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

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The African Continental Free Trade Area (AfCFTA) agreement signifies a transformative milestone in Africa's quest for regional economic integration. In *The African Continental Free Trade Area Agreement: Legal and Policy Frameworks*, Collins C. Ajibo delivers a rigorous and interdisciplinary analysis of the AfCFTA, deftly integrating legal, economic, and institutional perspectives. The book illuminates the complexities of this ambitious initiative, balancing an exploration of its challenges with an articulation of its immense potential. Ajibo systematically unpacks the theoretical foundations, operational challenges, and transformative possibilities inherent in the AfCFTA, positioning it as a vital mechanism for sustainable development in Africa.

Structure of the Work

Ajibo's work is divided into sixteen chapters, each offering a deep dive into critical facets of the AfCFTA. The opening chapter contextualizes the agreement within the broader framework of regional trade agreements (RTAs) and the multilateral trading system. Drawing on Article XXIV of GATT and Article V of GATS, the author elucidates the AfCFTA's legal architecture and developmental purpose, emphasizing its tailored design to address Africa's unique economic landscape.

Subsequent chapters expand on these foundations, addressing pivotal themes such as non-discrimination and market access (Chapter 3), trade exceptions (Chapters 4 and 5), trade facilitation and rules of origin (Chapters 7–9), and dispute settlement mechanisms (Chapter 12). Ajibo also examines the regulatory dimensions of investment policies (Chapter 13), intellectual property rights (Chapter 14), and competition law (Chapter 15), underscoring their significance in creating an enabling environment for regional trade and investment.

The concluding chapter synthesizes the key insights, reflecting on the agreement's overarching potential while candidly addressing the hurdles that remain. Through this structured approach, Ajibo offers a comprehensive resource for policymakers, scholars, practitioners, and students seeking to engage with the AfCFTA and its broader integration agenda.

Low Development Dynamics

Ajibo dedicates Chapter 2 to a thorough examination of "low development dynamics," a concept encapsulating the structural and systemic barriers impeding development and economic integration across Africa. These dynamics—arising from institutional weaknesses, socio-political challenges, and infrastructure deficits—are integral to understanding the complexities surrounding the AfCFTA's implementation. Ajibo's analysis offers a critical yet constructive framework for addressing these barriers, situating the discussion within the broader interplay of key elements such as the variable geometry feature of the AfCFTA and its relationship with Regional Economic Communities (RECs). These components, Ajibo argues, are not only vital to navigating the challenges of low development dynamics but also serve as tools to mitigate disparities and facilitate more cohesive integration efforts. The interaction

between these elements highlights both the potential and the difficulties inherent in advancing Africa's regional integration agenda under such diverse conditions.

i) Variable Geometry and flexibility

Ajibo's exploration of the principles of variable geometry and flexibility within the AfCFTA framework underscores the pragmatic necessity of accommodating Africa's economic diversity. These principles enable member states to advance toward integration at varying speeds, ensuring that less-developed economies are not excluded while allowing more advanced states to lead the way. Ajibo highlights the critical importance of this approach in addressing significant disparities among African nations in institutional capacity, infrastructure, and trade readiness. By referring to Gathi's intuitions, he identifies three key benefits of this framework: (1) policy flexibility and autonomy, allowing states to pursue trade commitments and harmonization objectives at a manageable pace; (2) mechanisms to minimize distributional losses, ensuring equitable outcomes across member states; and (3) preferential allocation of industrial development, credit, and investments from regional banks, providing targeted support to nations in need. By accommodating diverse developmental realities, Ajibo argues, this approach balances inclusivity with the need to advance critical aspects of integration.

Ajibo further contextualizes variable geometry within a broader discussion on adaptability and pragmatism. Flexibility, he asserts, is not merely a response to economic disparities but a deliberate strategy to foster long-term convergence among member states. By allowing countries to progress at their own pace, the AfCFTA reduces the risk of alienating less-prepared nations while laying the groundwork for more comprehensive and cohesive commitments in the future. This incremental approach ensures that foundational structures are in place before tackling more complex integration goals.

