



ABSTRACT BOOK OF THE INTERNATIONAL COLLOQUIUM OF THE AFRICAN SOCIETY OF COMMUNITY LAW

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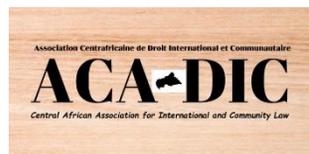
Under the scientific supervision of Mr. Alioune SALL

Full Professor at the Cheikh Anta Diop University of Dakar, Lawyer, Former Judge at the ECOWAS Court of Justice, Vice-President of the UN International Law Commission, Member of the Permanent Court of Arbitration

“AFRICAN INTEGRATION AT THE TIME OF THE AfCFTA”



ERSUMA
École Régionale Supérieure de la Magistrature



Intégration
LA TRIBUNE DES COMMUNAUTÉS





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Scientific Supervisor of the Colloquium



Pr Ali KAIROUANI (Morocco)
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Dr Priscah NYOTAH (Kenya)
Moderator of the Colloquium



Dr Pierre-Claver KAMGAING (Cameroon)
Moderator of the Colloquium



FIRST PANEL

“The appropriation of the AfCFTA”



Under the chairmanship of: **Mr. Louis-Martial Relwendé ZONGO (Burkina Faso)**

*Associate Professor, University Thomas SANKARA,
Deputy Director of the Doctoral School of the Thomas SANKARA University.
Executive Director of the Centre for African Regional Studies.
President of the Burkina Faso Constitutional Law Society.*



1. “The tax implications of the ZLECAf project: case of Cameroon and Senegal”



Biography

Mr. **YAOUBA HAMADOU AMADOU** (Cameroon) holds a PhD in Public Law and Lecturer-researcher at the Faculty of Legal and Political Sciences of the University of Garoua in Cameroon.

Abstract:

Discussing the fiscal implications of the AfCFTA in member states, with a focus on Cameroon and Senegal, highlights the complex issue of identifying them. From a purely legal perspective, these fiscal implications are varied. At first glance, it is apparent that the AfCFTA positively influences the tax policies of these states due to increased domestic tax revenues and the optimization of the tax transition policy. Furthermore, this positive influence extends to the tax administrations of Cameroon and Senegal, as evidenced by their increased digitization and ongoing reorganization. However, it also emerges that the AfCFTA has a range of negative fiscal impacts on these states in both the short and long term. In the short term, there is a decrease in tariff revenues and a weakening of the fiscal sovereignty of these states due to the elimination of tariff barriers. In the long term, there will likely be a risk of cross-border tax evasion and an increase in illicit financial flows. This means that the tax impacts of the AfCFTA in Cameroon and Senegal fluctuate between those observed as positive and those observed as negative.



2. “Theoretical and legal elements of the appropriation of a ‘differentiated’ free trade and ‘solidarity’ in light of the AfCFTA”



Biography

Mr. **Benjamin ALLAHAMNE MINDA** (Chad) is a PhD student in international law at the University Jean Moulin Lyon 3. His research focuses on: international economic law, comparative law and the law of African regional integration. Holder of a Master’s degree in International Law and a Master’s degree in International and Comparative Law, specializing in African Rights, his career is part of a comparative and transregional perspective, oriented towards the study of African and European law on economic integration.

He holds teaching positions in several higher education institutions such as the Catholic Institute of Paris and the University Jean Moulin Lyon 3. He held the position of lecturer at the College de Paris, within the framework of the module on Commercial relations and competition law, which focuses on the protection of economic activities, freedom of competition, the role of regulatory authorities (national and European) and the fight against unfair behaviour. Furthermore, he is a member of the reading committee of the Sorbonne Doctoral Law Review, and of the African Society of Community Law (ASCL).

Abstract:

The AfCFTA aims to create an integrated and liberalized market in Africa, based on Béla Balassa’s theory of integration through markets, but the application of this theory reveals its limitations in the face of African realities. The integration trajectories are asymmetric, and some regions adopted monetary integration before free trade. Free trade must therefore adapt to the economic specificities of African countries, by combining liberalism and protectionism. The legal dimension of the AfCFTA is based on flexibility and differentiation, particularly through Article 5 of the Agreement establishing the AfCFTA, which enshrines the principles of variable geometry and special and differential treatment. These principles are part of international development law and must be fully integrated to strengthen intra-African interdependence. The standardization of WTO rules would be inappropriate for vulnerable countries. African solidarity must guide implementation, allowing for cross-subsidies and temporary protectionism to support the most fragile economies.



