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

By:

Diamond Ashiagbor

May 18, 2019

Jonathan Bashi Rudahindwa has written an important and timely book, which reconceives regionalism on the continent of Africa as being as much a *legal* project, requiring legal institutions for its realization, as the *political* project of regional cooperation with which scholars of pan-Africanism may be more immediately familiar.

I've been fortunate to follow the development of this book project from its first incarnation as a doctoral thesis in the School of Law at SOAS, University of London, where I was Jonathan's principal supervisor. The focus of Jonathan's research project moved from an initial concern with *comparative law* (the

interaction of civil and common law systems in the process of economic integration) to an engagement with regional integration – or what one might describe as an interest in interrogating the *transnational aspects of the transition to a market economy, cross border trade and development*, within the continent of Africa.

The book traces the evolution of regionalism and regional integration on the continent, from the Organization of African Unity through to the African Union but, unlike earlier treatises on regionalism, Bashi Rudahindwa rightly places emphasis on the role of the legal framework. He draws comparisons with other regional economic integration projects: the North American Free Trade Agreement (NAFTA), the Common Market of the Southern Cone (MERCOSUR), the Association of South East Asian Nations (ASEAN), and the European Union (EU), to argue for greater emphasis in the AU on capacity building, and the need to utilize law to support regulatory and institutional frameworks to facilitate trade and industrialization, and interventionist measures aimed at promoting structural transformation.

Through its study of the institutions of the African Economic Community (AEC) and the sub-regional integration efforts of the eight African regional economic communities (RECs), the book interrogates the African approach to regional (economic) integration, in particular that envisaged by the Treaty of Abuja which underpins the formation of the AEC, and its effectiveness in using law to promote development. Most notably, the book studies the legal mechanisms and techniques designed to establish and maintain a common market, exploring the case of the EU in order to extrapolate how a similar legal framework for regional integration could operate to promote growth and development in the African context.

This resulting monograph is a study of regional integration which unifies and deepens two important insights: in its focus on the most effective ways in which law can be used to support economic integration in Africa; and in rethinking the emphasis on development as a state-led process. Bashi Rudahindwa requires us to revisit and rethink the developmental state paradigm, wherein the post-colonial state pursued economic development via state-led industrialization behind protectionist barriers.

The historical shift from that post-colonial import substitution industrialization model of development towards a more neoliberal development practice has entailed a revised role for the (developmental) state – adopting what Norman Girvan refers to as the mantra of 'integration into the global economy'. This neoliberal paradigm has required the opening up of domestic investment and trade regimes, the dismantling of industry protectionism, and the reduction of the role of the state in the economy. Despite the acceptance of this paradigm by political leaders of individual states on the continent, the integration of African states *unilaterally* into the world economy has been slow and problematic, given limited state capacity and uneven terms of trade.

However, what Bashi Rudahindwa's book points us to is the potential for economic activity at the regional level to provide a more effective route to development and transition to a market economy. The dominant economic model underpinning the regional integration being pursued by leaders *collectively* in the AU mirrors the approach of individual states: to prioritize market governance in order to secure entry into the neoliberal global trade regime. What is so distinctive and illuminating in Bashi Rudahindwa analysis is the engagement with the role of law in this process. S.K.B. Asante's 1997 work on *Regionalism and Africa's Development* had identified the phenomenon of 'developmental regionalism', but without such a close treatment of the technical means (legal institutions) essential to realise such integration, as Bashi Rudahindwa's book now offers.

The 2013 UNCTAD Economic Development in Africa Report emphasized the need for an alternative approach to regional integration in Africa, which it refers to as 'developmental regionalism', focusing on development *outcomes* rather than on the processes of integration, paying as much attention to the building of productive capacities and private sector development as to the elimination of trade barriers.

Bashi Rudahindwa builds on these insights to track this newer version of pan-Africanism and regionalism: marrying the concept of 'regional developmentalism' with the principle of 'integration through law' (drawing on other regional trading blocs) to the African context in order to develop the distinctive theory of 'regional developmentalism through law'. The book

therefore deepens our appreciation of the complexity of regionalism: it makes a welcome contribution to scholarship – showing both legal scholars and scholars of integration how to systematically interrogate the role of law in the political economy of regional integration, and in the pursuit of economic development.

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

Provided by Afronomicslaw