The Economic Commission for Africa (ECA) released on 14 May 2020 a Policy Brief which provides a preliminary analysis, from an African perspective, of the limits of international trade law in times of crisis, and offers policy recommendations for African policy makers to consider. Following a brief analysis of the law of international trade as it applies to the movement of Covid-19-essential goods, the brief concludes that, in times of real emergency such as now, the role of law in assuring access to essential medical supplies on the international market is highly diminished. An example is the export ban of protective equipment and life-saving medical supplies (such as face masks and respirators) recently adopted by Germany also towards the other EU countries, a measure that clearly contradicts the principle of free movement of goods within the EU, one of the main pillars of the EU single market, as highlighted in Article 3(3)(g) and Article 4 of the EC Treaty
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The brief observes that these restrictions can negatively impact especially those countries that lack sufficient local manufacturing capacity in life-saving medical items and Personal Protective Equipment (P.P.E.). Indeed, a drop in supplies of such items can cause a jump in their prices on the import markets, which in turn would mean an escalation in their import bills at a time when their already meagre resources are overstretched.

According to the ITC Global Map of COVID-19 Temporary Trade Measures , to date in Africa, 14 countries have imposed export restrictions on Covid-19 medical supplies (ex. mandatory licensing or permit requirements for the export of face masks and hand sanitiser, like in the case of Botswana). Africa needs to explore legal and policy tools to avoid this situation to perpetuate, as it can negatively affect those African countries lacking a sufficient manufacturing capacity in life-saving medical equipment. In particular, the ECA notes that the AfCFTA Agreement does not contain any rule intended to protect those kind of countries during emergency situations. The policy brief concludes with a recommendation to revisit the AfCFTA legal framework and craft additional provisions to cater for such contingencies. An infraction procedure should also be made available against countries infringing such provisions, similar to the one adopted by the EU
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The ECA document also reminds that Africa largely imports finished products, while its exports primary consist of commodities (including agricultural products, oil and hard minerals), whose prices reached record lows, due to the COVID-19 crisis and the economic lockdown in much of the world, with a significant drop in foreign exchange revenues for most African

countries.

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