3. “The legal and institutional issues of the implementation of the AfCFTA: between political will and national realities”



Biography

Mr. **Khalid CHERKAOUI SEMMOUNI** (Morocco) holds a PhD in political science from the Mohammed V University of Rabat. He is Professor of law and political science at the same University. He is the Director of the Centre for Political and Strategic Studies in Rabat (Rabat, Morocco), Associate Researcher at the African Institute of Strategic Thinking (Paris-France), President of the National Centre for Combating Violence and Abuse against Children (Rabat-Morocco). He was advisor to the Minister of Justice, and the Minister of Culture, Youth and Sports (Rabat-Morocco).

Abstract:

The AfCFTA, launched in 2018, is one of the African Union’s flagship projects aimed at strengthening the continent’s economic integration. However, its implementation faces major obstacles of a legal, institutional and political nature. If the majority of African states have ratified the instruments of the AfCFTA, the transposition of its commitments into domestic legal orders remains uneven, sometimes even non-existent. Despite the AfCFTA’s continental ambition to foster Africa’s economic integration, its effective implementation faces many constraints. The latter relate as much to the diversity of legal and institutional systems as to the disparity of political will within the Member States. By the comparative legal analysis of national legislations, regional treaties and protocols of the AfCFTA, through representative cases such as Morocco, Nigeria, Rwanda and South Africa, to illustrate the gaps between commitments and implementation.

By mobilizing the theory of regional integration, to understand the steps and conditions for the success of a process of economic unification, the institutionalist theory, with a view to analysing the role of institutions (formal and informal) in the implementation of trade rules, the theory of multi-level governance, to understand the articulation between national, regional and continental levels, the author was able to identify the gaps between continental legal texts and their application at the national level, to show how political differences hinder the necessary legal harmonisation, to propose avenues for legislative and institutional convergence, to stress the importance of effective monitoring and dispute settlement mechanisms, and insist on the need for strong continental leadership and shared political will.



4. “Hybrid governance and the effectiveness of the AfCFTA in sub-Saharan Africa”



Biography

Mr. **Léonard MATALE-TALA (France)** is an Associate Professor, Proficiency certificate research in Public Law, Head of the Bachelor’s Degree in Economic and Social Administration IAE NANCY / University of Lorraine, Member of IRENEE, Researcher at Cap-Afriques of CEIM, UQAM, Montreal.

Abstract:

This intervention aims to examine, from the perspective of integration theory and normative effectiveness analysis, how the hybrid governance configurations specific to many sub-Saharan African states condition the implementation of the African Continental Free Trade Area (AfCFTA). Indeed, designed according to a matrix largely inspired by classic models of regional integration, the AfCFTA is based on an implicit assumption of state unity and centrality: international commitment by the executive, internal normative transposition, mobilisation of technically equipped administrations, and recourse to a formal jurisdictional mechanism. Contrary to this representation, sub-Saharan legal and political systems are frequently characterised by a “polycentricity” of decision-making and law enforcement powers, where traditional authorities, community networks, informal economic actors and external donors contribute de facto to the regulation of trade.

