REVIEW V of Regional Developmentalism through Law: Establishing an African Economic Community, Jonathan Bashi Rudahindwa, Routledge, 2018

By:

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Regionalism has been an essential part of the fabric of Africa's politico-economic development for close to a century. Having evolved from a colonial enterprise to a post-colonial developmental mechanism, the fundamental worry has always been about its ineffectiveness in bringing about the much needed socio-economic advancement of the continent. African integration is currently experiencing one of its most consequential phases. Ongoing reform efforts have led to measures such as the 0.2% import tax levy on eligible imports into member states to finance the continental integration process; the plan to reduce the number of African Union Commission (AUC) commissioners from eight to six; the adoption of the African Continental Free Trade Area (AfCFTA)

Agreement and the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right to Residence and Right of Establishment; and the adoption of the AU Agenda 2063 in 2015. If well managed and efficiently implemented, these measures have the potential of boosting regionalism in Africa.

A proper assessment of Rudahindwa's monograph on the subject of establishing the African Economic Community (AEC) is one that cannot exclude the currents of ongoing reform efforts and the extent to which they are able to move the continent faster towards the dream of achieving the AEC. This invariably raises some methodological questions that border on multidisciplinary approach to regionalism, and the issue of context. The author highlights these two imperatives in the monograph. By using the concept of "developmental regionalism" as an analytical prism, the author situates the discussion within a multidisciplinary paradigm. This option is very crucial, considering the fact that law does not exist in isolation, and more importantly, against the background of the worrisome non-implementation of the numerous legal frameworks on regional integration in Africa. In terms of context, the author highlighted "the need for a comprehensive approach to regional legal processes which would be adapted to each region's particular circumstances [...]" (page 3). The author rightly identified the Eurocentric, neo-liberal underpinning of the theories of economic development at the heart of national regional integration initiatives in Africa, and how these have proved to be unfit for purpose in enhancing development (see e.g. page 27).

In analysing the instrumental nature of law in advancing economic regionalism, the monograph delved into a detailed comparative discussion of developments in Africa, Europe, Asia, Latin America, and North America. Through this analysis, the author zoomed in on how legal instruments in these regions have been used, with varying successes and faults, to provide coordination and regulation of member states' cooperation and engagement in the matrix of regional integration. In the African context, the Economic Community of West African States (ECOWAS), Southern African Development Community (SADC), East African Community (EAC), and the Organisation for Harmonisation of Business Law in Africa (OHADA) were analysed to provide some contextual experiences and lessons for the AEC. In spite of its supranational appeal, the author does

not view OHADA as a useful template for continental harmonisation of laws, and the eventual establishment of the AEC. He argued that OHADA places too much emphasis on the unification of laws as opposed to ‘accommodating various legal systems … [which] is more adapted to the needs and circumstances of the AEC Member States’ (page 188).

Despite the criticisms of the unsuitability of Eurocentric methods in advancing regionalism, the author showed more bias towards the European Union (EU) as an apt referential tool for integration through the law. The discussion of the European integration process placed emphasis on the politico-juridical appeal of the principles of direct effect, supremacy, and mutual recognition as effective regulatory tools for advancing the AEC (page 203). Although the author had raised the importance of context and suitability (page 3), the inability to provide a feasible contextual application of these principles remain a key drawback of this monograph.

A reader would have expected a more detailed applicative analysis in the concluding chapter rather than an outline of the “theoretical implication” (pages 202-204) of the research. As already highlighted in the first paragraph of this review, current reform efforts (some of which had already started during the writing of the book) demand a more interrogative and context-driven, alternative dissection of regionalism in Africa. The issue of adoption of Eurocentric, neo-liberal approaches to regionalism in Africa, and how they continue to influence ongoing reform efforts require a rigorous analysis of what and how an Afrocentric alternative should be. Multidisciplinary issues such as the design of regional institutions and their relevance to the peculiarities of the continent; lessons from practices of pre-colonial trade relations and patterns; the relationship between the peculiar politico-economic conditions of African states and regional integration; mental modes (both at governmental and non-governmental levels) shaping regionalism; and the so called new scramble for Africa and how it affects current and future integrative measures are central to arriving at such Afrocentric alternative.

In spite of these omissions, the monograph remains a timely addition to the discussions around economic regionalism in Africa. Furthermore, it provides a stimulation for further research on this critical topic.

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