Book Review

***The African Continental Free Trade Area Agreement: Legal and Policy Frameworks*, by Collins C. Ajibo, Routledge, 2024,** **ISBN 9781032012902**

The African Continental Free Trade Area Agreement: Legal and Policy Frameworks by Collins C. Ajibo is a pioneering work that undertakes an in-depth interdisciplinary study of the African Continental Free Trade Area (AfCFTA). It does so by incorporating the legal, economic, and political dimensions that help create a comprehensive foundation for any study on such an important trade agreement. The review will examine the book's content, on a chapter-by-chapter basis, of the statutory provisions it addresses and will critically evaluate its strengths and weaknesses.

Overview of Regional Trade Agreements and the AfCFTA (Chapters 1 and 2)

The initial chapters establish the context for the AfCFTA by placing it within the worldwide context of Regional Trade Agreements (RTAs), as authorised by Article XXIV of the General Agreement on Tariffs and Trade (GATT) 1994 and Article V of the General Agreement on Trade in Services (GATS). Ajibo opens with a sharp examination of the legal basis for RTAs, highlighting their exemption from the non-discrimination principle that is fundamental to World Trade Organization (WTO) law. This exemption allows member countries to create RTAs as long as they remove duties and restrictive regulations on nearly all trade among the members.

Ajibo provides significant insights into Articles XXIV:5 and 8 of GATT. He elucidates how these provisions facilitate the establishment of free trade areas and customs unions, promoting enhanced integration while maintaining alignment with multilateral trade principles. The AfCFTA, created as a free trade zone, is fully encompassed by these provisions. Additionally, Ajibo examines the Enabling Clause, which provides extra flexibility for developing nations, permitting differential treatment to tackle specific economic challenges.

In Chapter 2, the focus shifts to the economic environment of Africa, underscoring the "low development dynamics" that make the AfCFTA essential. Ajibo presents statistical forecasts, which suggest a possible income boost of $450 billion by 2035 and the elevation of 30 million individuals out of extreme poverty. This chapter also presents the AfCFTA as a tool to address systemic issues, including fragmented markets, dependency on customs revenue, and inadequate infrastructure. Chapters 1 and 2 demonstrate that the legal basis for Regional Trade Agreements (RTAs) is established by Article XXIV of the General Agreement on Tariffs and Trade (GATT) and Article V of the General Agreement on Trade in Services (GATS). With a focus on a developmental approach, the Enabling Clause provides flexibility in the implementation of these trade agreements.

Non-Discrimination, Market Access, and Exceptions (Chapters 3-6)

In Chapter 3, Ajibo's analysis of non-discrimination principles serves as a fundamental element of the book. He elaborates on the Most Favoured Nation (MFN) and National Treatment standards established under GATT and GATS, which are essential to the multilateral trading framework. Nevertheless, the AfCFTA, functioning as a RTA, allows for acceptable exceptions to these principles, providing preferential treatment among African countries to promote regional integration.

In Chapters 4 and 5, the focus is on the general and specific exceptions permitted by WTO law and their significance for the AfCFTA. Ajibo examines provisions like GATT Articles XX and XXI, which allow member countries to adopt measures necessary for protecting public morals, human, animal, or plant life or health, and national security. He emphasises the necessity of reconciling these exceptions with the primary objective of promoting trade liberalisation. Chapter 6 deals with tariffs and quantitative restrictions; this is very important since Africa depends on customs duties. Ajibo criticises the over-reliance on tariffs as a source of revenue, addressing the problems that come with the transition to alternative modes of collecting revenue. He also argues that having tariffs that are in line with the AfCFTA, where intra-African trade is a key goal, should also be emphasised.

Trade Facilitation, Non-Tariff Barriers, and Rules of Origin (Chapters 7 – 9)

In chapters 7 to 9, the operational aspects of the AfCFTA are defined, and trade facilitation and the Technical Barriers to Trade (TBT), Sanitary and Phytosanitary Measures (SPS), and Rules of Origin are dealt with. Chapter 7 underlines the importance of effective customs procedures in lowering trade costs. In his assessment report, Ajibo cites the WTO Trade Facilitation Agreement as a guiding instrument and calls upon African states to synchronise their customs ways for easier cross-border trading. He also highlights the significant benefits that would be attained with the involvement of digitisation in the process of modernising operations at the customs department.