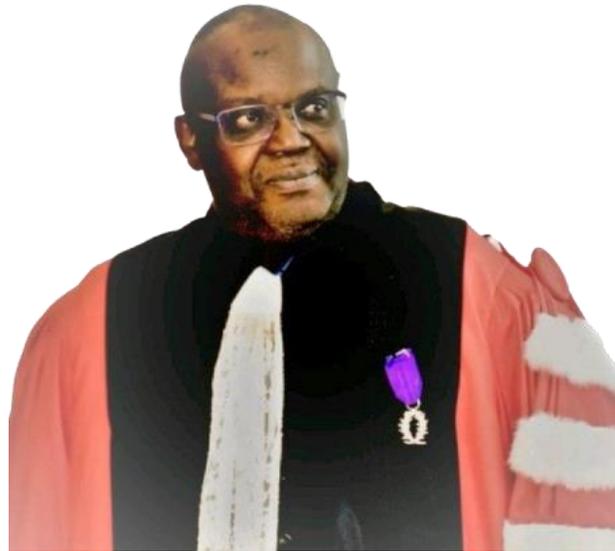
The first part will highlight this structural discrepancy between the legal architecture of the AfCFTA and the realities of governance: the assumption of a unitary integrative state on the one hand, and normative pluralism, overlapping integration frameworks (regional economic communities, monetary unions, sectoral agreements) and differentiated administrative capacities on the other. This results in uncertainty about the effective hierarchy of norms and the real “locations” of integration decisions.

The second part will analyse hybrid governance as an ambivalent factor in the effectiveness of the AfCFTA. While it fuels fragmentation in implementation – para-fiscal practices, tolerance of informal trade channels, opportunistic choices of dispute settlement forums – it can also be converted into a resource, provided it is legally thought out and regulated. We will therefore consider ways of articulating, within a logic of co-regulation, the law of the AfCFTA, regional legal orders and local normative production bodies. The hypothesis put forward is that the success of the integration project will depend less on the sophistication of conventional instruments than on the ability to integrate hybrid governance into a renewed theory of African normative pluralism.



SECOND PANEL

“AfCFTA AND RECs: duel or duo?”



Under the chairmanship of: Mr. **Jean-François AKANDJI-KOMBÉ** (Central African Republic)

Honorary Dean of the Faculty of Law of Caen

Director of the Master 2 in African Law at the Sorbonne

Former Vice-President of the University of Caen-Normandy

Founder and Honorary General Coordinator of the European academic network on social rights



5. “The AfCFTA: between fragmentation and recomposition of regional integration in Africa”



Biography

Mr. **Robert YOUGBARÉ** (Burkina Faso) is a lecturer-researcher whose scientific interest is turned towards the institutional - and material - developments of regional integration in Africa. Former researcher, expert in integration law respectively at the Centre for European Studies and Integration (CEEI) of the University of Ouagadougou, then at the Development Office of the College of Europe in Bruges (Belgium) and at the United Nations University - Centre for Comparative Regional Studies (UNU-CRIS), he is now a senior lecturer and associate professor of public law at Norbert ZONGO University in Burkina Faso.

Abstract:

Africa remains a privileged space for regional integration despite the institutional complexity that characterizes its landscape. The African Continental Free Trade Area (AfCFTA), which entered into force in 2019, builds on earlier Pan-African initiatives such as the Lagos Plan of Action (1980) and Africa 2063 Agenda. Its primary objectives are to establish a single market and harmonize trade policies while addressing the challenge of overlapping Regional Economic Communities (RECs), often described through the “spaghetti bowl” metaphor. However, analysis indicates that the AfCFTA tends to amplify the proliferation of initiatives rather than reduce it. Nevertheless, if strategically implemented, it could contribute to reconfiguring Africa’s integration architecture and strengthening continental coherence. This study examines the capacity of the AfCFTA to transcend fragmented logics and emerge as a genuine lever for economic and political unity.



6. The impact of the AfCFTA on the financing of RECs in Central and West Africa”



Biographie

Mr. **Nicanore Uriel EBANGA** (Cameroon) holds a PhD in Public Law, at the University of Ngaoundéré (Cameroon)

Abstract:

The communication examines the ambivalent impact of the implementation of AfCFTA on the financing of the Regional Economic Communities (RECs) of Central and West Africa (ECCAS, ECOWAS, CEMAC, WAEMU). The phasing out of tariffs under the AfCFTA will result in a decrease in the main source of funding for these RECs. This situation poses major challenges to their survival, because their operation essentially depends on these customs resources. However, the text suggests that reform of financing mechanisms is possible, notably through the creation of new non-customs resources inspired by the European model. The rationalisation or merger of certain RECs could also promote their retention in the future African Economic Community envisaged by the African Union. Despite the decrease in customs revenues, the AfCFTA promises overall positive effects on intra-African trade and economic growth. It is therefore urgent for the RECs to diversify their resources in order to ensure their sustainability in the new regional context.



