



Book Review Symposium VI: The African Continental Free Trade Area Agreement: Legal and Policy Frameworks (Routledge, 2024)

By:

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When scholars like Prof. Adebayo Adedeji boldly advocated on the notion of collective self-reliance (in the 70s and 80s) towards the improvement of Africa's developmental paradigm, the region was undergoing a period of intense political and economic change and grappling with the intricacies around state formation.[1] Adedeji,[2] whose vision for a self-reliant and economically integrated Africa sought to chart a course for recovery, resilience, and long-term development would lead him to influence (as the longest serving under secretary general of the UNECA) - the formulation of the treaty for the establishment of the African economic community, 1991,[3] African Integration's Rosetta stone. Yet, by 2006, the treaty's implementation was still sluggish. Frustration with its pace prompted senior trade officials at AU meetings in Kigali and again in Accra,[4] to advocate for a decisive break from

the Abuja Treaty's sequence, calling instead for the establishment of a Continental Free Trade Area (CFTA). This would be a pivotal call. This proposal would go on to gain the formal endorsement at the 18th AU Assembly in 2012, and after years of tenacious planning and incremental steps led to the signing of the African Continental Free Trade Area (AfCFTA) Agreement in 2018—the region's most ambitious attempt at integration to date.[5]

It is within this short historical context that Collins C. Ajibo's scholarly work emerges. By all standards, the work is one of the most critical examinations of the AfCFTA Agreement since its signing in 2018, offering inter alia an intellectual lens through which to evaluate its potential for development. Ajibo's work is interesting because it is not merely an analysis but a strategic guide. This is because the work aims to serve three key audiences: policymakers and legal practitioners shaping integration frameworks, businesses and investors navigating the AfCFTA environment, and stakeholders committed to aligning the initiative with Africa's sustainable development ambitions.

Chapter Synopsis

To serve its audience, the book unfolds across its 16 chapters, with each successive one offering new insights into how this African single market will function. All chapters are carefully drafted with the AfCFTA legal text serving as their guiding resource—or their north star, if you may. While the book does not explicitly organise its chapters into distinct sections, I believe its content is best appreciated when mentally categorised into three broad thematic parts.[6]

The first thematic part of the book, spanning Chapters 1 to 2, lays the theoretical groundwork for the book. While the first Chapter serves as an introductory overview, dissecting the driving forces behind regional trade agreements (RTAs) and contextualising them within the broader paradigm of multilateralism, the second one builds on the theoretical underpinnings set out in chapter 1 by unpacking the peculiar developmental dynamics that will shape the AfCFTA and its potential for success. This section also discusses the initiative's scope, objectives, principles, and institutional frameworks.[7]

The book's second thematic cluster, or part, focuses on some of the operational realities and technical aspects of the AfCFTA. It spans from Chapters 3 through 11. These chapters provide a detailed analysis of key themes forming the

backbone, particularly of trade in goods and services within Africa's single market. It covers topics like Preferential Trade Agreements (PTG) and Preferential Trade Systems (PTS), non-discrimination and market access, as well as general and specific exceptions, among others. Ajibo, in these chapters, illustrates the practical operation of these concepts vis a vis regional integration, economic growth and regional transformation.[8]

The third and final thematic cluster part, encompassing Chapters 12 through 16, widens the lens to evaluate specific protocols that are to animate the AfCFTA. In particular, protocols on dispute settlement, Investment, Intellectual property rights, and Competition policy all have their chapters before Ajibo tied the ribbon with a final reflection in Chapter 16, offering readers a rather realistic overall perspective on the initiative.[9]

Low Development Dynamics Hypothesis

One of the most interesting aspects of the work is a recurring and central theme, which Ajibo aptly conceptualises as Low Development Dynamics (LDD).[10] This idea is so integral to the book's arguments that it serves as a unifying thread across all the chapters. Chapter 2 provides the most detailed exploration of the concept.

The book argues that LDD will be a key factor influencing the effectiveness of the AfCFTA and its broader developmental objectives.[11] This LDD (he notes) comprises three interrelated elements: capacity constraints, political will and good governance, and institutional transparency and accountability. These elements jointly (a) shape the ability of state parties to implement AfCFTA provisions effectively, (b) enable investors, traders, and businesses to capitalise on the opportunities presented by the agreement, and (c) allow the AfCFTA as an institution to achieve its goals of sustainable development and alignment with the UN Sustainable Development Goals (SDGs).[12]