The Technical Barriers to Trade (TBT) and Sanitary and Phytosanitary Measures (SPS) agreements are very critical to the quality and safety standard requirements of trade products. Harmonisation of standards to prevent the creation of unnecessary trade barriers is a point made by Ajibo and a discussion on how this can be solved by the AfCFTA, through its annexes on the TBT and SPS measures to take away these challenges. Chapter 9 provides a thorough analysis of rules of origin, a key determinant of whether goods qualify for preferential treatment under the AfCFTA. Ajibo explains the importance of balancing strict rules to prevent trade deflection with flexible rules to encourage regional value chains.

Investment, Intellectual Property, and Competition Policy (Chapters 10 – 15)

The discussion in the book on investment is quite forceful. The author calls for the development of a comprehensive Pan-African Investment Code, emphasising its potential to harmonise diverse investment regimes across the continent. This initiative aims to create a unified framework that would facilitate smoother investment processes, attract foreign capital, and enhance economic cooperation among African nations. By standardising regulations and policies, such a code could reduce barriers to entry for investors and promote sustainable development, ultimately fostering a more integrated and prosperous African economy. He stresses the opportunity that the AfCFTA presents in terms of attracting foreign direct investment, courtesy of creating one solid market of about 1.3 billion people. Statistical estimation between 111–159% in foreign direct investment flows drives home the point of how urgent it is to put in place a favourable investment climate.

Chapters 14 and 15 deal with intellectual property (IP) and competition policy. Ajibo reviews the AfCFTA Protocol on Intellectual Property Rights, focusing on how IP protection needs to be rebalanced with access to essential goods and technologies in light of competition risks. He then examined the monopoly risks inherent in the value chain and the need for a regulatory framework to ensure fair competition within the value chain.

Dispute Settlement and Enforcement Mechanisms (Chapter 12)

Ajibo's analysis of the AfCFTA dispute settlement framework in Chapter 12 is a highlight of the book. He locates the Protocol on Rules and Procedures on the Settlement of Disputes at the point of intersection with broader trends toward the strengthening of regional dispute resolution mechanisms. It underscores the importance of a very strong dispute settlement mechanism both to ensure compliance and to resolve conflicts. He points out the challenges, which include the resource base and the enforcement capabilities, as the AfCFTA places much emphasis on amicable settlements. In addition, Chapters 9 and 15.5.2 in Chapter 15 cover gender issues.

Reflections and Future Outlook (Chapter 16)

In the last chapter, Ajibo looks into the wider implications that relate to the AfCFTA. He talks about infrastructural deficits, governance issues, and basically the lack of political goodwill that would make this succeed. Nonetheless, he views with optimism the AfCFTA as a framework that one day can transform and unlock the economic potential of Africa. Ajibo places great emphasis on the alignment of national policies with the objectives of the AfCFTA and the promotion of public-private partnerships to fill in these infrastructural gaps. He brings out the position of the regional economic communities as the building blocks for the AfCFTA.

The strengths of the book are notable and contribute significantly to its value. Firstly, Ajibo provides a comprehensive legal analysis, critically reviewing statutory provisions and protocols that govern the African Continental Free Trade Area (AfCFTA). Such thorough scrutiny allows readers to have a clear view of the legal framework on which the AfCFTA is built. The book is also an interdisciplinary piece that combines legal, economic, and political analyses in view of offering a rounded perspective on the AfCFTA. Such a manifold viewpoint enriches and brings comprehension of the complexities with it. Besides, the book provides an ambitious roadmap for gender inclusivity and youth participation in the AfCFTA. Additionally, the linkages between the subsets of the AfCFTA protocols and sustainable development and how the former should facilitate the realisation of the latter straddle the entire book. Above all, the book provides practically implementable recommendations and, therefore, stands as a pragmatic guide for policymakers, business practitioners, and even academia, thus finding utility value for varied stakeholders.

However, despite its strengths, there are areas where the book could be further developed. For instance, the inclusion of more empirical data from African countries and case studies that are relevant would ground the analysis better.

Conclusion

The African Continental Free Trade Area Agreement: Legal and Policy Frameworks is a groundbreaking work that captures the complexities and opportunities of Africa's most ambitious economic integration project. Ajibo's analysis is both scholarly and accessible, making it an indispensable resource for anyone seeking to understand the AfCFTA. Sustainable development and sustainability underlie the entire work. As Africa moves from policy design to policy implementation, the book will be an essential resource to help people understand the problems involved and take advantage of the AfCFTA for a transformational agenda. Scholars, policymakers, and practitioners working on African trade and development would find the book invaluable.

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