7. “The limits of legal coherence: normative fragmentation and institutional overlap in Africa’s integration project”



Biography

Mr. ENYINNAYA UWADI (Nigeria) is a Barrister and Solicitor at the Supreme Court of Nigeria. He is currently a Commonwealth Doctoral Fellow in Competition Law at the University of East Anglia, Norwich and is responsible for merger remedies at the UK Competition and Market Authority (CMA). He is an active member of the British Centre for Competition Policy, the Antitrust Section of the American Bar Association, the Commonwealth Lawyers Association, and the Chartered Institute of Arbitrators.

Abstract:

The African Continental Free Trade Area (AfCFTA) represents a significant milestone in Africa’s integration project but also exposes the persistent problem of legal and institutional incoherence. While the AfCFTA seeks to establish a unified continental market, it operates alongside multiple Regional Economic Communities with their own competition frameworks, authorities, and courts. This coexistence has created overlapping mandates and jurisdictional uncertainty, leading to fragmentation that threatens the effectiveness of both regional and continental competition enforcement. Using competition law as a case study, this paper examines how concurrent jurisdictions among national competition authorities, regional bodies such as WAEMU, ERCA, and COMESA, and the emerging African Competition Authority have generated normative and institutional tension. Drawing on the analysis developed in Chapter Six, it demonstrates that the AfCFTA Competition Protocol’s decentralised supranational design, although intended to balance sovereignty with integration, risks reproducing the same fragmentation it seeks to overcome. The continued overlap between WAEMU and ERCA in West Africa and the early experience of COMESA illustrate how conflicting mandates, limited coordination, and differences in institutional capacity undermine coherent enforcement. Grounded in realist legal theory, the paper argues that Africa’s integration cannot rely solely on formal claims of legal supremacy. Instead, coherence should be pursued through practical coordination, negotiated subsidiarity, and gradual harmonisation that reflect political and institutional realities. By situating competition law within Africa’s broader integration framework, the paper highlights both the limits of formal legal coherence and the potential for a more context-sensitive and adaptive path toward a unified legal order.



8. “Harmonizing Regional Economic Communities with the AfCFTA: legal and political challenges for an integrated Africa”

Abstract:

The AfCFTA aims to boost intra-African trade, promote industrialization and strengthen Africa’s position in the global economy. However, the implementation of AfCFTA presents considerable legal, institutional and political challenges. One of the major problems is the overlapping jurisdiction and fragmentation of the mandates of the eight existing regional economic communities (RECs). The latter often apply legal standards, tariff regimes and evolve according to different integration rhythms, which may undermine the coherence and effectiveness of this continental program. Thus, it is permissible to ask the following questions: in what way do current RECs support or hinder the objectives of legal and institutional integration of the AfCFTA? How can Africa reconcile overlaps between legal regimes and institutional duplications between RECs and AfCFTA? What role can political will and supranational legal instruments play in ensuring coherence between the different levels of integration? Through a comparative case study approach focusing on three RECs such as ECOWAS, SADC and EAC, a textual analysis, a policy review and data on trade flows, the study will assess the compatibility of REC frameworks with AfCFTA. Interviews with legal and policy experts will provide qualitative information on institutional behaviour, state preferences and barriers to harmonization. Particular attention will be paid to how dispute resolution mechanisms and policy coordination practices vary across regions.

In any case, while the AfCFTA is widely hailed as a progressive step towards continental unity, critical examination reveals gaps between ambition and reality. Most RECs are still operating under the yoke of strong national sovereignties that resist further integration. Political elites often invoke regional commitments rhetorically while continuing to prioritize national economic protectionism. Furthermore, the absence of a strong supranational authority to enforce the provisions of the AfCFTA weakens its binding power. Unlike the European Union, where institutions such as the Court of Justice ensure legal consistency, the AfCFTA lacks strong enforcement capabilities, making its legal commitments vulnerable to non-compliance. This suggests that without stronger institutional centralization and political ownership, AfCFTA risks becoming another symbolic project rather than a force for transformation.