Furthermore, the book identifies various ways LDD puzzles Africa's integration efforts. Market fragmentation, resulting from the proliferation of Regional Economic Communities (RECs) with overlapping mandates, creates disjointed markets. Ajibo highlights how the AfCFTA aims to address these divisions by tackling behind-the-border measures and non-tariff barriers that undermine meaningful liberalisation.[13] He also critiques the traditional linear integration

model, which progresses step-by-step through goods, labour, capital markets, and monetary and fiscal unions.[14] This model, he argues, has failed to address behind-the-border trade costs that continue to restrict economic activity. Further, Ajibo examines the sub-optimal performance of RECs, emphasising the importance of addressing their underperformance within the AfCFTA framework to foster a more unified and efficient trade environment. He also underscores the critical role of compliance with legal rulings, noting that the success of a rule-based trading system relies on member states adhering to decisions by national and regional courts.[15] However, the historical failure of REC members to comply with such rulings remains a significant obstacle that the AfCFTA Disputes settlement system must similarly confront.

Ajibo's discussion of LDD draws attention to systemic impediments that undermine Africa's integration efforts, in a way that is in alignment with the observations made by other African integration scholars. For example, *Faizel's* hypothesis on developmental regionalism highlights the need for a paradigm shift in Africa's integration strategy, emphasising that successful regionalism must prioritise structural transformation and industrial development over the traditional trade liberalisation approach.[16] Faizel argues that without addressing underlying challenges such as weak infrastructure, inadequate industrial policies, and fragmented markets, integration efforts will remain largely symbolic, incapable of driving sustainable economic change. Similarly, *Akinkugbe* critiques the governance frameworks of African regional trade initiatives, underscoring how weak institutional capacity and inconsistent adherence to legal obligations have hindered meaningful progress. He suggests that institutional strengthening, alongside a reimagining of governance models, is crucial for achieving the ambitious goals of the AfCFTA. *Gathii* similarly contributes to the discourse by examining the socio-political dimensions of integration, arguing that inclusive governance and citizen participation are pivotal to ensuring that integration benefits are equitably distributed. *Gathi* emphasises that failure to incorporate these elements risks perpetuating inequalities and undermining the legitimacy of integration efforts.[17]

Ajibo's argument is particularly compelling when viewed through the lens of the unique developmental conditions of AfCFTA member states. Of the 54 nations negotiating the agreement, 32 are categorised as Landlocked Developing Countries (LLDCs), six as Small Island Developing States (SIDS), and all as

developing economies.[18] These classifications underscore the disparities in institutional capacity, infrastructure, and economic competitiveness characterising the region. Ajibo's acknowledgement of these realities is essential, as it highlights the inherent complexities of designing and implementing a trade framework in such a diverse and structurally uneven context. His analysis sheds light on the distinct challenges that arise from these developmental disparities, framing them as central to the discussion on the AfCFTA's viability.

Ajibo's treatment of LDD could be perceived as a double-edged sword. On the one hand, it is a core strength of the book, offering a rigorous critique of the systemic constraints that undermine Africa's integration efforts. On the other hand, it serves as a reminder of the importance of maintaining a balanced narrative that recognises not only the constraints but also the latent potential and transformative possibilities of African integration. This balance is, in my opinion, important for fostering a discourse that inspires both critical engagement and optimism for the AfCFTA's future.

Conclusion

Overall, Collins Ajibo's book is a well-researched body of work that marks a significant contribution to the discourse on African integration. The book's greatest strength lies in its timeliness and depth. Few scholarly works address the AfCFTA with the same level of depth that Ajibo achieves. By dissecting the complexities, challenges, and opportunities of Africa's market integration efforts, the book offers not only guidance but also inspiration to policymakers, scholars, and advocates committed to reshaping Africa's economic trajectory. If the core aim of the book is to clarify and facilitate understanding of the AfCFTA, Ajibo accomplishes this with distinction, delivering insights chapter by chapter.

For anyone seeking a broad understanding of African regional integration, and the AfCFTA in particular, this book is highly recommended as a vital resource. It is a good guide for those working toward a more prosperous Africa, that is written with a level of rigor and depth that would make even Prof. Adebayo Adedeji proud.

Footnotes

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[1] Some economists and social commentators have characterized the 1970s and 1980s in Africa as the lost decades, a period during which even *The Economist* referred to the continent as the “hopeless continent.” For the notion of the 1970s and 1980s as Africa’s “lost decades,” see Adjei, P.O.W., Kyei, P.O. and Afriyie, K., 2014. Global Economic Crisis and Socio-Economic Vulnerability: Historical Experience and Lessons from the "Lost Decade" for Africa in the 1980s. *Ghana Studies*, 17(1), pp.39-61. Regarding *The Economist*’s usage, see *The Economist*, “The Hopeless Continent,” May 13, 2000, 19-22.

