Book Review I of Asymmetric Power Relations and International Trade Law: A Legal Analysis of Economic Partnership Agreements

By:

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The author's insights on trade relations are thought-provoking and non-dogmatic. She clearly articulates her points and illustrates the value of this relationship. Nonetheless, the importance of that value diminishes when we consider the dependence it creates, which she summarizes. Chapter one explores the theoretical framework of this argument, which is expected in such discussions. What I particularly admire about chapter one is its effective illustration of the concept of asymmetry. It defines asymmetry as a disparity due to differing power and position. For instance, Nigeria and Ghana display asymmetry despite having equal voting rights.

Nigeria can bluff the EU because its oil economy allows it to do so. However, Ghana will be compelled to engage in transactions as it needs to push its cocoa

into the global market, even if the returns are less advantageous. Therefore, it agrees with the implications of discussing externality, asymmetry, and the concept of asymmetry itself. Additionally, what I appreciate about the book is that it addresses both economics and law. Law and economics is an area we rarely explore in Nigeria. As discussed by Julio Faundez, legal scholars ought to delve deeper into law and economics, as these legal concepts become valuable for development only when situated within the economic framework. This area of law centres on power: Who possesses power? How does power influence outcomes? Meanwhile, this field of economics revolves around incentives. It is fascinating because trade law fundamentally opens the door to a multidisciplinary approach, incorporating economics, political theory, and law.

Chapter two presents the system's history from GATS to the WTO and up to the present day. The key point illustrated is that, despite changes, the role of ideas remains constant. Even as structures evolve, there is an underlying sense of continuity in the central ideas driving this remarkable transformation. Indeed, while there is change, a shift, and a transformation of the system towards being more open and less discriminatory- responding to the weaknesses of developing countries and advocating for fair treatment and options- this framework still reflects key elements of the past.

The difficulty of creating justice within the trading system among individuals with varying levels of economic and social power is evident. Just as we find it challenging to establish fairness in personal relationships, achieving equitable justice is complicated due to differing advantages, positioning, and hierarchies. This complexity extends to the international trading system. Consequently, efforts to address the challenges faced by developing countries can lead to mental traps. For instance, the EPA, as demonstrated in this book, reflects the objectives of European countries: participation in WTO discussions advocating for non-discrimination. This partnership agreement allows them to establish free trade; however, the agreement itself is inherently biased.

So, you apply the same principle to empower developing countries and turn it against them. That's one key lesson here. This book is incredibly rich, as I mentioned. What I want to share with you is that it's a book with continuity, demonstrating that things change but remain the same. In chapter three, we discuss the Gordian credit system, which is really important. When we address

this, there are two extremes we must avoid as African scholars, intellectuals, and people in power, such as former governors, who may possibly run again for some...

A politician, always a politician, perhaps they are planning to run again. However, one thing we should avoid is the extreme pessimism that claims Africa is doomed or dead, just as we should also steer clear of extreme positivity regarding those who perform well. If we examine the trading system, it's not that Africa isn't trading; we didn't have much to trade before. Trading systems can potentially foster inter-African trade, even if we're not yet highly developed. Chapter three illustrates the nature of pre-colonial trade, what transpired during colonization, the disruptions, the distortions, and the resulting processes. We observe how these features are manifested in today's world.

Daron Acemoglu and James Robinson, discussed how colonial rule had influenced our institutional development and other aspects of growth. There are two perspectives on this issue. One view is that the diversity we see today stems from our institutions and is merely a by-product of our colonial experience. However, some people argue that, similar to Japan's colonial experience, Japan created an economic miracle between 1925 and 1975. This is highlighted in a well-known book by Johnson Chalmers, titled MITI and the Japanese Economic Miracle: The Growth of Industrial Policy, 1925-1975, which illustrates how Japan emerged from war and the colonial oppression it faced to build a strong economy.

Therefore, colonialism is not a fate that a country cannot escape from. However, as Karl Max says, one cannot create a new world out of nothing. This means you already have a structural deficiency from which to break free. Therefore, the notion of colonial determinism is not that we are trapped, but that we should understand the history of our pathology in order to escape it. Chapter three does an excellent job, and in chapter four, she takes a closer look at the European Union and the ACP countries. I want to focus on something that I found very interesting.

