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

By:

Joycelin Chinwe Eze-Okubuiro

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The quest for economic development has continued to characterise Africa's agenda. Widespread political instabilities, poverty, natural disasters, and years of colonialism and its aftermath could arguably be catalysts for solidarity to solve the problems collectively within the African continent. Given this, Africa, through institutions, has sought diverse regional integration to pursue common policies and objectives in matters of general economic development or a particular economic field of common interest for the mutual benefit of all the participating states (Samuel K.B. Asante, Regionalism and Africa's development: expectations, reality, and challenges, Palgrave Macmillan, 1997). Africa's regional integration has been broadly viewed from two major lenses: sub-regional and continent-wide integration. The sub-regional groupings operate as regional economic communities (RECs), while the continent-wide institutional integration is driven by the African Union (AU), which succeeded the Organisation of African Unity (OAU). The African Continental Free Trade Area (AfCFTA), which is the primary concern of this book review, emerged as a by-product of African regional integration at the sub-regional and continental levels, (Jacob Viner, *The Customs Union Issue*, Carnegie Endowment for International).

The emergence of the AfCFTA was welcomed with grand celebrations and was seen as a positive move in the right direction for African development. In view of such a position, African leaders' huge support for the AfCFTA can be seen in the speedy and high rate of ratification of the agreement by the AU member states (Muchanga 2022; Tralac 2022). Therefore, what makes the AfCFTA a unique and significant instrument for successful African integration is worth understanding for diverse interests, including policy-makers, practitioners, scholars, students and among others. It could be boldly stated that Collins Ajibo, through his book titled *The African Continental Free Trade Area Agreement: Legal and Policy Frameworks*, sets out to fill this gap. The book provides a comprehensive assessment of African economic integration through the lens of International Economic Law. Its analysis is contextualised within the prevailing regional economic integrations, the WTO and the peculiarity of the AfCFTA. It also illustrates the complex interplay of diverse factors that shape the AfCFTA. In doing so, the book accomplishes these by providing interpretative guidance on the AfCFTA; providing guidance to traders, investors, and businesses to optimise opportunities afforded by the AfCFTA; and proffering suggestions to make the AfCFTA successful, that is to achieve sustainable development, Sustainable Development Goals, and other extant objectives. However, the book notes that the realisation of the above objectives is hugely dependent on the low development dynamics.

The book, The *African Continental Free Trade Area Agreement: Legal and Policy Frameworks*, comprises sixteen chapters of in-depth examination of the subject matter. The book begins by broadly examining regional trade agreements' drivers (RTAs). This introductory chapter notes that the African Continental Free Trade Area (AfCFTA) Agreement is permitted and justified under Article 52 of the United Nations Charter, Article XXIV of the General Agreement on Tariffs and Trade (GATT), Article V of the General Agreement on Trade in Services (GATS), and Enabling Clause. The book traces African integration initiatives comprising political, social, cultural, and economic characteristics through a well-crafted historical narrative. Such a historical narrative traces through the early period of African regional integration of the Organisation of African Unity (OAU), through the 1979 Monrovia Summit, and the development of the 1980 Lagos Plan of Action (LPA). This narrative also incorporates the development of the Boosting Intra-African Trade (BIAT) decision and, finally, the AfCFTA. As noted in the book, the AfCFTA is a continent-wide project of considerable magnitude that retained the RECs rather than abolishing them. It also points to the AU recognition of only eight of these RECs as the building blocks of the AfCFTA, although opportunity exists for further recognition.

The book posits that the final stage of economic integration in Africa would occur when the AfCFTA transitions to deeper integration, resulting in economic and political union. These historical stages complement Article 6 of the Abuja Treaty, 50, which conforms to the exceptions under Article XXIV of the GATT. This engaging narrative explored the aims of these integration initiatives, as well as their successes and weaknesses, enabling readers to gain informed knowledge of the stages of African integration processes. The first chapter of the book concludes by noting that the emergence of the AfCFTA in the African integration experience is a culmination of efforts that predate independence, straddling political, social, cultural, and economic relationships.

