of unnecessary obstacles to international trade will also be applicable to AfCFTA state parties.

2.4.1. Harmonization

The AfCFTA TBT Annex promotes regulatory convergence by requiring Members to base their technical regulations, standards, and conformity assessment procedures on international standards. Adopting same or similar product requirements and testing and quality checks across countries reduces the variety of requirements producers need to fulfill in order to tailor their products to the unique specifications of each country and therefore contributes to less trade restrictiveness of measures to international trade and saves additional cost of compliance.³³ Harmonization is a central pillar of the AfCFTA, TBT framework, and it is also recognized under the preamble of the Annex.

³² Art 9 AfCFTA TBT Annex.

³³Supra Note 14, pp 1626

According to the AfCFTA TBT Annex, there are three methods that states can use while making standards or conformity assessment procedures. The first method is called adaption of international standards, where states incorporate an international standard completely into their local framework. The second one is adoption of international standards, where states do not completely copy an international standard, but use a substantial part of the standard for their regulations. In the last scenario, harmonization may be either impossible or undesirable in certain areas, due to local circumstances. Therefore, even though international or regional standards may exist for a particular sector, Member States may choose to make their own regulations without taking such standards into consideration when the standards do not provide effective or appropriate means to fulfill their objectives.

Article 6 (2) of the Annex also states that members shall promote the adoption and/or adaption of international standards and apply harmonized rules and procedures for the development and publication of national standards in accordance with international requirements and best practices. The provision highlights two African standardization organizations; the ARSO and the AFSEC, stating members have the obligation to promote the adoption of standards developed by them. It also states that these two organizations will be responsible to develop standards upon request by state parties if a relevant international standard required to facilitate trade does not exist in the area. The Annex also encourages members to promote membership, liaison and participation in the work of ISO, IEC, AFSEC and similar international and regional standardization organizations.

2.4.2. Technical Assistance and Capacity Building

One other important principle highlighted in the AfCFTA TBT Annex is the principle of technical assistance and capacity building. Member states are required to cooperate in seeking and providing technical assistance and capacity building to address standards, technical regulation, conformity assessment, accreditation, metrology and issues of mutual interest. The Secretariat shall, in collaboration with State Parties develop mechanisms for cooperation in technical assistance and capacity building, and implement a joint work programme to enhance capacities for the effective implementation of obligations under the Annex.³⁴

³⁴ Article 12 of the AfCFTA TBT Annex

2.4.3. Transparency

Transparency is another key obligation under the AfCFTA TBT Annex. Article 11 of the AfCFTA, TBT Annex is dedicated to laying down states' transparency obligations. It states that with regards to the AfCFTA TBT Annex, transparency obligations of the WTO TBT agreement shall be applicable and members will have to comply with the transparency obligations of the WTO TBT Agreement including notification procedures and notification systems developed from time to time. States are also obliged to submit their notifications to the AfCFTA Secretariat. The Secretariat shall publish and circulate notifications made by States to all other members. It should also subscribe to the WTO electronic circulation of TBT notifications, or use the WTO TBT information management or any other notification system, to receive WTO TBT notifications. Members will use the existing WTO TBT national notification authorities or, if they are not WTO members, appoint other central government authorities to notify relevant measures.

2.5. Standardizing Organizations in Africa

The AfCFTA TBT Annex differs entirely from the WTO TBT agreement in the way that it treats relevant standardization bodies. The WTO TBT system prefers providing relevant criteria to identify ISBs rather than listing by name. However, the AfCFTA TBT Annex lists several regional and international organizations that are involved in standardization and standardization-related activities by name.³⁵ But what should be noted here is that the list is not exhaustive and therefore additional international standardizing bodies can be included. AfCFTA members are required, within the limits of their resources, to have full participation in the preparation of international standards by international standardizing bodies. This requirement is aimed at ensuring that the concerns of all state parties are reflected in the development of the relevant standards.

In the upcoming section we will try to discuss some of the regional Standardizing organizations mentioned within the AfCFTA TBT Annex.

³⁵ Art 1(2) AfCFTA TBT Annex

2.5.1. The African Organization for Standardization (ARSO)

The African Organization for Standardization (ARSO) is one of the major regional standardizing bodies cited in the AfCFTA TBT Annex that is given the mandate to curtail the adverse effect of non-harmonized standards between African Member States. The ARSO was established as an African standards body, by the then Organization of African Unity (the now the African Union) in 1977. Headquartered in Nairobi, Kenya, the organization plays a major role in collaborating African member states and RECs in the harmonization effort of standards and conformity assessment procedures within the continent.³⁶

ARSO collaborates with national standards bodies of member states and develops voluntary standards to be recognized across the continent. The organization is an observer at the WTO TBT committee³⁷ and a member of the International Organization for Standardization (ISO).³⁸ With 43 full and 1 observer member nations³⁹, the organization mainly works to harmonize African Standards and conformity assessment procedures and reduce Technical Barriers to Trade to enhance intra-African and international Trade. The organization boasts making over 2000 African Standards (ARS) and having over 92 technical committees.⁴⁰ Ethiopia is also a founding member of the ARSO.

Other specific mandates of the organization include harmonizing national and sub-regional standards as African Standards and issue recommendations to members for such goal, initiating and coordinating the development of African Standards (ARS) focusing on products that are of peculiar interest to Africa, encouraging and facilitating adoption of international standards by

³⁶ SGS Digicomply, “Food Regulatory Bodies, Standards, and Authorities African Organization for Standardization (ARSO)” (Digicomply, October 29, 2023) <<https://www.digicomply.com/food-regulatory-bodies-standards-and-authorities/african-organization-for-standardization-arso>> accessed July 26, 2025

³⁷ TRALAC Trade Law Centre, “Activities of the African Organisation for Standardisation (ARSO) Related to the Work of the WTO TBT Committee” (tralac.org, May 23, 2017) <<https://www.tralac.org/news/article/11646-activities-of-the-african-organisation-for-standardisation-arso-related-to-the-work-of-the-wto-tbt-committee.html>> accessed July 25, 2025

³⁸ ARSO, “The African Organisation for Standardisation (ARSO)” (ARSO) <https://managementsystems.world/institution/the-african-organisation-for-standardisation-arso> last accessed in July 15, 2025

³⁹ African Standards Organization (ARSO), “ARSO Members” (arso.org) <<https://www.arso-oran.org/members-2/>> accessed July 26, 2025

⁴⁰ African Standardization Organization (ARSO), “About ARSO” (arso-oran.org) <<https://www.arso-oran.org/about/#:~:text=The%20fundamental%20mandate%20of%20ARSO%20is%20to%20develop,forum%20for%20future%20prospects%20in%20international%20trade%20referencing.https://www.tralac.org/news/article/11646-activities-of-the-african-organisation-for-standardisation-arso-related-to-the-work-of-the-wto-tbt-committee.html>> accessed July 25, 2025

member states, creating awareness and providing trainings on standards and coordinating the views of its members at international standardization organizations like the ISO, IEC, OIML, and Codex.⁴¹ The actual drafting of African standards is conducted by ARSO technical committees, subcommittees, working groups, task forces, and project committees.⁴²

ARSO used to work with African regional economic communities (RECs) closely before the establishment of the AfCFTA, and now that the AfCFTA has expressly recognized ARSO's role of standardization within the continent, the organization's relevance and engagement is expected to grow in the harmonization of African standards.⁴³

Ongoing Initiatives

The ARSO has several ongoing focus areas related to harmonization activities among its member states. Some of them include the following;

Promotion of Adoption among Member states: one of the major initiatives of the ARSO is the promotion of adoption of its over 2000 African standards among its member states with the motto of "One standard, one test, one certificate, accepted everywhere".⁴⁴ Adoption and implementation of African standards is not yet at satisfactory level within the continent. This is said to be due to Member States' capacity problems, overlapping mandate with African RECs (despite having signed MOUs with most of them) and lack of coordination and awareness among members. The ARSO also encourages member states to actively engage in the works of the organization and properly pay membership fees.

