# Book Symposium Introduction: Regional Developmentalism Through International Law: Establishing an African Economic Community

**By:**

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The book provides a study of regionalism in the context of Africa and investigates the various ways in which law can be used to address the particular issues raised by regional schemes across the continent. Given the relatively slow pace and the apparent failure which seem to have characterised regional initiatives in Africa to date, this study is intended to contribute to the search for effective methods to ensure the success of those initiatives. This is conducted through the contemplation of the role that law can play to help achieve the various objectives assigned to regional schemes in the context of the Treaty of Abuja.

Throughout the book, a particular emphasis is placed on the African Economic Community (AEC), considering that it has been entrusted with the coordination and the harmonisation of policies between various Regional Economic Communities (RECs) across the continentand thereby to influence the continent's approach towards regional integration.The Treaty of Abuja, which was signed in 1991 by the Member States of the former Organisation of African Unity (current African Union) and provides for the establishment of the AEC, therefore constitutes the major focus of the analysis conducted throughout the book.

Development occupies a prominent place in regional initiatives across the continent and appears to be the ultimate objective which motivates African states to engage in regional integration processes. This is evidenced in particular in the wording of the Treaty of Abuja, which has provided for the establishment of a continental Common Market under the auspices of an AEC in order to promote development across the continent. For this purpose, the establishment of the AEC is aimed, inter alia, at "promot[ing] economic, social and cultural development and the integration of African economies", "establish[ing] . . . a framework for the development, mobilisation and utilisation of the human and material resources of Africa" as well as "promot[ing] co-operation in all fields of human endeavour in order to raise the standard of living of African peoples".

Regional economic integration appears to be the main approach adopted by the Treaty of Abuja to promote development across various regions, particularly when it provides for the "the liberalisation of trade through the abolition, among the Member States, of customs duties levied on imports and exports . . . [as well as] non-tariff barriers . . . to establish a free trade area at the level of each [REC]" and "the harmonisation of national policies in order to promote Community activities, particularly in fields [such as] agriculture, industry or natural resources".This approach towards regional integration, which is presented as being the most appropriate to promote development in the AEC Member States,raises several issues which need to be addressed in order to ensure the successful achievement of the objectives assigned to the AEC.

Given the set of goals provided by the Treaty of Abuja, which place a strong

emphasis on the development of the AEC Member States, this study is particularly aimed at identifying the particular type of regional arrangement most likely to support the successful establishment of the AEC and the achievement of its objectives. A particular focus is placed on the various characteristics that law is likely to take under the model of regionalism adopted by the Treaty of Abuja, with a view to assessing their relevance and limitations in light of both the circumstances and the particular context of the African continent. This analysis is conducted with a view to evaluating the suitability of the regional legal processes conducted under the banner of the AEC for the promotion of regional development in Africa.

For this purpose, the different chapters include discussions on several legal principles and mechanisms which are offered in the Treaty of Abuja, providing for a critical analysis which focuses more particularly on the economic and political aspects of regional legal frameworks.

On the one hand, the analysis focuses on trade liberalisation and the promotion of the AEC's economic activities in specific sectors and considers the various issues likely to be raised by these concepts given the particular circumstances of the African continent. This analysis engages more particularly with the debate between the proponents of a market-led (liberalisation) and state-led (interventionism) development and highlights the rationale for and the various limitations of the approach to regional integration promoted by the Treaty of Abuja.

On the other hand, discussions on the coordination and harmonisation of the RECs' policies and, subsequently, the strengthening of the various RECs across the continent, engage with specific political discourses which highlight the need to identify various legal mechanisms, techniques and methods, as well as institutional arrangements which are necessary in order to achieve these objectives. A particular emphasis is placed on the extent of the actions that states and other actors are expected to take, highlighting the dichotomy between supranationalism and intergovernmentalism and considering regional governance mechanisms that seem the most suitable in the African context.

Moreover, a particular emphasis is placed on the apparent paradox between

the multiple constraints and challenges still faced by the continent today and the law-making process that has shaped regionalism in Africa to date. Drawing upon economic and political theories and using a comparative study, this study argues for the adoption of an overall regulatory framework which places a stronger emphasis on capacity-building in addition to economic integration and focuses more particularly on the need for a comprehensive approach to regional legal processes which would be adapted to each region's particular circumstances as well as to the specific objectives pursued by each REC.

It is against such a backdrop that the study seeks to identify the specific manner in which law can be used to address the particular issues raised by regionalism in Africa while ensuring that it achieves its goal of promoting economic development on the continent. By using economic and political theories, the analysis conducted in the book allows us to distinguish the various factors and processes that need to be taken into consideration in the formulation and further development of both regulatory and institutional frameworks which are needed to support regional integration processes in Africa.

**Contributors**

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Prof. Scott Newton: REVIEW II of Regional Developmentalism Through Law: Establishing an African Economic Community, Jonathan Bashi Rudahindwa, Routledge, 2018

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