Biography:

Mr. **Rafa OTHMANI (Tunisia)** is a Political Science Undergraduate, Tunis Central University.



9. The AfCFTA: transformative opportunity or institutional redundancy in African integration?



Biography

Mr. **Ilo Allaye DIALL** (Mali) holds a Doctorate in Public Law from the Institute of University Pedagogy of the Kouroukanfouga University of Bamako, he is a lecturer-researcher at the Faculty of Public Law of the University of Legal and Political Sciences of Bamako. He is a member of the Laboratory for Studies in Law, Decentralization and Local Development (LERDDL). Senior Researcher at the Miriblon Center and author of numerous writings on Community law and issues of security, peace, and international law. He is also co-director of several social studies.

Also holder of a Master's degree in International Relations Studies and Practices from the Faculty of Legal and Political Sciences at the Cheikh Anta DIOP University of Dakar (2010), his interests are: International Law, Integration Law (of communities) and constitutional law, understanding the challenges of cyberspace and its legal regulation in the Sahel. He is also President of the Centre for Citizen Governance Support (CAGC), a civil society organization working in the field of democratic governance (electoral process), citizen governance (civil status and administrative census) and local governance (decentralization/deconcentration). He is also a member of the African Society of Community Law (ASCL).

Biography

Mr. **Mamadou SAMB** (Senegal) is a lecturer-researcher at the Cheikh Hamidou Kane Digital University specializing in integration law. Holder of a Doctorate in Public Law and Integration Law from the Cheikh Anta Diop University of Dakar, he has more than five years of experience in university teaching and research.

He is responsible for scientific animation within the Innovation and Expertise Center for Development of the Cheikh Hamidou Kane Digital University, where he supervises research projects and actively participates in the reflection on regional integration dynamics. He is also a member of the African Society of Community Law (ASCL).

Its work focuses in particular on the evolution and prospects of integration organizations in West Africa, with comparative studies on the European Union (EU), ECOWAS and WAEMU. He regularly participates in conferences and seminars to share his research and contribute to debates on regional integration issues.

In addition to his academic expertise, he has developed skills in project design and structuring, thus enhancing the impact of his research on public policies and regional development.



Abstract:

The African Continental Free Trade Area (AfCFTA), adopted in Kigali in March 2018 and entering into force in January 2021, constitutes the most ambitious economic integration project ever undertaken on the African continent. It aims to establish a single African market that promotes the free movement of goods, services, and capital, with a view to fostering endogenous industrialisation and shared economic sovereignty. However, this initiative unfolds within a context marked by the proliferation of Regional Economic Communities (RECs) and the weakness of their legal and institutional coordination.

Does it represent a genuine transformative opportunity for African integration, or will it merely become another institutional redundancy within an already crowded landscape of regional organizations?

The first part of the analysis highlights the structural limits of African integration: the coexistence of several RECs with divergent objectives - economic, political, and security - related - has generated both normative incoherence and institutional overlap. Protocols on the free movement of persons and goods, often poorly implemented, along with the limited justiciability of regional courts, illustrate the deficit of effectiveness in Africa's integration law.

The second part examines the AfCFTA as an attempt at rationalization. By establishing a unified legal framework and adopting protocols on trade, competition, and investment, the agreement seeks to harmonize African economic policies. Nevertheless, its success depends on the political will of member states, the effective implementation of commitments, and the reduction of external economic dependence. Without these conditions, the AfCFTA risks reproducing the same weaknesses that have long undermined regionalism on the continent.



THIRD PANEL

“AfCFTA and the challenges of free trade”

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Under the chairmanship of: **Mr. Alain Franklin ONDOUA (Cameroon)**

Dean of the Faculty of Laws and Political Sciences at the University of Yaoundé II.

Former Vice-Dean at the Faculty of Laws and Social Sciences of the University of Poitiers.

Former Regional Director of the Agence Universitaire de la Francophonie for Central Africa and the Great Lakes.