Training and Awareness Creation: The ARSO conducts various workshops and webinars on African standardization. The programs include awareness creation programs and technical trainings for personnel and stakeholders of member states. The ARSO also celebrates the African

⁴¹ Supra note 36

⁴² Id Articles 5.7, 5.8, 5.9, 5.10, 5.11

⁴³ Article 6 AfCFTA TBT Agreement

⁴⁴Environmental Coalition on Standards (ECOS), "Celebrating the 2025 African Day of Standardisation" (ecostandard.org, June 24, 2025) <https://ecostandard.org/news_events/2025-african-day-of-standardisation/> accessed July 25, 2025

standards day every June and conducts annual essay competition on different themes related to standards.⁴⁵

Strategic Partnership: The ARSO also works in collaboration with various institutions creating strategic partnership agreements on several fields. For example it partners with the Environmental Coalition on Standards (ECOS) on activities related to environmental standardization⁴⁶ and with organizations like the PTB of Germany and KATS of South Korea in capacity building and training initiatives.⁴⁷

Institutional Challenges

The ARSO is overall a productive and vibrant organization that strives towards the harmonization of African standards and building the capacity of its member states. However, the ARSO also faces several challenges in its role as African standards organization.

One of the significant challenges that the organization faces is low adoption among member states and inconsistent application of the standards it sets. The uneven development status of its Member States makes ARSO standards not to be implemented evenly, contributing to low quality of African goods and the high level of NTBs prevalent in the continent.

Resource limitations of the ARSO and its member states to adopt and implement African standards also remain another challenge. Its member states usually do not have sufficient capacity and technical expertise to comply with and monitor the implementation of ARS standards.⁴⁸

Its harmonization efforts also face challenges by occurrences of duplicated standards when the African RECs sometimes make standards that overlap with the standards made by ARSO. Despite the signing of MOUs with most of the regional economic communities, some RECs have not accepted hierarchy and in practice it is the Member States at the end that will choose to either

⁴⁵ Id

⁴⁶ Marxine Waite, “ECOS Partners with ARSO, the African Organisation for Standardisation” (ecostandard.org, June 24, 2024) <https://ecostandard.org/news_events/ecos-partners-with-arso-the-african-organisation-for-standardisation/> accessed July 26, 2025.

⁴⁷ African Standardization Organization (ARSO), “Capacity Building and Training” (arso-oran.org) <<https://www.arso-oran.org/capacity-building-and-training/>> accessed July 26, 2025

⁴⁸ Supra note 31

adopt the standards made by the ARSO or their respective RECs in such instances. However some RECs like the EAC and the SADC have no-duplication principles.⁴⁹

In addition, not all members of the AU are members of the ARSO, so the organization has to work to expand its membership.⁵⁰ Creation of awareness, capacity building and strengthening the quality infrastructure of Member States are also other areas the organization needs to work on.

2.5.2. The Pan African Quality Infrastructure (PAQI)

Quality infrastructures are institutions that are responsible for the maintenance of quality criteria in one way or another. The Pan African Quality Infrastructure (PAQI) is a collation of 4 African organizations, namely the African Organization for Standardization (ARSO), the African Electro Technical Standardization Commission (AFSEC), the Intra-Africa Metrology System (AFRIMETS), and the African Accreditation Cooperation (AFRAC).⁵¹ Officially inaugurated on 30th August 2013 by the Director for Trade and Industry of the African Union Commission, the alliance has the main goal of bringing together the essential quality infrastructure of the continent to make a concerted effort to enhance the quality of African goods, promote industrialization and serve as a continental platform for all matters related to standardization, metrology, and accreditation.⁵²

The Pan African Quality Infrastructure (PAQI) is said to be in line with and promotes the economic integration ambitions of the Abuja treaty of 1991 and the Lagos Plan of Action 1980.⁵³ It is also expected to be an indispensable alliance to attain the goals of the AfCFTA. The coordination of these important organizations is expected to enhance the efficiency of the overall African quality infrastructure and show tangible results. A brief introduction to each organization is provided below for better understanding.

⁴⁹ Anonymous interview conducted on 23 April, 2025,

⁵⁰ Supra note 32

⁵¹ Pan-African Quality Infrastructure (PAQI), “Establishment of PAQI” (paqi.org) <<https://elearning.paqi.org/about-us>> accessed July 26, 2025.

⁵² African Standardization Organization (ARSO), “Implementing ACAP within the Landscape of PAQI, the AfCFTA and the African Quality Policy” (arso-aran.org) <<https://www.arso-aran.org/pan-african-quality-infrastructure/>> accessed July 26, 2025.

⁵³ Organization of African Unity (OAU), Lagos Plan of Action for the Economic Development of Africa (1980-2000) (1981), and The Treaty Establishing the African Economic Community, (Abuja Treaty), (adopted on 03 June 1991 entered into force, 12 May 1994)

The African Electro technical Standardization Commission (AFSEC)

The African Electro technical Standardization Commission (AFSEC) is an Electro-technical standards organization that offers standard setting, conformity assessment, and laboratory accreditation services that relate to electricity, electronics and related technologies. It is headquartered in Cairo, Egypt, and was established in 2008.⁵⁴ The AFSEC tries to harmonize African electro-technical standards either through the direct adoption of international standards or where necessary by adapting them to African conditions. Its main activities revolve around electronics, magnetism, electromagnetism, electroacoustics, multimedia, telecommunications, and electrical energy.⁵⁵ The AFSEC is one of the organizations mentioned under Article 6 of the AfCFTA TBT annex where members are obliged to promote membership, liaison and participation in regards to standardization activities.⁵⁶ Ethiopia is a member of the AFSEC.

The Intra-Africa Metrology System AFRIMETS

Intra-Africa Metrology System (AFRIMETS) is the regional metrology organization for Africa established in 2007 with the primary aim of harmonizing scientific, industrial, and legal metrology across the continent and ensuring reliable measurements essential for trade, safety, health, and environmental protection.⁵⁷

Membership in the AFRIMETS is divided into two classes. The first one is principal membership. Principal membership is based on sub-regional economic community metrology organizations that are based on African regional economic communities (RECs). Ordinary members on the other hand are African countries that are not yet part of sub regional metrology organizations but that participate in AFRIMET's activities. Ethiopia is also a member of the AFRIMETS as part of the NEWMET.