However, Ajibo offers a measured caution: flexibility must not devolve into fragmentation or create a tiered system within the AfCFTA. A divergence in the pace of implementation, if left unchecked, could undermine the agreement's central goal of establishing a unified continental market. Ensuring that variable geometry fosters convergence rather than entrenching disparities requires

robust mechanisms for coordination, accountability, and eventual harmonization. For Ajibo, striking this balance is critical to safeguarding the AfCFTA's transformative potential.

ii) AfCFTA and RECs

Ajibo's exploration of the relationship between the AfCFTA and Regional Economic Communities (RECs) offers a nuanced analysis of a crucial aspect of Africa's integration architecture. RECs such as ECOWAS, SADC, COMESA, and EAC have historically been the building blocks of regional cooperation, and their legal and institutional frameworks are explicitly preserved under the AfCFTA. Ajibo underscores the importance of this continuity, emphasizing that the acquis of RECs provides a valuable, tested foundation upon which the AfCFTA can expand. This arrangement enables the AfCFTA to leverage the progress and institutional experience of RECs while pursuing its broader objectives of continental integration.

Despite these synergies, Ajibo is unflinching in addressing the significant challenges posed by overlapping memberships in multiple RECs. Such overlaps result in conflicting obligations for member states, complicating the harmonization of trade policies, rules of origin, and tariff schedules. Ajibo highlights the risks of what he terms the "parallel existence" of RECs and the AfCFTA, wherein redundancy, inefficiency, and policy misalignment threaten to dilute the effectiveness of the AfCFTA's overarching goals. In this regard, the author highlights the role of the AU Draft Revised Protocol on Relations between the AU and the RECs, which will map out the modalities for cohesive co-existence of the AfCFTA and RECs.

By fostering deeper collaboration between RECs and the AfCFTA, Ajibo argues, African states can capitalize on the strengths of both systems. This approach minimizes the risks of fragmentation while reinforcing the shared vision of regional and continental economic integration. Ultimately, Ajibo's analysis underscores the need for a delicate balance: leveraging the institutional capacity and progress of RECs without allowing their overlapping obligations to undermine the AfCFTA's transformative ambitions.

A further particularly significant insight from Ajibo is his critique of the lack of a supranational authority within the AfCFTA framework, as the latter relies

heavily on the consensus of its member states to manage conflicts and align objectives. While this model reflects the pragmatic political realities of Africa's diverse landscape, it is argued that it exposes the AfCFTA to vulnerabilities in ensuring policy coherence and enforcement, particularly when member states prioritize regional or national interests over continental goals.

iii) The challenge of the low development dynamics, between RECs and flexibility

Ajibo's concept of "low development dynamics" encapsulates the fundamental structural barriers that hinder the effective implementation of the AfCFTA and the realization of its transformative potential. These barriers—rooted in institutional weaknesses, socio-political constraints, and infrastructure deficits—represent some of the most significant challenges to establishing a unified African market. By situating these challenges within a broader analysis of the AfCFTA framework, Ajibo provides a critical yet constructive perspective on overcoming them.

Institutional capacity deficits are a central theme in the analysis. The author underscores that many African states lack the technical expertise, governance structures, and regulatory frameworks necessary to operationalize the AfCFTA's provisions effectively. These deficits undermine the implementation of trade agreements and limit the ability of member states to align national policies with AfCFTA objectives. Ajibo further highlights how socio-political factors—such as identity-based conflicts, lingering colonial legacies, and nationalist priorities—compound these institutional weaknesses, often impeding collective action and fostering fragmentation within the integration process.