10. “What paths for a voice of the African Union in the WTO? Necessity and elements for a continental presence at the WTO”



Biography

Mr. **Samuel PRISO-ESSAWE** (Cameroon) is Professor of Public Law at Avignon Université. His recent publications are :

- Intégration régionale appropriée en Afrique. Eléments juridiques d’effectivité (Bruxelles, éditions Peter Lang, 2022) ;
- Le droit de l’intégration régionale africaine vu depuis les États membres, Numéro spécial de Droit et politique en Afrique, septembre 2025 (sous la direction de S. Priso-E., J. Andriantsimbazovina et L. Matala-Tala ; www.droit-et-politique-en-afrique.info) ;
- « Les droits régionaux et l’application du droit OHADA » in G. Anou (dir.), Regards sur trente ans d’application du droit de l’OHADA, Actes du colloque de Lyon (à paraître, Dalloz, 2025) ;
- « Les juridictions régionales africaines à l’épreuve du devoir de vigilance » in E. Da Allada (dir.), Devoir de vigilance, quelles perspectives africaines ? Actes du colloque de Bordeaux (à paraître, Dalloz, Thèmes et Commentaires, 2026).

Abstract:

The African Union is increasingly developing an ambitious diplomatic strategy and asserts its willingness to exert greater influence on global political issues. She wants her voice to have more weight. One of the areas concerned by this continental diplomatic offensive is international trade. However, the Union only participates in the WTO, the world’s main body, as an ad hoc observer in two committees of the organisation. This is all the more surprising as the African continent multiplies initiatives in favour of a continental approach to economic development, from the revitalization of regional economic communities to the project of the African Economic Community, not forgetting the free zone African continental exchange. It would therefore be desirable for these initiatives to result in a more significant presence of the continental organization within the WTO. This article explores the solutions to achieve this ambition.



11. “The structural imbalance in the commercial law of the AfCFTA”



Biography

Mr. **Karel Osiris Coffi DOGUE (Benin)** is a Doctor of Business Law from the University of Montreal in Canada with a specialization in complex contracts. His publications focus on digital law, contracts, companies, securities, investments and debt collection techniques.

He has acted as an expert consultant for the European Union Commission, the African Development Bank, the World Bank, UNDP and the governments of Gabon, Burkina-Faso, Mali, Benin, Burundi, etc. on reform projects as well as in terms of legislation.

Teacher-researcher and bilingual teaching officer in the universities of Benin and abroad, he is an arbitrator and certified mediator and accredited with more than ten (10) centers. Practitioner of Alternative Dispute Resolution Methods, author and expert Trainer of ERSUMA-OHADA, he is currently the Director General of the said school after having been Director of Studies ERSUMA and Deputy Chief of Staff of the Ministry of Justice of Benin.

Biography

Mr. **Maurice MINVI (Benin)** holds a Master’s degree in Law and Judicial Institutions from the Doctoral School of Legal, Political and Administrative Sciences at the University of Abomey-Calavi (Benin). He is currently a clerk in training at the School of Training for Judicial Professions (EFPJ) in Benin.

Driven by a deep vocation for research and modernization of the African legal system, he is particularly interested in issues of economic law, legal protection of investments, and digitization of justice in the OHADA space.



Abstract:

With globalization redefining economic relations, economic diplomacy now occupies a central place in State strategies, superseding any isolationist posture. In Africa, this development is embodied by the AfCFTA, which lays the legal foundation for continental integration in trade and investment. As an international legal instrument, the AfCFTA reflects the emergence of a continent-wide commercial order grounded in cross-border economic exchanges in which States retain a significant regulatory and participatory role. Yet, commercial

law remains, in its very essence, the law of private economic transactions. It is therefore private actors -those who autonomously and deliberately engage in profit-oriented activities across borders- who constitute the principal agents of international trade.

However, economic activity is inherently susceptible to conflict. Where disputes arise, the legal system must provide mechanisms for their resolution that are expeditious, effective, and fair, regardless of whether the parties involved are public authorities, private corporations, or individual merchants.

It is against this backdrop that the Kigali Agreement introduced dispute settlement mechanisms -notably arbitration- under Article 20 of the Protocol. However, a detailed appraisal of the applicable framework discloses structural asymmetries, both in the configuration of subject-matter access and in procedural design. These uncertainties prompt crucial reflection on the nature of the imbalance and its potential constraints on the maturation of an integrated AfCFTA commercial law order.

