

Call for Papers

University Mohammed VI Polytechnic (UM6P), Rabat, Morocco

First Years of Functioning of the African Continental Free Trade Area: Challenges and Prospects

Submission deadline: August 30th, 2024

Decision: September 30th, 2024

Background

1 January 2021 marked the commencement of trading under the African Continental Free Trade Area (AfCFTA). [The Agreement establishing the AfCFTA](#) was adopted on 21 March 2018 and entered into force on 30 May 2019. Its primary objective is to create a single market for goods and services to deepen Africa's economic integration. This continental Agreement is expected to constitute a critical milestone in pursuing a radical economic transformation of the African continent. It is equally expected to drive the economic transformation needed to foster sustained and inclusive growth in the context of persistent economic challenges. The belief that free trade and economic integration among states can translate into economic growth and social progress is not new. Other regions, such as Europe, have experienced the highest forms of economic integration. However, the traditional orthodoxy around the benefits of economic integration in Europe is now questioned, leading, for instance, to Brexit and other forms of nationalism and criticisms. Moreover, despite significant accomplishments in Africa, sub-regional integration experiences are critiqued for their ineffectiveness in fostering economic integration. Yet, the success of the AfCFTA depends on its ability to anticipate and address several legal and practical challenges faced by previous economic integration experiences, which are its building bloc. Further, implementation of the AfCFTA is being undertaken amidst a series of global challenges ranging from geopolitical conflicts, deepening global inequalities, climate change, and increasing global demand for sustainable, healthy, environmentally friendly, just, and ethical products and services.

This project aims to unveil the challenges that may hinder the effectiveness of the implementation and overall goals of the AfCFTA and generate critical reflections concerning how these challenges could be addressed. The project involves bringing together scholars and practitioners from (international) law and other disciplines to discuss the main challenges that have emerged during the first years of implementation of the AfCFTA and identify expected issues and opportunities to address them. The project consists of an academic conference followed by a special issue in a leading journal.

I- CONCEPTUAL AND REGULATORY ISSUES

This international conference aims to discuss at least three issues related to the AfCFTA's conceptual and regulatory challenges.

First, from the conceptual angle, there is a need to think and reshape this project out of the traditional box of free market initiatives. As practiced over the last fifty years, the usual approach to economic integration has been marked by the predominance of the neo-liberal understanding of trade and investment. This has led to an overamplification of private profit over a social progress-driven agenda. Although several dimensions of the current AfCFTA favor the latter, there are good reasons to worry that the project needs to depart deeply from a purely neo-liberal approach to trade and investment. For instance, some have pointed out that the designation "free trade area," whose ideological connotation is evident, should have been avoided from at least a symbolic perspective. In that sense, one can wonder what makes AfCFTA different from previous experiences. To what extent does it "de-neoliberalize" and "Africanize" the concept of "free trade"?

Moreover, in the context of increasing international uncertainties, growing populism and neo-nationalism in domestic politics, and mounting destructiveness regarding multilateralism and international cooperation, what are the AfCFTA's chances of success? For instance, traditional sub-regional economic integration experiences on the continent have experienced considerable backlashes over the past decade, as the recent withdrawal of three countries from the ECOWAS attests. What is the risk of using and abusing the concept of state sovereignty in realizing the AfCFTA? Finally, the context of political instability and insecurity and rising xenophobia in several parts of the continent considerably threatens the effectiveness of the AfCFTA.

Secondly, although the general Agreement establishing this new economic integration zone has been functional since May 2019, the legal and policy architecture governing the AfCFTA is still in the making. For instance, the long-awaited Protocol on Investment was adopted in February 2023. However, its Annex on Rules and Procedures governing Dispute Prevention, Management, and Resolution is yet to be negotiated. Also, [the Protocol on Trade in Goods](#) entered into force on 30 May 2019, but negotiations on some rules of origin and tariff concession schedules are still ongoing. At the same time, the [Guided Trade Initiative \(GTI\)](#) was launched in 2022 to test the trade policy environment and allow meaningful trade under the ACFTA while waiting to finalize these negotiations. The first phase involved eight countries and many more countries are expected to participate in the second phase of the GTI.

The incompleteness of the legal and policy framework of the AfCFTA is a significant concern that needs to be addressed most efficiently. However, it also allows for shaping the project to serve the continent better. Besides the challenges related to the need to complement the AfCFTA legal framework efficiently, another critical dimension of the regulatory framework that calls for particular attention is the need for the AfCFTA framework to align both with existing international trade and investment frameworks such as the WTO and BITs on the one hand and sub-regional and domestic investment frameworks on the other. Provisions related to normative conflict and exceptions in the general agreements may need more clarification. Moreover, with the adoption of a dispute settlement mechanism, it is pertinent to ask the question of whether and to what extent such a mechanism draws lessons from previous mechanisms whose implementation has faced several challenges, such as the WTO Dispute Settlement Body, and whether such a mechanism is compatible with pre-existing regional arrangements such as the dispute settlement mechanisms of the Organization for the Harmonization of Business Law in Africa (OHADA) that applies to a sizeable number of African states.