⁵⁴ CB Insights, "About AFSEC" (cbinsights.com) <<https://www.cbinsights.com/company/african-electrotechnical-standardization-commission>> accessed July 26, 2025.

⁵⁵ ESI Africa, "About the African Electrotechnical Standardization Commission (AFSEC)" (esi-africa.com, April 18, 2016) <<https://www.esi-africa.com/company-showcase/the-african-electrotechnical-standardization-commission-afsec/#:~:text=The%20mission%20of%20AFSEC%20is%20to%20promote%2C%20through,the%20fields%20of%20electricity%2C%20electronics%20and%20related%20technologies>> accessed July 26, 2025

⁵⁶ Article 6 AfCFTA TBT Annex

⁵⁷ E-measure Magazine, "Building an African Metrology System, the Challenges and Successes" (e-medida.es, June 2015) <<https://www.e-medida.es/numero-8/building-an-african-metrology-system-the-challenges-and-successes/>> accessed July 26, 2025

The African Accreditation Cooperation (AFRAC)

The African Accreditation Cooperation (AFRAC) is a regional body established in 2010 to facilitate cooperation among African accreditation bodies, and stakeholders and to help African conformity assessment results get national, regional and international recognition and acceptance. AFRAC has obtained recognition by the International Laboratory Accreditation Cooperation and the International Accreditation Forum promoting its worldwide recognition. Membership in AFRAC is structured into Full Members, Associate Members, Stakeholder Members, and Arrangement Members. Full Members are accreditation bodies legally recognized by AU Member States, fulfilling international accreditation standards.⁵⁸ The Ethiopian EAS has attained full membership of AFRAC.⁵⁹

Chapter 3: Overall Overview of the Standards Landscape in Ethiopia

3.1. NTBs and Ethiopia's Trade Performance

Ethiopia's trade policy goals capitalize on industrialization and enhancing its export sector.⁶⁰ Even though Ethiopia's export market has shown growth over the past years, much is expected from the country to further develop the sector and reap the demanded benefits. Non-tariff barriers are major problems encountered in Ethiopian export-import sector. According to a study conducted by the International Trade Center (ITC) in 2018⁶¹, 96% of Ethiopian exporters and 54% of importers have reported facing hardships related to the application of non-tariff measures. Among these, product quality requirements are the most frequent challenges mentioned.⁶²

Having a robust product standard regime will ensure that only quality products will enter the Ethiopian market, which will in turn enhance safety and trust among local consumers and ensure that Ethiopian exports will be of the required quality for the international market increasing their

⁵⁸ Management Systems World, "African Accreditation Cooperation (AFRAC)" ([managementsystems.world](https://managementsystems.world/institution/african-accreditation-cooperation-frac)) <<https://managementsystems.world/institution/african-accreditation-cooperation-frac>> accessed July 26, 2025

⁵⁹ Ethiopian Accreditation Service, "ENAO Achieved Signatory Status in the African Accreditation Cooperation (AFRAC)" (eas-eth.org, October 2017) <<https://eas-eth.org/2017/10/enao-achieved-signatory-status-in-the-african-accreditation-cooperation-frac/>> accessed July 29, 2025

⁶⁰ Supra note 3

⁶¹ International Trade Centre (ITC), "Most Ethiopian Exporters Face Challenges Related to Non-Tariff Measures" ([intracen.org](https://www.intracen.org), November 7, 2018) <<https://www.intracen.org/news-and-events/news/most-ethiopian-exporters-face-challenges-related-to-non-tariff-measures>> accessed July 26, 2025

⁶² Ibid

reliability and demand. Currently, however, it is reported that local consumers are dissatisfied with the increasing decline of quality of imported products in the market and Ethiopia's export commodities are also criticized for lacking the desired quality leading to loss of reputation, market opportunities and repeated export rejections.⁶³ This situation calls out for a robust quality infrastructure in the country.

Ethiopia, being a signatory to the AfCFTA Agreement and in the process to join the WTO, will also have the obligation to comply with these international and regional instruments. Eliminating non-tariff barriers and harmonization of standards are core obligations imposed on states while being party to these agreements. Enhancing product standard requirements will help the country to properly exploit the opportunity provided by these agreements and diversify its export products and destinations.

3.2. History of Standardization in Ethiopia

The desire for standardization in Ethiopia came together with modernization. With the emergence of Addis Ababa as a modern capital city, it became evident that standardization of construction practices, electrical devices, and water supply systems were necessary. It was also observed that the export of agricultural commodities was being hindered by the absence of standardized practices. These and related matters later on paved the way to the establishment of a national standardization body in 1972.⁶⁴

The founding of the Ethiopian Standards Institute was a significant first step towards contemporary standardization in Ethiopia. The Institute was established in 1970 with the aim of promoting standardization and quality control activities in the national economy. The Ethiopian Standards Institute changed its name to the Ethiopian Authority for Standardization (EAS) in 1987. By that time, its mandate expanded to encompass certification, quality assurance, and metrology. The EAS itself was restructured in 1998 and continued operating with the name Quality and Standards Authority of Ethiopia (QSAE).⁶⁵

⁶³ Supra note 4

⁶⁴ Institute of Ethiopian Standards (IES), "Institute of Ethiopian Standards (IES) about Us" ([ethiostandards.org](https://www.ethiostandards.org)) <<https://www.ethiostandards.org/about-us>> accessed July 25, 2025

⁶⁵ Id

The second major step in the history of Ethiopian national quality infrastructure took place in 2010. This time the quality and standards authority (QSAE) was separated into four different Organizations that have separate focuses on standardization, accreditation, metrology, and conformity assessment.⁶⁶ The main purpose behind this major restructuring was the concern that the then arrangement would create a conflict of interest where the same organization makes standards, assesses conformity, accredits its own services and conducts measurements based on its own standards.

3.3. Legal Framework

The current Ethiopian legal framework surrounding standards mainly consists of the Ethiopian Standards Proclamation 1243/2024. The framework was revised in 2024 when the previous establishment regulation was replaced by the new proclamation. Compared to the previous framework, the proclamation can generally be considered as aspirational and up to date. It provides detailed provisions on several aspects of standards regulation and has clear objectives that can promote modernization of the framework. It lays down detailed provisions on the organization's objectives, powers, structure, sources of income, standard setting procedure, and enforcement mechanisms of standards including criminal sanctions.

The proclamation has ambitious objectives that envisage a robust standards system in line with international best practices that can support the country's development aspirations. The proclamation clearly states that its main aim is to create a well-functioning Ethiopian National Standards system and a vibrant standards body. It also aims to harmonize Ethiopian standards and ensure their coherence with international best practices, enhance the competitiveness of Ethiopian products at national and international level and facilitate trade through the use of standards, develop Ethiopian standards for indigenous products and services to make them competitive in international market, prevent harm on the health and safety of humans, animals, plants and the environment and create an overall system where Ethiopian standards can support the holistic development of the country.⁶⁷

⁶⁶ Id

⁶⁷ Preamble and Article 6, Ethiopian Standards Proclamation, 2024, Proc. No. 1343 Fedral Negarit Gazettee, 30th Year, No. 60

The proclamation establishes the IES as the sole standardizing body and provides it with a clear mandate to develop Ethiopian standards and implement its standards in all development sectors of the country.⁶⁸ The Proclamation also wants to ensure the effective coordination of the IES with the other National Quality Infrastructure Institutions and relevant government bodies. The institution is also empowered to implement any programs that are relevant encourage quality of products and services.

