Negotiating the AfCFTA in the Shadow of International and Regional Struggle for Power: A Caution!

By:

Olabisi D. Akinkugbe

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In this piece, I reflect on the contemporary international and regional struggle for power or influence and their potential implications for the Agreement for the Establishment of the African Continental Free Trade Area (AfCFTA). At the international level, Africa continues to be a battlefield of the struggle for global power, most recently, among a triad of countries: China, Russia and the United States of America. Regionally, the negotiation and eventual implementation of the AfCFTA will be embedded in a complex socio-economic and political dynamic that dates back to colonialism. These dynamics and the paradigm of trade alliances that emerge from them are important factors that African leaders and policy experts involved in the negotiation of the AfCFTA must be proactive in addressing. In an era of increasing mega-regional trade agreements, the imminent completion of Phase I negotiations (involving issues

such as trade in goods and services), and the anticipated commencement of Phase II Negotiations is a watershed for regional economic integration in Africa.

The AfCFTA has a broad objective of creating “a single continental market for goods and services, with free movement of business persons and investments” and a potential to significantly impact international trade relations simultaneously at the continental and global levels. Yet, situated in the context of a challenging and protracted history of non-implementation of regional trade agreements, and a complex international and regional trade wars with divisive implications in contemporary multilateral trading system, there are reasons to be modest about the impact of the AfCFTA. The rhetoric of free trade carries a significant weight in multilateral discourse that is sometimes devoid of the reality that international trade agreements and their negotiation is primarily about national interests.

A fully operational AfCFTA will pitch Africa’s new economic order as a competitor, on equal footing, against other established multilateral trading regimes controlled by a few dominant economic powers. The question is whether there are measures in the AfCFTA’s to preserve its objectives vis-à-vis the interests of the dominant economic powers? Sand-witched in the on-going trade wars between China and the United States, what do we make of the battlefield that Africa has been constituted? The battle for influence attains a higher level of significance even as the European Union seeks to forge a new partnership with African states based on an Alliance for Sustainable Investment and Jobs. As the number for the AfCFTA’s entrance into force gathers pace, African leaders and policy experts must be conscious of the unsavoury implications that rivalries between and among super-powers can have on the implementation of the agreement. They must avoid being caught in the middle of the power struggle and control of the multilateral trading system. Similarly, negotiators of the AfCFTA must be careful of being lured into compromising an otherwise stronger position on the altar of financial aid or infrastructure development projects. Anticipating and providing innovative mechanisms for countering these strategies must be part of the conversation in Phase II Negotiations. At the continental level, the negotiation of the AfCFTA raises an important question about the interests of the regional hegemons on the continent. Although the composition may defer based on the issue that is being negotiated, Nigeria, South-Africa, Egypt, and Kenya are the traditional regional

hegemons on the continent. While Nigeria's steering committee on the AfCFTA's Impact and Readiness Assessment is set to present its recommendations to the Nigerian president early in 2019, the continuing delay by Nigeria illustrates the political grandstanding that is prevalent among regional hegemons in Africa. The demonstrated unity by the majority of African states in signing the AfCFTA and the ratifications are symbolic milestones for trade in the continent.

Yet, challenges such as struggle for regional power, legacies of colonialism that have engrained distrust in economic cooperation, and the rise of protectionist tendencies among African states, provide important contexts to the unique continental challenges that the AfCFTA's implementation will be embedded. In its distributive sense, law is a tool of struggle and for asserting power. Trade liberalization and free trade agreements create winners and losers. As a legal instrument, the AfCFTA provides a unique context of struggle for power. Beyond the hopeful aspirations enshrined in the black letter of the AfCFTA, addressing historical, socio-political, economic and power dynamics on the continent will be crucial to the eventual effective realisation of the AfCFTA's objectives. In conclusion, a cautionary note that arises from the foregoing analysis is that the negotiation and probable future implementation of the AfCFTA is and will continue to be shaped by the struggle for power and influence as well as socio-economic and political realities at the international and continental level. While there are many reasons to draw optimism and hope from the completion of different milestones aimed at bringing the AfCFTA into operation, African leaders and the negotiators of the AfCFTA owe it to the continent to avoid going down the path of failure that characterized previous attempts. The economic opportunities that the AfCFTA will unlock remains significantly intertwined and dependent on the political willingness of African states to not only cooperate but integrate their economies. It is only where a united political willingness exists among African leaders, that we can begin to imagine a single continental economic order with potential to reclaim a new space in the multilateral trading system.

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