Thirdly, no economic integration can be designed nowadays as it was decades ago. As the world faces deepening structural inequalities among and within states, environmental degradation, and climate change, current trade and investment frameworks must reflect the need to address these critical challenges. Africa is still facing devastating conflict, and discontent is growing regarding the lack of opportunities for the youth. The classical narrative on trade and investment may bring little attractiveness if it does not bear a radical change, transformative, and distributional agenda in such a way that trade benefits not only a few but the majority. Moreover, Africa has been calling for more responsibility from private actors on various issues such as human and people's rights, corruption, and a more equitable taxation system. The AfCFTA cannot be blind to these critical issues. In that sense, it should provide a robust regulatory framework to protect individual human rights and local communities affected by business activities. Moreover, it should prompt the adoption of trade and investment rules compatible with climate objectives and the general need to protect the environment.

II- SUGGESTED AXES FOR CONTRIBUTIONS

In light of the preceding, it is crucial to reflect on whether and, if so, the extent to which the current conceptual and regulatory framework governing the functioning of the AfCFTA is fit for purpose. What are the main conceptual and regulatory challenges of this integration project, and how may these jeopardize its effectiveness? We invite contributions on all aspects that may related broadly to these questions. Papers may cover – but are not limited to – the following aspects:

- AfCFTA ideological underpinnings and critical perspectives on the concept of free trade (decolonial, postcolonial, Marxist, feminist approaches, TWAIL, Socio-legal approaches; law and economics)
- AfCFTA and state sovereignty (including, for instance, the issue of exceptions, implications for states withdrawing tariff and non-tariff barriers and how to compensate for the losses, and domestic and constitutional arrangements to align with the AfCFTA legal framework)
- AfCFTA and its alignment with existing economic arrangements in Africa and internationally (WTO, RECs, BITs, domestic laws on trade and investments). What conceptual and practical challenges regarding potential legal incompatibilities or legal conflicts affect the AfCFTA's functioning?
- AfCFTA and competition rules that will allow just competition between states (regional geopolitical struggles between some states, rules of origin, compatibility with existing competition rules, etc....).
- Dispute settlement mechanisms (including how to guarantee respect for the decisions adopted lessons learned from the WTO mechanisms)
- AfCFTA, mobility, and work-related migration (including the broader need for harmonized policies for mutual recognition of diplomas and qualifications, factoring in challenges such as rising xenophobia, etc....)
- AfCFTA and African perspectives on investment flows in Africa (including the place of foreign (non-African) investment in the project and how it fits into the debate on the reform of the international investment systems)?

- AfCFTA, business and human rights issues (including issues related to labor rights, the developments on supply chains and their implication for human rights, due diligence rules, digital trade and data protection, local communities and Indigenous peoples affected by business projects, trade measures for climate change, migration, protection of environment and biodiversity, the right to development in the context of ACFTA, corruption, and illicit financial flows)
- AfCFTA and the need to build new business models that depart from previous paradigms that have proven not sustainable and development-friendly? How are renewable energy transition, biodiversity, and climate change issues addressed in the current AfCFTA framework?
- Lessons from the first trade initiatives under AfCFTA, such as the GTI, can be learned.

Selection Process

Although this special issue focuses on uncovering legal and regulatory issues, submissions from multi-disciplinary perspectives from authors who have a particular interest in the AfCFTA are also encouraged. Submission must be well structured, problematized, and tackle an original topic. They should also clearly state the methodological approach you will be resorting to.

Abstracts (400 words maximum) and CVs should be submitted using this [form](#). Additionally, please indicate, through the application form, if you can cover your expenses for travel to Rabat (Rabat) in full or in part. If not, kindly provide an estimate of your expected travel costs. This colloquium aims to provide equal opportunities for researchers and financially support those who do not have access to institutional funds.

Timetable & Deadline

- o **Abstract submission deadline:** August 30th, 2024, at 11:59 PM (Rabat Time)
- o **Notification and feedback of Selected Authors:** September 30th, 2024, at 11:59 PM (Rabat Time)
- o **Paper submission (1st version):** November 15th, 2024, at 11:59 PM (Rabat Time) (3000-5000 words)
- o **Online Workshop:** December 1st, 2024
- o **Paper submission (2nd version):** February 15th, 2025, at 11:59 PM (Rabat Time)
- o **Onsite paper presentation and discussion - Conference:** two days of conference on 3-4 March 2025.
- o **Paper submission (final version):** April 15th, 2025, at 11:59 PM (Rabat Time) (8000-10000 words)

The articles that make it through the selection process will be published in a leading journal.

Editors

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