The other feature of the proclamation is that it tries to regulate the enforcement mechanisms for standards including criminal sanctions. The Ministry of Trade and Regional Integration has the power to order the holding of products or terminate the provision of services until their compliance is certified by a laboratory test or inspection if it has reasonable grounds to suspect that they do not fulfill mandatory Ethiopian standards. The ministry can also ban imported products or services from entering the country, dispose them at the expense of the owner, re-export them to the country of origin, suspend their distribution or decide their confiscation when it is confirmed that they are not compliant with the requirements of Ethiopian mandatory standards. In addition, the ministry can refuse, suspend or revoke the permit of products or services that are locally produced, imported, or ready to export when it is confirmed that they are not compliant with Ethiopian mandatory standards and corrective measures have not been taken within a specified period of time. The IES can also take administrative measures like written warning, suspension, and revocation of authorization of Ethiopian standard marks as appropriate. The proclamation also imposes criminal penalties, including rigorous imprisonment and simple imprisonment for various violations.⁶⁹ The proclamation also consistently foresees the enactment of directive that elaborates its contents. However, this subordinate legislation has not been enacted so far.⁷⁰

3.4. The Institute of Ethiopian Standards (IES)

The Institute of Ethiopian Standards (IES) is reestablished by Proclamation number 1343/2024 as the sole standardization organ in Ethiopia that is accountable to the Ministry of Trade and

⁶⁸ Art 4 and Art 7(1), Ethiopian Standards Proclamation, 2024, Proc. No. 1343 Federal Negarit Gazettee, 30th Year, No. 60

⁶⁹ Articles 36 and 39, Ethiopian Standards Proclamation, 2024, Proc. No. 1343 Federal Negarit Gazettee, 30th Year, No. 60

⁷⁰ Article 42, Ethiopian Standards Proclamation, 2024, Proc. No. 1343 Federal Negarit Gazettee, 30th Year, No. 60

Regional Integration.⁷¹ It was initially named Ethiopian Standards Agency (ESA) and was one of the four separated institutions when the Quality and Standards Authority of Ethiopia (QSAE) split into four in 2010.⁷² The ESA was established by Council of Ministers Regulation No. 193/2010 accountable to the then Ethiopian Ministry of Science and Technology. From 2018 onwards, the institution was placed under the supervision of the Ministry of Trade and Industry. This transfer could be considered as a move from seeing standard setting as only a scientific endeavor to considering it as principal tool to achieve trade gains. The ESA was later renamed as the Ethiopian Standards Institute (IES) by the Proclamation to Provide for the Definition of the Powers and Duties of the Executive Organs of the Federal Government Proclamation Number 1263/2021.⁷³ It retained the powers and functions of the ESA and was accountable to the Ethiopian ministry of trade and regional integration (MoTRI).

The major mandate of the organization is the development, maintenance, and promotion of Ethiopian standards.⁷⁴ The national standards that it sets apply for products, services, systems, code of practice or test methods.⁷⁵ The institution is also tasked with the duty to implement quality and standard awareness creation programs and provide technology transfer, consultancy, technical support and trainings for domestic and foreign country based manufacturers with special attention to supporting small and medium, sized enterprises and startup companies. It is empowered to establish a national enquiry point on standardization, conformity assessment guidelines and technical regulations and ensure the traceability of products and services for the purpose of consumer protection. It also has the power to authorize the use of Ethiopian standard marks and register and follow up its users in a central database.⁷⁶

The IES represents Ethiopia in international and regional standardization organization and it is a member of the International Organization for Standardization (ISO), the African Regional Standards Organization (ARSO) and the African Electro technical Standardization Commission (AFSEC). However representing our country in these and other international forums effectively

⁷¹ Articles 4 and 17, Ethiopian Standards Proclamation, 2024, Proc. No. 1343 Federal Negarit Gazettee, 30th Year, No. 60

⁷² Id

⁷³ Article 83, Definition of Powers and Duties of the Executive Organs Proclamation, 2021, Proc. No. 1263 Federal Negarit Gazettee, 28th Year, No. 4,

⁷⁴ Art 17, Ethiopian Standards Proclamation, 2024, Proc. No. 1343 Federal Negarit Gazettee, 30th Year, No. 60

⁷⁵ Ibid

⁷⁶ Art, 6(4) Ethiopian Standards Proclamation, 2024, Proc. No. 1343 Federal Negarit Gazettee, 30th Year, No. 60

this might be difficult for the institution by this time due to budget constraints and lack of expert man power.

The IES is an active institution making more than 12,000 standards so far. It also possesses a facility that it is located in a new spacious building with in the Ethiopian Quality Village which is convenient for further expansion, whenever a desire to expand arises. The organization is led by a board that oversees its performance and ultimately approves voluntary and mandatory Ethiopian standards proposed by technical committees. The sources of income of the organization include; government budget, fees collected from the service it provides like the sale of standards and income earned from different supports and other sources.⁷⁷

The IES has the mandate to administer and issue the Ethiopian standards mark. However, there are only three Ethiopian standards marks that have been recognized so far and only two are operational. Ethiopian Standards mark is also not yet given for voluntary standards.

3.5. Ethiopian Standard Making Process

The development of an Ethiopian standard at the IES starts from proposal stage. A new standard proposal can be initiated by any interested person and be submitted to the Institute in writing and paying the prescribed fees. The Institute then refers the initiation request to the relevant technical committee and the TC will come up with its recommendation after conducting the necessary impact assessment, the Institute will notify the applicant the acceptance or rejection of the request including its reasons within thirty working days from the receipt. If accepted the institution publicizes the proposed standard for public comment on its website for sixty days. Lastly, the Technical Committee will submit its approved draft standard to the decision of the Board after Systemic Review, consultation with relevant regulatory bodies and consideration of public comments for board approval.⁷⁸

⁷⁷ Article 15 of the Ethiopian Standards Proclamation, 2024, Proc. No. 1343 Fedral Negarit Gazettee, 30th Year, No. 60

⁷⁸ Articles 19 and 21, Ethiopian Standards Proclamation, 2024, Proc. No. 1343 Fedral Negarit Gazettee, 30th Year, No. 60

While the above is the normal procedure for making standards in the IES, a fast track procedure and a direct recognition method are also available in emergency and exceptional circumstances.⁷⁹

The IES also has to conduct systemic review of approved Ethiopian Standards every five years or upon findings of impact assessment or based on a written request of any regulatory body. The systemic review has to take into account practical problems, updated technology, national needs and competitiveness at international market. The standards could get revised, reaffirmed or withdrawn after the systemic review.⁸⁰

3.6. National Quality Infrastructure (NQI) of Ethiopia

A national quality infrastructure represents the overall legal, policy and institutional frameworks in a country that are directly related to ensuring the quality of products or services. A robust national quality infrastructure is necessary for a country to meaningfully participate in international trade. Governments should also ensure that national quality infrastructures in a country are efficient, liberalized, transparent and intersected.⁸¹

Quality infrastructures mainly include standardization, conformity assessment, metrology, calibration, and accreditation services. These services could be provided by governmental or non-governmental institutions.⁸² An effective national quality infrastructure ensures the quality and safety of imported products, and increases consumer satisfaction. It also enhances a country's reputation and trust in the international market, opening doors for export opportunities.