In her doctoral research, the phenomenological argument is central. Phenomenology asserts that any claim must be supported by concrete evidence, illustrating its application. In her book, Dr. Agbo-Ejeh examines

Ghana and Nigeria as case studies. This analysis is crucial not merely as theory; she thoroughly explains Ghana's engagement with the European Union (EU) and the Economic Partnership Agreement (EPA) and contrasts it with Nigeria's approach, showcasing a divergence. Nigeria's position did not align with Ghana's, and she clarifies the reasons for this difference. Furthermore, the author contends that Ghana adopts a more structured and strategic method in its economic policymaking framework than Nigeria.

However, Nigeria excels in its ability to bluff. This indicates that the country is a formidable force in certain aspects, yet it appears disoriented. The absence of a clear strategy has resulted in a chaotic state of development. Nigeria needs to be more organised and structured. Indeed, our capacity to bluff is undeniable. Among all African nations, Nigeria has the highest potential to bluff. Interestingly, the elite bourgeoisie in Nigeria is predominantly made up of Nigerians. This country stands out as one of the few in Africa where domestic entities wield nearly 99% of economic power. Influential figures such as Dangote, Elumelu, and many others are key players. Notably, they are not descendants of foreign owners. This dominance can be traced back to the indigenisation policy implemented in the 1970s, which I recognize as significant. The policy established in the early '90s, building on the precedent set in the 1960s, mandated that any foreigner looking to start a business in Nigeria must partner with a Nigerian majority shareholder. And who do you think those partners are? Politicians. This alliance marks the convergence of Nigeria's political class with its business sector, leading to a wide-ranging coalition of political parties.

The author skillfully presents Ghana and details Nigeria, emphasizing their engagement in crucial EPA negotiations. This defines the essence of scholarship. A true scholar does not merely assert superiority; they explore a phenomenon, recognise its complexity, and contemplate it deeply. This illustrates the evidence within, rooted in factual realities. Yet, she has taken it a step further by weaving these insights into a comprehensive narrative that conveys a broader truth. She indicates that equitable economic exchanges or trade agreements can only be realised by establishing balance in the relationship between Africa and its European counterparts. Furthermore, she highlights another challenge: the involvement of China in Africa complicates the situation, for Europeans and Westerners, this presents a dilemma as it

introduces competition.

China is increasingly adopting a strategic perspective in its relationship with Africa. I met with the high commissioner, who noted a rush for business opportunities in Nigeria due to China's significant presence. She highlighted that the Chinese offer is attractive, as they do not engage in discussions about human rights. African leaders generally disregard human rights. Even proponents of democracy tend to violate human rights once they gain power, a fact evident in the current Nigerian administration. For instance, the President of Nigeria, Bola Tinubu, previously opposed Abacha and Obasanjo, yet there have been numerous attacks on democracy in Nigeria that have occurred under his leadership recently.

Therefore, China's involvement in African nations is generally accepted. Notably, Nigeria prioritises infrastructure projects. However, these developments are unlikely to be integrated into a productive economy, often remaining underutilised. Take Ebony State as an example: it has numerous bridges, yet the surrounding areas show little activity. The connection between infrastructure and sustainable growth is absent there.

In contrast, Ghana would likely excel if it had Nigeria's resources. Nigeria's main challenge lies in its insufficient commitment to development. China does not want to know whether the poverty level in Africa is decreasing. So, the question is: is it a good or bad thing? The author argues that it is good but also bad because China does not care about democracy or human rights; it could be creating a new form of colonization. The author argues for engaging with China, Europe and the USA.

The rise of Trump is beneficial for Africa. This forms the basis of my argument. Many African nations have grounded their foreign relations in misleading principles. Liberals often appeal to pity, proclaiming, "Oh, we are here to protect human rights." Conversely, China states, "We are here for deals." This reflects my perspective. If Africa shifts from this false idealism and adopts a pragmatic approach, it can forge beneficial agreements with the USA, China, and Europe. Such agreements should be founded on genuine, tangible values for value. This should be the guiding principle for international trade in Africa.

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