The imbalance identified arises from the marginalization of private actors and from a diminished conception of arbitration within the AfCFTA. Restoring private initiative is essential, as private operators are the engine of commercial activity. Arbitration must therefore preserve its dual contractual and judicial character, which the present framework does not adequately secure.

Drawing on the general theory of commercial law and the specific theory of international trade, this paper advances a liberal conception of commercial justice. It underscores the risk of an uneven integration process, whereby dominant economic actors secure preferential access to dispute resolution mechanisms, while smaller private operators are relegated to a position of relative disadvantage. In conclusion, the study reveals structural weaknesses within the AfCFTA's legal architecture, particularly the insufficient involvement of private economic actors and the limited effectiveness of its arbitration framework. These shortcomings nonetheless offer an opportunity to refine the system so as to ensure a more accessible, credible, and balanced regime of commercial justice across the continent.



12. “The African Continental Free Trade Area faces the challenge of non-tariff barriers”



Biography

Mr. **François ABENG MESSI** (Cameroon), holds a PhD in Public Law. Assistant Master at the Faculty of Legal and Political Sciences of the University of Yaoundé II, he is the Deputy Coordinator of the Professional Master’s in Public Procurement and Public Commission at the same academic institution.

Abstract:

The issue of the free movement of goods is central to achieving the ideal of unity in Africa. The AfCFTA, undoubtedly contributes to it. Officially launched in 2019, it represents a major ambition for economic integration of the African continent. But despite its promises, notably the increase in intra-African trade, industrialization, economic sovereignty, several structural, political, technical and social problems hinder its effective implementation and impact on integration. It is also no longer facilitated by legal and regulatory fragmentation. Indeed, African countries belong to several regional economic communities with sometimes contradictory rules (ECOWAS, UEMOA, CEMAC, ECCAS, SADC, etc.). It is regrettable to note that non-tariff barriers remain and continue to hinder the consolidation of the AfCFTA. When these barriers are not technical or sanitary, they are phytosanitary. Nationalism and legal sub-regionalism also reinforce this state of affairs. The sovereigntist impulses, the fear of opening and the preservation of customs revenues and the policy of economic nationalism sometimes unacknowledged hinder the establishment of a common market, which is nevertheless essential for the achievement of African unity.

For sure, the common market project is weakened because intra-African trade will hardly reach the desired volume especially as transaction costs are increasing. Therefore, it is advisable that technical and sanitary and phytosanitary standards should be harmonized at continental level on the one hand and that customs clearance procedures should also be digitized or simplified. It is based on this reading that we are justified in asking the question of what is the fate of the AfCFTA against non-tariff barriers? It appears that although non-tariff barriers undermine the AfCFTA, which means that it is therefore essential to remove them in order to consolidate it.



13. “The limits of the AfCFTA dispute settlement body in the free movement of goods”



Biography

Mr. **KENGUELEWA Seydoux Adnan** (CAR) is a PhD Candidate in International Law at the University of Caen Normandie (France) on the theme: the liberalization of trade in goods in Africa: contributions of other common customs areas to the success of the AfCFTA.

Abstract:

The free movement of goods is one of the main foundations of the African Continental Free Trade Area (AfCFTA). Its effective implementation is essential to the success of Africa’s economic integration. To ensure the settlement of disputes that may arise in the context of this freedom of movement, the Agreement establishing the AfCFTA provides for a specific dispute settlement mechanism. Although inspired by the model of the World Trade Organization’s Dispute Settlement Body (DSB), the AfCFTA’s mechanism has certain shortcomings that limit its full effectiveness. This hybrid body does not fully meet the standards of a genuine judicial institution, which weakens the authority of its decisions and makes it difficult to align with the judicial systems of Africa’s Regional Economic Communities. Moreover, the exclusive right to bring cases before the DSB granted only to State Parties is a major limitation, as it excludes natural and legal persons who are the main actors affected by barriers to the free movement of goods. The absence of a preliminary ruling procedure also makes it difficult for national courts to interpret African Union law consistently. To address these shortcomings, it is proposed, on one hand, to extend the jurisdiction of the African Union Court of Justice to cover disputes related to the AfCFTA, and on the other hand, to create a new judicial body that takes into account the gaps identified in this study.