The Ethiopian National Quality infrastructure mainly consists of the Ethiopian Standard Institute, the Ethiopian Accreditation Service, the Ethiopian Conformity Assessment Enterprise and the Ethiopian Metrology Institute. These four organizations are part of the country's NQI strategy

⁷⁹ Ethiopian Standards Agency (ESA), "Ethiopian Standards Agency Technical Committee (TC) Handbook" (2015) pp. 23

⁸⁰ Article 24 of the Ethiopian Standards Proclamation, 2024, Proc. No. 1343 Fedral Negarit Gazettee, 30th Year, No. 60

⁸¹ The World Bank, "The National Quality Infrastructure – a Tool for Competitiveness, Trade and Well-Being" (publicsectorassurance.org, March 2013) <<https://publicsectorassurance.org/research/the-national-quality-infrastructure-a-tool-for-competitiveness-trade-and-well-being-the-world-bank-march-2013/>> accessed July 26, 2025

⁸² Ibid (The World Bank, "The National Quality Infrastructure – a Tool for Competitiveness, Trade and Well-Being" (publicsectorassurance.org, March 2013) <<https://publicsectorassurance.org/research/the-national-quality-infrastructure-a-tool-for-competitiveness-trade-and-well-being-the-world-bank-march-2013/>> accessed July 26, 2025.)

and are physically located in one premise, named the Quality Village of Ethiopia near Megenagana, Addis Ababa. We shall briefly discuss each organization below for a better understanding.

3.4.1. The Ethiopian Conformity Assessment Enterprise (ECAE)

The Ethiopian Conformity Assessment Enterprise (ECAE) was reestablished recently by Regulation number 549/2024⁸³ as a federal public enterprise under the supervision of the MoTRI, and it still remains the largest conformity assessment body in Ethiopia. The authorized capital of the Enterprise is Birr 4,776,444,688.00 of which Birr 1,194,111,172.22 is paid up in cash and in kind.⁸⁴ The main services of the enterprise are testing, inspection, and certification of products and services, but the enterprise also provides pre-shipment verification of conformity (PVoC) services, supplies laboratory testing equipment and chemicals, and serves as a training and research Institute.⁸⁵

ECAE also faces several problems in the provision of its service. Inadequacy of testing infrastructure is one problem presented. Interview respondents have indicated that in some instances, the ECAE does not possess the necessary testing equipment or the equipment it uses are either outdated or they do not provide reliable test results. For example, regarding the requirements on heavy metals, there are national standards set by the IES but the authority doesn't possess the relevant equipment to check the conformity of the products.⁸⁶

There are also complaints that results of inspection and testing provided by the enterprise are sometimes unreliable. It is reported that sometimes some products that have been rejected for non-conformance, would pass the test again when resubmitted without any alterations. This is sometimes said to be the problem of the testing equipment which do not give reliable test results. There are also complaints that inspectors sometimes engage in bribes where they would pass non-conforming goods as conforming ones. This could be directly exacerbated by the low incentives and remunerations provided to employees. However, the reputation that our country

⁸³ Ethiopian Conformity Assessment Enterprise Re-Establishment Council of Ministers Regulation, 2024, Reg. No. 549 Federal Negarit Gazettee, 30th Year, No. 30

⁸⁴ Art 6, (Ethiopian Conformity Assessment Enterprise Re-Establishment Council of Ministers Regulation, 2024, Reg. No. 549 Federal Negarit Gazettee, 30th Year, No. 30)

⁸⁵ Ethiopian Conformity Assessment Enterprise (ECAE), Ethiopian Conformity Assessment Enterprise (ECAE) Information Brochure, pp. 3

⁸⁶ Anonymous interview conducted on 23 July, 2025

would lose for sub-quality export goods and possible rejection after reaching country of destination is worrying.⁸⁷ The enterprise generates its own income, even though the fee it charges is low compared to the private CAP institutions in the country.

3.4.2. The Ethiopian Accreditation Service (EAS)

The Ethiopian Accreditation Service (EAS), is a sole accreditation body in Ethiopia that is responsible to assure the competence of conformity assessment bodies like laboratories according to internationally set standards. The current applicable regulation for Ethiopian Accreditation Service is Regulation number 547/2024.⁸⁸

The EAS is a vibrant organization with an active participation in international and regional organizations. It is a full member of the ILAC, the IAF and the AFRAC.⁸⁹ The certification and international recognition it acquired from international organizations have increased the reliability of its services. However, most of its recognized accreditation services are related to system management services. Its recognition needs to expand to product accreditation services in order to have a meaningful impact Ethiopia's performance on trade in goods.

The limited knowledge with in the society about the need for accreditation service has disincentivized CABs from seeking accreditation from the organization because, in practice, there is no difference between accredited and non- accredited CABs in attracting market for their services. Organizations come seeking for accreditation only when they face certain mandatory pushing factor.⁹⁰

The organization also has a high employee turnover rates and dissatisfaction among full time and part time employees due to the low salary rate that is based on civil service standards. It is also suffering budgetary constraints due to the recent halt of monetary support from international organizations.

⁸⁷ Anonymous interviews conducted on 23 July, 2025

⁸⁸ Art 3, Ethiopian National Accreditation Office Establishment(Amendment)Regulation, 2024, Reg. No. 547 Fedral Negarit Gazettee, 30th Year, No. 28

⁸⁹ International Accreditation Forum (IAF), "Accreditation Body: Ethiopian Accreditation Service Ethiopia" (iafcertsearch.org) <<https://www.iafcertsearch.org/accreditation-body/cc004ede-79d5-5826-84f4-2df9bbaaedab>> accessed July 26, 2025.

⁹⁰ Anonymous interview conducted on 23 July, 2025

3.4.3. The Ethiopian Metrology Institute (EMI)

The Ethiopian Metrology Institute (EMI) is a sole meteorology and calibration service provider in our country for the time being. The current working regulation of the Institute is Regulation number 555/2024. The Regulation lays down the structure, powers and duties of the organization, and transfers the rights and obligations that were due to the previous National Metrology Institute to the new Ethiopian Metrology Institute.⁹¹

The institute mainly provides calibration and metrology services and operates as a research and development institute. The regulation also gives the institution the power to provide training programs, give consultancy services, establish and organize research and calibration laboratories, and maintain the traceability of measuring instruments used by manufacturing and service industries, research and education institutions and other metrology users.⁹²

The institution's head office is located in the National Quality Village around Megegnagna. However, the Legal Metrology department is found in the head office of the Ministry of Trade and Regional Integration. The Legal Meteorology Department found in the Ministry of Trade and Regional Integration compound is not involved in the conventional legal meteorology per se as it is only responsible for calibration of mandatory measurement standards.⁹³

The spacious building it has, leadership by experts and its ambitious plans to extend the scope of metrology services in Ethiopia by helping private metrology institutions get into market are prospects of the organization. The EMI also has good international participation. It is an associate member of the International Bureau of Weights and Measures (BIPM) and a member of AFRIMETS and NEWMET.⁹⁴ However just like the other related organizations, the EMI faces budget and monetary constraints and loss of funding from international partners. It functions based on government allocated budget for the time being.⁹⁵ Retaining expert staff is also a problem within the organization.

