Investment Law and Treaty Reform In Africa: Fragments and Fragmentation

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Abstract

This article reviews how African states have proceeded with foreign investment law and treaty reform since at least 2016. It highlights examples of reforms at the domestic, sub-regional, regional and global levels. It argues these reforms do not cohere around one approach and as such there is no distinctly African approach exemplified in these fragmented efforts. It notes that this may be because of the diversity of interests within, and between African states.

This essay also discusses the reform efforts occurring at different levels – domestic, sub-regional and regional while also noting those in other regions and at the international level. The article includes a brief review of the Pan African Investment Code, (PAIC), that may very wellform the basis of the African Continental Free Trade Agreement negotiations on investment. Ultimately, it welcomes the increased participation of African states in investment law reform but argues that African states can best advance their collective pan-African interest in harmony rather than disunity.

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