One of the outstanding features of the book is the comprehensive exploration of the AfCFTA. In the second chapter, the author thoroughly examines the Scope, Objectives, and Principles of the AfCFTA. The book posits that the AfCFTA heralds a new dawn in African economic integration and the quest for development, characterised by three Phases. Phase I covers PTG, PTS and PRPSD; Phase II covers Investment, Intellectual Property and Competition Policy; and Phase III extends to digital trade and connected matters. The chapter reiterates the notion that the AfCFTA is an ambitious project governed by general and specific objectives as well as basic principles. These objectives and principles apply to the AfCFTA’s institutional frameworks and guide underlying implementation. The book brings to attention that the AfCFTA possesses an in-built uniqueness as an RTA structured for the region, which emphasizes the preservation of the acquis; RECs’ Free Trade Areas as building blocks for the AfCFTA; and best practices in the RECs, in the State Parties and International Conventions binding on the AU.

However, the author contends that low development dynamics will have decisive impacts on every aspect of the implementation of the AfCFTA. This argument features prominently in this book. The author examines diverse factors, such as the challenges and impediments undermining African development and economic competitiveness. These factors cover institutional, institutional-related, and non-institutional factors, such as non-tariff barriers, socio-political and governance constraints, power asymmetry, enablers of fragile and conflict-affected situations, weak institutions, and other development-stultifying indicators.

The book draws attention to the weak institutions that have contributed significantly to the underdevelopment of the African continent. Arguably, this is experienced in many states in Africa, leading to failed States, poverty, insecurity, among many other negative consequences, which have left many African citizens dissatisfied and forced to migrate to different parts of the world. As pointed out in the book, these weak institutions result from the political class, which tends to prioritise their interests somewhat above the interests of the generality of the population. Also, the issue of separation of powers appears elusive as democratic institutions lack independence and impartiality. Instead, they routinely execute self-serving scripts prepared by the government in power, even if it is detrimental to the generality of the population.

Furthermore, the book points to the corrupt and politicised nature of the judiciary, which selfishly aims to satisfy the desires of those in government. Moreover, there is an entrenched culture of rent-seeking and corruption in governance perpetrated by a self-serving government. Such governments characteristically shield themselves and their loyalists from conviction and instead seek out opposition members for sundry infractions.

Accordingly, the book advocates for action plans that focus on tackling institutional, semi-institutional and non-institutional factors that affect every aspect of the AfCFTA, ranging from market access to overall implementation of all the protocols. Institutional strengthening is crucial for the success of the AfCFTA. The book also noted the efforts and importance of Third World Approaches to International (TWAIL) and decolonial scholars towards balancing the global rule-making in favour of the Global South. Such TWAIL contributions provide crucial perspectives on resisting external control and exploitation.

However, the book notes that TWAIL (like decoloniality) has its flaws, and argues that TWAIL and decolonial scholars who have an African interest in its agenda should engage in a corresponding focus on good governance at the national levels in Africa. Positing that such an inward-looking approach will facilitate the pooling of resources necessary for robust solutions to the constraints posed to African development by the low development dynamics. In addition, the book emphasises that the success of the AfCFTA principally depends on the dexterity exhibited in managing the low development dynamics.

The book concludes with some important reflections from the author, which could facilitate progressive law-making and policies based on the context of the comprehensive examination of the AfCFTA. Such reflections provided recommendations for the successive implementation of the AfCFTA to deliver sustainable success for businesses, people, and the continent. These range from trade, investment, intellectual property, and competition policy to cross-cutting action plans, requiring reforms and urging African States to take responsibility and address the low development dynamics. Arguably, these could foster the economic and overall development that Africa has continued to seek.

The above scholarly work has been done in clear, well-structured writing, adding to the book's numerous strengths. It is very easy to understand, even for an audience outside the international economic law field on which the book is based. *The African Continental Free Trade Area Agreement: Legal and Policy Frameworks* is an in-depth scholarly work strongly recommended to students, academics, and practitioners in International Economic Law and those with interests in Africa and development.