⁹¹ Art 14, Establishment of the Ethiopian Metrology Institute Regulation, 2024, Reg. No. 555 Fedral Negarit Gazettee, 30th Year, No. 50

⁹² Art 6, Establishment of the Ethiopian Metrology Institute Regulation, 2024, Reg. No. 555 Fedral Negarit Gazettee, 30th Year, No. 50

⁹³ Anonymous interview conducted on 21 July, 2025

⁹⁴ Physikalisch-Technische Bundesanstalt (PTB), "Quality Infrastructure Assessment Report of Ethiopia" (Physikalisch-Technische Bundesanstalt 2020) pp. 16

⁹⁵ Article 11, Establishment of the Ethiopian Metrology Institute Regulation, 2024, Reg. No. 555 Fedral Negarit Gazettee, 30th Year, No. 50

Chapter 4: Analyzing Ethiopia's Journey towards Regional Economic Integration and Product Quality Standards under the AfCFTA Protocol on Trade in Goods

Ethiopia signed the AfCFTA Agreement on 21st March 2018 and the FDRE House of Peoples Representatives has ratified the Agreement on 21st March, 2019.⁹⁶ The AfCFTA TBT agreement contains several important obligations of members in relation to product standards.⁹⁷

By ratifying the agreement Ethiopia will be faced with the crucial step of implementing the agreement on the ground. But Ethiopia should not only aim at fulfilling its minimal obligations of preventing product standards from becoming unnecessary barriers to regional trade, but it should also consider actively engaging in harmonizing its product standards to enable an encouraging environment to boost product quality standards and utilize the crucial access to the African market. Doing so will require a thoughtful scrutiny and will full commitment.

Based on the study, the following points have been observed by the researcher regarding Ethiopia's journey towards regional economic integration and product standards.

4.1. Legal Framework

The fact, that the IES has been reestablished by a proclamation and not a regulation has enabled the reestablishing law to comprise detailed provisions contrary to its previous counterpart. The preference to enact a proclamation over a regulation may also show the government's commitment and attention towards a robust standards framework in the country. The contents of the proclamation are also overall, clear, modern and in line with the AfCFTA, TBT Annex and other international best practices. It provides detailed provisions on several aspects of standards regulation and has clear objectives that can promote compliance with international and regional

⁹⁶ Ethiopia Ratifies Continental Free Trade Area Agreement, Ethiopian News Agency (2023) <https://www.ena.et/web/eng/w/en_6881#:~:text=The%20HPR%20ratified%20unanimously%20the%20proclamati on%20for%20the,of%20these%2C%20including%20Ethiopia%2C%20have%20ratified%20the%20agreement.>.

⁹⁷ AfCFTA Agreement on Technical Barriers to Trade, (AfCFTA TBT Agreement)(Adopted on 21 March, 2018, entered into force on 30 May 2019) Article 4.b.iii

obligations. The proclamation recognizes most of the important principles under the AfCFTA TBT Annex like harmonization under its preamble and Article 7(2), transparency and notification under Articles 21 and 23, international participation under Article 6(3), and the use of international best practices under Article 6(2). It also incorporates several dynamic and essential concepts like promotion of private standards and help for startup businesses.

However, the proclamation is not complete on its own and it also continuously indicates the need for subsequent legislation within its text. Subordinate legislations will be crucial to implement the ambitious contents of the proclamation to the ground. The general provisions of the proclamation will need appropriate implementing legislations. For example even though the proclamation mandates the establishment of the IES board, it is the new directive on the composition of the board that is expected to correct the grievance against the previous board structure for being mostly composed of government representatives and neglecting the participation of private sector actors and stakeholders.

The Institute has indicated that several subordinate legislations, including one regulation and four directives, are on their way to be enacted based on this legislation. The draft regulation is concerned with the administration of Ethiopian standards mark by the Institute. The directives, on the other hand, focus on the working procedure of the Board, the administration of income, and standard making procedures by the institute respectively.⁹⁸

In addition to the legal framework, a comprehensive national quality or standards policy framework may also be necessary for the country in the long run as it will serve as a general a guideline to draft laws and take other necessary measures. It has also been demonstrated that countries that have set in place clear standard or quality policy frameworks have benefitted from it.⁹⁹

⁹⁸ Interview conducted with legal director of the IES on 28/7/2025

⁹⁹ Supra note 12, pp. 102

4.2. Using Standards for Trade Facilitation Goals

One of the objectives of the IES under the Standards Proclamation is to facilitate trade through the use of standards.¹⁰⁰ Even though the main aim of the institution is to enhance the competitiveness of Ethiopian products and services in international and national level, it can be observed that Ethiopia's export quality rank still remains low. For example Ethiopia is ranked 127th in the world's exports rankings in 2021¹⁰¹ and was the 126th nation among 140 countries in the Global Competitiveness Report in 2019.¹⁰² One of the major reasons for such result is said to be the overall low quality of our export products.

The institute of Ethiopian standards boasts making more than 12,000 Ethiopian standards. However, having all these standards will be of no use if it cannot help to foster trade on the ground. Making standards should not be considered only as a scientific endeavor, but there should be the mindset that standards are important tools to achieve the trade policy objectives of the country. It is acceptable that standardization is equally a scientific endeavor as it is an economic one. However, considering the enactment of standards as an end, but not as a means to an end, will have its own detrimental effects. Standards should meet the goal of enhancing the quality of export products. A robust follow up mechanism of the implementation of standards will be of crucial importance to evaluate and quantify the trade effects of standards. It is only then that we can fully appreciate the effectiveness of the standards setting system.

Coming to the IES, the practice of following up of the implementation of standards has not yet developed within the institution. There is a specific directorate within the institution responsible for the follow up of the implementation of approved standards, however, its activities have been very limited and meaningful work has not yet been conducted. In addition, there is also this belief within the institution that its only role is making of standards and it is the CAP bodies like the ECAE that are responsible for the follow up and implementation of the Ethiopian standards. However, this assertion is firmly rejected by the ECAE, which argues that it is not a regulatory body, but only a profit making enterprise that conducts conformity assessment upon request. Therefore the IEs should not leave the implementation and follow up of the standards that it

¹⁰⁰ Article 6(3) Ethiopian Standards Proclamation, 2024, Proc. No. 1343 Fedral Negarit Gazettee, 30th Year, No. 60

¹⁰¹ Exim trade data analysis, "Ethiopia Export Data" (eximtradedata.com, 2021) <<https://eximtradedata.com/ethiopia-export-data>> accessed July 26, 2025

¹⁰² Trading Economics, "Ethiopia Competitiveness Rank" (tradingeconomics.com, 2019) <<https://tradingeconomics.com/ethiopia/competitiveness-rank>> accessed July 26, 2025

makes to other bodies but it should actively engage in impact assessment and follow up of Ethiopian standards.