[2] In 1975, Adebayo Adedeji was appointed to lead the United Nations Economic Commission for Africa (UNECA), initiating one of the institution’s most transformative periods. During his 16-year tenure, he championed the ideals of self-reliance and regional economic integration, most notably through the Abuja Treaty, which laid the foundation for a unified African economic community. In 1989, Adedeji spearheaded the creation of the African Alternative Framework to Structural Adjustment Programmes (AAF-SAP) to counter the devastating effects of the Structural Adjustment Programmes (SAPs) on Africa during what is often regarded as the “lost decade” of the 1980s. In his numerous speeches, Adedeji consistently advocated for collective self-reliance and a human-centered approach to development which proved instrumental in shaping the Abuja Treaty, a cornerstone of the Boosting Intra-African Trade action plan. See Adedeji, A. and Senghor, J.C., 2014. *Towards a dynamic African economy: Selected speeches and lectures 1975-1986*. Routledge.: See also Adebajo, A., 2016. A Tale of Three Cassandras: Jean Monnet, Raúl Prebisch, and Adebayo Adedeji. In *Region-Building in Africa: Political and Economic Challenges* (pp. 53-67). New York: Palgrave Macmillan US.; Adebajo, A., 2020. Adebayo Adedeji: Africa’s foremost prophet of regional integration. *The Palgrave Handbook of African Political Economy*, pp.265-278.

[3] Colloquially known as Abuja Treaty.

[4] These two meetings were arguably pivotal in giving rise to the AfCFTA. First, at the 6th Ordinary Session of the African Union (AU) Conference of Ministers of Trade, held from October 29 to November 2, 2010, at the Serena Hotel in Kigali, senior trade officials examined the pace of continental integration. They emphasized that intra-regional initiatives must not impede broader continental efforts, citing, for example, how Customs Unions—each with its own rules of origin, tariff nomenclature, and common external tariff—could pose significant challenges. The Tripartite Free Trade Area (TFTA) was proposed as one way to address these complexities, although there was also support for suspending further creation of such arrangements in favor of establishing a Continental Free Trade Area (CFTA). Subsequently, at the 7th Ordinary Session of the AU Conference of Ministers of Trade in Ghana (December 2011), the ministers considered a presentation recalling both the decision from the 6th Ordinary Session to accelerate CFTA negotiations and the January 2012 AU Summit's focus on boosting intra-African trade. The conference underscored that, according to the Abuja Treaty, the Regional Economic Communities (RECs) were expected to form regional Customs Unions by 2017, followed by a Continental Customs Union by 2019. On this basis, the Conference was asked to endorse and recommend establishing the CFTA by 2017. of Trade, Kigali, Rwanda, 2010 AU/TD/EXP/Rpt(VI). See also African Union Commission, Report of the 7th Ordinary Session of the African Union Conference of Ministers of Trade, Accra, Ghana, 2011 - AU/MIN/TD/Rpt(VII).

[5] In 2012, the African Union introduced the Boosting Intra-African Trade (BIAT) Action Plan, followed by the adoption of the Agenda 2063 blueprint in 2013, paving the way for the launch of AfCFTA negotiations in 2015, the signing of its first suite of agreements in 2018, and the commencement of operationalization in 2020. See African Union, *Decision on Boosting Intra-African Trade and Fast-Tracking the Continental Free Trade Area*, AU Doc. Assembly/AU/Dec.394(XVIII), Addis Ababa, 2012.; See also United Nations Economic Commission for Africa (UNECA), *Assessing Regional Integration in Africa (ARIA) VIII: Bringing the AfCFTA About*, 2019.

[6] Table of Contents, Ajibo, C.C., 2024. *The African Continental Free Trade Area Agreement: Legal and Policy Frameworks*. Taylor & Francis.

[7] Ajibo Ibid Pp 1-36

[8] Ajibo Ibid Pp 37-211

[9] Ibid Pp 212-292

[10] Ibid Chapter 2, 30-34

[11] Ibid 30-34

[12] Ibid

[13] Ibid

[14] Page

[15] Ibid

[16] Ismail, F.A., 2017. Advancing regional integration in Africa through the continental free trade area (CFTA). *Law and Development Review*, 10(1), pp.119-146.

[17] See James Thuo Gathii, Variation in the Use of Subregional Integration Courts between Business and Human Rights Actors: The Case of the East African Court of Justice, 79 *Law and Contemporary Problems* 37-62 (2016) Available at: <https://scholarship.law.duke.edu/lcp/vol79/iss1/2>; See also Gathii JT. African Regional Trade Agreements as Flexible Legal Regimes. In: *African Regional Trade Agreements as Legal Regimes*. Cambridge International Trade and Economic Law. Cambridge University Press; 2011:1-33.

[18] Ismail, F.A., *The African Continental Free Trade Area and Developmental Regionalism: A Handbook* (2021) Trade & Industrial Policy Strategies (TIPS) pp 18-19.

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