Another critical obstacle highlighted by Ajibo is the prevalence of non-tariff barriers (NTBs), which undermine the AfCFTA's vision of seamless trade flows. Restrictive licensing requirements, quotas, and burdensome regulatory frameworks create inefficiencies and bottlenecks that disrupt cross-border commerce. While tariff liberalization is a core focus of the AfCFTA, it is emphasized that addressing NTBs is equally essential for achieving meaningful economic integration. Without targeted interventions to streamline regulations, harmonize standards, and simplify customs procedures, the full benefits of the AfCFTA cannot be realized. Infrastructure deficits, particularly in transportation,

digital connectivity, and energy, further compound the challenges of low development dynamics. Ajibo notes that inadequate infrastructure impedes cross-border trade and investment, disproportionately affecting Least Developed Countries (LDCs) and limiting their participation in regional and global value chains. The absence of reliable infrastructure, such as integrated transport networks and access to affordable energy, creates supply-side constraints that undermine the competitiveness of African businesses. In this regard, Ajibo advocates for targeted infrastructure investments as a critical step toward enhancing trade capacity and fostering economic growth.

The author also positions capacity building as a cornerstone of his proposed solutions for addressing low development dynamics. He emphasizes the importance of strengthening institutional capacities through partnerships with international organizations, such as UNECA and UNCTAD, which provide technical assistance and training to support governance reforms. Transparent and rule-based systems, Ajibo argues, are essential for promoting accountability, reducing corruption, and streamlining decision-making processes. By fostering institutional resilience, African states can more effectively implement the AfCFTA and achieve sustainable economic integration.

In line with this perspective, as previously discussed, variable geometry and flexibility emerge as indispensable tools for ensuring that the integration process adapts to the diverse levels of development among African countries, particularly given the challenges that such an ambitious project may pose for some of them. At the same time, the preservation of the acquis of the RECs becomes even more crucial in light of the integration difficulties arising from low development dynamics. Ajibo’s emphasis on these mechanisms highlights their dual role: on the one hand, allowing for incremental and tailored participation by less-developed states, and on the other hand, leveraging the institutional experience and progress achieved within the RECs to mitigate the structural barriers that complicate the realization of the AfCFTA’s transformative vision.

The Quest for Simplification and Harmonization

Ajibo’s analysis of low development dynamics encourages deeper reflection on the inherent tension between harmonization and flexibility. While RECs are integral to the AfCFTA’s architecture and success, serving as foundational building blocks for continental integration, their coexistence with the AfCFTA also presents significant challenges. The absence of a supranational authority capable of enforcing compliance or resolving conflicts raises concerns about the coherence of the AfCFTA framework. This reliance on member-state consensus, while reflective of Africa’s institutional and political realities, risks perpetuating inefficiencies, redundancies, and fragmented implementation.

Ajibo’s work also provides food for thoughts on an area of critical importance that has received insufficient attention within the AfCFTA framework: legal harmonization. Africa’s fragmented systems of private and processual international law present significant barriers to cross-border trade and investment. Disparities in contract enforcement, jurisdictional conflicts, and the recognition of judgments contribute to legal uncertainty, deterring both domestic and foreign investors.

Conclusion: Toward a Unified Vision for Africa’s Economic Future

In *The African Continental Free Trade Area Agreement: Legal and Policy Frameworks*, Collins C. Ajibo offers a robust and well-rounded analysis of Africa’s economic integration efforts. Blending rigorous legal scholarship with developmental insights, the book positions the AfCFTA as a dynamic framework capable of addressing Africa’s longstanding structural challenges.

Ajibo’s exploration of “low development dynamics” provides a critical yet constructive lens through which to understand the barriers to integration. His emphasis on transformative regionalism highlights the AfCFTA’s potential to align trade policies with broader developmental objectives, provided that institutional and political challenges are effectively managed.

At its core, the AfCFTA transcends the boundaries of a mere trade agreement—it serves as a comprehensive blueprint for unifying Africa’s economic landscape and fostering sustainable and inclusive growth. Ajibo’s work emerges as a foundational resource for policymakers, scholars, and practitioners dedicated to advancing Africa’s integration agenda in the 21st century. By illuminating both the opportunities and challenges inherent in the

AfCFTA, his analysis not only provides valuable insights but also invites further debate on what the AfCFTA could—and ultimately should—become in its journey to reshape Africa's economic future.

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