4.3. Harmonization Efforts

The Ethiopian law expressly promotes harmonization of standards and in practice, majority of Ethiopian standards are adopted, the rest adapted and very few made without any international or regional reference. Authorities have also confirmed that the majority of the Ethiopian standards are based on ISO standards. And in areas where there are no ISO standards, either ARSO or other organization standards will be taken as benchmarks. It is only if there are no other references available that new standards will be developed by the institution. This could show to be a good track record of Ethiopia's harmonization efforts towards global standards and will significantly reduce unnecessary waste of efforts.

However, some comments have also been received that some standards are not only adopted because they are fully workable to local contexts, but mainly because there is lack of experts that can conduct independent research and propose other workable documents on those areas. Though this assertion needs a separate empirical study, this excessive direct adoption practice might have an impact of workability or suitability of the standards set to our local contexts. Caution has to be made as extensive adoption of standards may not always be the right choice. Some standards may not always be best suitable in the country's context therefore an appropriate professional evaluation should be made before adopting them. In addition, the institution should also keep up the good work of setting standards for indigenous products. This will help to enhance the quality of indigenous products and aid to introduce them to the global market.

4.4. The TBT Inquiry Point

One of the obligations set by the AfCFTA TBT Annex is the obligation of transparency. To fulfill this obligation, states are expected to set in place national focal points that would serve as a national point of contact for TBT and SPS related enquiry.¹⁰³ The Ethiopian Standards proclamation also requires the establishment of a national inquiry point that delivers services on

¹⁰³ Article 11 of the AfCFTA TBT Annex

standardization.¹⁰⁴ Taking this into consideration and based on Ethiopia's ongoing efforts to join the WTO, this TBT inquiry point has already been established within the institution. However this department has not started full function yet and the personnel assigned are only operating based on representation.¹⁰⁵

The operationalization and capacity building of the TBT inquiry point will be very crucial for Ethiopia's future involvement in regional and international organizations because it will serve as an ultimate point of contact to make TBT and SPS notifications, and answer relevant questions that concern the country. However getting the appropriate expert staff and funding to build the capacity of the inquiry point is expected to be a challenge.

4.5. Lack of Adequate Funding

The other major concern looming around the Institution of Ethiopian Standards and the other national quality infrastructure institutions is the discontinuing of donations from international funders like the World Bank. They mentioned that the World Bank and other international organizations used to provide donations and support on project basis and other mechanisms. However, there is high tension within the organizations as this support has stopped for the past two years or so.¹⁰⁶ This significant budget constraint is feared to stagnate the few progresses that have already started and affect the overall efficiency of the institutions. In order to curb this problem the government should intervene by providing additional monetary support to the institutions. The NQI facilities should also work to attract other international strategic partnerships in different sectors.

4.6. Capacity Building and Training of Staff

The IES and the other NQI institutions also state that it is very hard to get and maintain well trained staff due to the low salary rate based on the civil service requirements. There is a significant knowledge gap regarding standards even among the institutions' employees. Efforts to adjust the remunerations of employees should be considered. Trainings and capacity building

¹⁰⁴ Art 7.6, Ethiopian Standards Proclamation, 2024, Proc. No. 1343 Federal Negarit Gazettee, 30th Year, No. 60

¹⁰⁵ Anonymous interview conducted on 27 July, 2025

¹⁰⁶ Anonymous interviews conducted at EAS, and IES 23-25 July, 2025

programs should also be given to the IES and other NQI facility employees. Seeking the partnership and help of international regional standardizing organs like the ARSO to impart knowledge and experience could also be beneficial.

4.7. Coordination with other NQI Institutions

The other major problem observed in the Ethiopian national quality system is the problem of coordination between the relevant national quality infrastructure institutions. Even though the formal structure for communication is in place, the bureaucracy has made it hard for those organizations to communicate effectively. One employee has notably said that with regards to communication, he would have preferred that the previous QSAE had not been dismantled.¹⁰⁷ Instead of working in cooperation, it is observed that there are instances where one organization pushes responsibility to the other where certain mandates like the follow up of the implementation of standards end up not being taken by any institution.¹⁰⁸

However, communication should be made easy as these organizations have very closely interlinked mandates, and the proper functioning of one organization will affect the other to a great extent. These organizations also share some common problems like lack of adequate funding, lack of expert technical staff, and operate in the same standards landscape. They are also found in the same premise, within the national quality village of Ethiopia, which should have made things much easier. The IES should also work together and strengthen its cooperation with other African Standardization bodies as it is one of the responsibilities put in place by the AfCFTA TBT Annex.¹⁰⁹

4.8. Awareness Creation

The level of awareness regarding standards in our society is very low. Consumers don't have knowledge on the effect of the quality of the products that they use. Producers and wholesalers are also concerned about profit marginalization and they do not understand the implications of standards compliance for their profitability and growth. Exporters and importers are also not

¹⁰⁷ Anonymous interview conducted on 23 July, 2025

¹⁰⁸ Interviews and on the ground observation conducted from 23-23 July, 2025

¹⁰⁹ Article 6 (1) AfCFTA TBT Annex

aware of the essence and implications of quality and compliance with standards for the products they import or export and they only view standard requirements as regulatory hurdles that they wish to circumvent by any means.¹¹⁰

The institution tries to conduct trainings and workshops to inform the public about the relevance of standards. It even has dormitory facilities where it accepts and keeps trainees from the regions. Weekend and online formats of trainings are also being given. However, the institution has highlighted that this is not a very effective method as the number of trainees taken per year is very disproportionate to the Ethiopian population in order to see a meaningful impact in the society. They have also noted that advertisement campaigns are very costly and cannot be administered due to the very high budget constraint within the organization. There have also been efforts to collaborate with the Ministry of Education to inject the concept of standards within the curriculum. However, their efforts have not been fruitful as the ministry had rejected such request.¹¹¹ The trainings provided by the institution are themselves criticized to be very technical and do not capitalize on the relevance of standards to trade.

Cooperation in seeking and providing technical assistance and capacity building activities is one of the obligations of member states by virtue of the AfCFTA TBT Annex.¹¹² Therefore, the IES and other relevant stakeholders should intensively invest to create awareness and provide training and capacity building programs for consumers, producers, exporters, and all other relevant stakeholders. The institution should scale up the training that it already provides and consider partnering with other relevant institutions to get both technical and monetary support.

Advertisements and mass awareness creation programs should also not be neglected. In addition, it is the opinion of the researcher that the concept of standards should be injected into Ethiopian curriculum so that everyone passing through the curriculum will have adequate knowledge on the area. This is because standards affect day-to-day life and one does not necessarily have to be a scientist, a trader or a government officer to know about them.

¹¹⁰ Art 7.7, Ethiopian Standards Proclamation, 2024, Proc. No. 1343 Fedral Negarit Gazettee, 30th Year, No. 60

¹¹¹ Anonymous interview conducted on 21 July, 2025

¹¹² Article 12 of the AfCFTA TBT Annex

4.9. Transparency and Trust Building

The IES and the other service giving NQI institutions like the EAS and the ECAE should also consider revisiting their organizational structures to ensure transparency and good governance. They should ensure that inspection and test results will not be affected by bribery and favoritism and they should also work to buy new and maintain some of their existing equipment's to ensure they provide reliable test results.

4.10. Potential Areas of Standardization

The objective of the standards framework is to aid the development of the country and promote trade through standardization. It also states in its preamble that it aims to create a well-functioning and vibrant standards body. In order to achieve this the author suggests that the institution should consider actively engaging in proposing and developing standards in dynamic and strategic potential areas of standardization where trade is expected to grow. Some examples are developing standards on the provision of services and standardizing of digital economy.¹¹³ Having developed standards with in these areas ensures quality, encourages technology transfer and fosters development on those sectors. The current standard development process is mainly initiated upon request. However, it is suggested that the institution develop a working groups that studies and suggests potential areas for standards development and initiates the development process as necessary.

4.11. Private Standards

The standards proclamation mandates the IES to engage in capacity building of companies through provision of technical support, training and consultancy to encourage them to develop their own excelled company standards. But field observation and interview has revealed that the institution has not yet started implementing this obligation. The development of private standards seems very rudimentary in our country.¹¹⁴

¹¹³ Supra note 12, pp. 102

¹¹⁴ Art 7.9, Ethiopian Standards Proclamation, 2024, Proc. No. 1343 Fedral Negarit Gazettee, 30th Year, No. 60

4.12. Aid for Startups

The IES provides free training and capacity building services for small and medium sized enterprises (SMEs) if they request through government mechanisms. However, the mechanism to aid startup businesses, as mandated through the Proclamation, has not been set in place yet.

4.13. The National Ethiopian Quality Award

The standard proclamation also mandates the IES to establish a national quality awards system.¹¹⁵ However, the National Ethiopian Quality Award is currently provided by a separate non-governmental organization.¹¹⁶ But, the IES is a board member and has active participation.

¹¹⁵ Art 7.12, Ethiopian Standards Proclamation, 2024, Proc. No. 1343 Fedral Negarit Gazettee, 30th Year, No. 60

¹¹⁶ Ethiopian Quality Awards Organization (EQA), “Ethiopian Quality Awards Organization (EQA) What We Do” (etquality.org) <<https://etquality.org/>> accessed July 30, 2025

Chapter 5: Conclusion and Recommendation

5.1. Conclusion

The study was able to assess that the legal framework and the overall harmonization efforts in the Ethiopian standards institute are good and they fulfill some of the AfCFTA TBT Annex obligations. The IES and the other NQI institutions are also active institutions overall and they also possess a facility that it is located in a new spacious building within the Ethiopian Quality Village that is convenient for further expansion. However, the IES and the other NQI institutions also face significant problems that can impede Ethiopia's way to implement its obligations under the AfCFTA and benefit from it. Major problems identified by the study include capacity problems of the institutions and failure to utilize standards as important means of achieving trade facilitation goals.

It seems that the institute of Ethiopian standards mainly makes standards considering their sole publication as the final desired result. However the major aim of setting standards is not only for the scientific endeavor but standards should help increase the quality and acceptance of the products and bring actual trade gains. In order to achieve this goal, an effective impact assessment and follow up of implementation of standards is necessary.

The national TBT enquiry point has been established within the IES. However it has not started operation yet and it faces significant manpower and budget constraints. All the NQI institutions also face significant budget and human resource problems. The institutions have difficulty in retaining trained manpower due to the low salary that is based on civil service payment scale. The stopping of the support of major international institutions like the World Bank for the past two years or so has also created significant budget shortage impeding many activities. The lack of awareness among consumers, producers, and traders as to the relevance of Standards is also one major problem. Lack of coordination between the NQI institutions and grievances about the lack of transparency and good governance are also significant hurdles affecting the operations of the institutions.

5.2. Recommendations

Based on the analysis of this research, the author makes the following recommendations to further strengthen the Ethiopian product standards regime and aid its journey towards regional economic integration through the AfCFTA framework.

- Ethiopia should start taking concrete steps to implement its obligations under the AfCFTA. It should consider revising important sectors and frameworks to align it with its obligations under the agreement. Implementing the AfCFTA agreement obligations will also be a good first step towards fulfilling the country's obligations under the WTO as it is currently in the process of accession. The same is also true for its product standards regime.
- Ethiopia will also need to put in place a robust policy framework regarding quality and standards of products in order to make its journey guided and comprehensive. We will need to craft national quality or standards policy that clearly outlines what Ethiopia wants to achieve by standardization. We should have clear goals on what trade benefits we want to achieve by setting standards, what role we expect to play in international and regional standardizing bodies, and the obligations of relevant government institutions to cooperate and work towards achieving the Country's goals in relation to standardization.
- Necessary subordinate legislations should also be enacted to support the implementation of the standards proclamation and fill gaps. Specific subordinate legislation that increases the representation of the private sector in the Ethiopian Standards Board should be enacted. The manual that lays down the Technical Committee procedures should be revised to allow recommendation and initiation of standards-making process by the IES itself. The power of the organization should be expanded to allow the IES to proactively engage in identifying, developing, and revising potential areas of standardization to keep up with current trade and technological developments. Legislations should also lay down robust mechanisms for the follow-up of the proper implementation of Standards by the IES. The Works of the other National Quality Infrastructure institutions should also be governed by robust and detailed legislations that clearly outline their objectives and mandates.

- The standard making process at the IES should also be focused at achieving trade facilitation goals. Standards should be considered as important tools to achieve the trade policy objectives of the country and continuous assessments and follow up will need to be made on the actual impacts and implementation of standards to assess their relevance to Ethiopia's trade performance. This may need the concerted efforts of other responsible entities in addition to the IES.
- The current harmonization efforts with in the IES should be encouraged. However, caution has to be made before direct adoption of standards and an appropriate professional evaluation should be done before making them.
- The TBT enquiry point at the IES should get operationalized and training and hiring of appropriate staff along with other capacity building measures has to be taken.
- The government should consider providing additional monetary support to IES and the other NQI institutions. The NQI facilities should also work to attract other international strategic partnerships in different sectors.
- The NQI institutions face a significant problem of well trained to manpower, therefore, capacity building trainings should be given to their employees. The general public should also be educated about the relevance of product standards. Training opportunities, mass awareness creation programs and also injection of standards education into the curriculum should be made to ensure compliance and use of standards. Important institutions like the Ministry of Education and donor organizations should also aid the effort of the institutions in this regard.
- The IES and the other service giving NQI institutions like the EAS and the ECAE should also consider revisiting their organizational structures to ensure transparency and good governance. The national quality infrastructure institutions should also work hard in increasing their coordination.

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