14. “Investment law in sub-Saharan Africa in light of the AfCFTA”



Biography

Mr. **ELLA NTOU'OU Arsène Chinois** (Cameroon) holds a PhD in Public Law from the University of Yaoundé II. He is a lecturer at the Faculty of Legal and Political Sciences of the same University. Furthermore, he is an associate professor at the National School of Police (Cameroon), a researcher at the Regional, International and Comparative Research Laboratory (CERRIC) of the Institute of International Relations of Cameroon (IRIC), at the Centre for Study and Research in International and Community Law (CEDIC) of the University of Yaoundé II, at the Research and Documentation Centre of the International School of Security Forces (EIFORCES) and Vice-President of the African Society of Community Law (ASCL).

Abstract:

Has investment law in sub-Saharan Africa remained unresolved in the face of the integration process intended by the African Continental Free Trade Area (AfCFTA)? the present communication aims to answer the question of the contribution of the AfCFTA to the rationalization of investment law in sub-Saharan Africa. Through the legal method, with exegesis and comparison as an input, the reflection highlights the mixed nature of the contribution of this new organization of African integration. Indeed, the AfCFTA shows the desire to improve and harmonize the efforts undertaken by the different regional economic integration communities and states in terms of investment, it presents itself as a qualitative leap for investment law in Africa even if the materialization of this will remains proven.



FORTH PANEL

“AfCFTA face to face with the challenges of the century”



Under the chairmanship of: Mr. **Alioune SALL** (Senegal)

*Full Professor at the Cheikh Anta Diop University of Dakar
Counsel, Former Judge at the ECOWAS Court of Justice.
Vice President of the UN International Law Commission.
Member of the Permanent Court of Arbitration.*



15. “The AfCFTA Protocol on Electronic Commerce as an instrument for harmonising national legislation on the protection of personal data”



Biography

Mr. **Mamoudou SAMASSEKOU** (Mali) is a Lecturer-Researcher at the Faculty of Private Law of the University KURUKANFUGA of Bamako (UKB).



Biographie

Mr. **Modibo KEITA** (Mali) is an Expert in Trade Policy and International Trade Law.

Abstract:

The Protocol on E-Commerce in the African Continental Free Trade Area (AfCFTA) was adopted in February 2024 by the African Union. It provides the continent with a legal framework that governs cross-border digital transactions. But, African countries face the disparity of the legal framework and the inexistence of legislation in some countries, which prevents the development of e-commerce in the area. E-commerce issues include business and consumer protection, data governance, trade facilitation and digital inclusion. This requires a harmonized legal framework around the protection of personal data, the backbone of online commerce. This study examines the role of the Protocol on electronic commerce in harmonising national legislation on personal data protection and its articulation with regional legal integration.



16. “The AfCFTA and the ecological emergency: between normative marginalisation and a lever for ecological integration for a greener Africa”



Biography

Mr. **Seydou DIARRA** (Mali) holds a Bachelor’s degree in Private Law from the University of Bamako, a Master 1 in Human Rights at the Institute of Human Rights and Peace (UCAD-IDHP), and a Master 2 in taxation from the Amadou Hampateba University in Dakar. He is currently following a course as a Justice Auditor at the National Institute of Judicial Training Master Demba Diallo, after having been admitted to the magistracy exam, session 2023.

Abstract:

The AfCFTA is part of a global context marked by the ecological emergency, where economic and legal dynamics cannot be dissociated from environmental protection. Investment law has always maintained an ambivalent relationship with the environment, both a source of degradation and a potential vector for sustainable solutions. Intensive investments, particularly in the industrial and energy sectors, have largely contributed to anthropogenic global warming.

IPCC data confirm the magnitude of this human influence and the unprecedented acceleration of global warming. If the environment was long perceived as a constraint to economic growth, it is now tending to become a lever for responsible investment. The member states of the AfCFTA, linked to various international conventions, now integrate these ecological obligations into the investment regime. However, the greening process of ZLECAF remains unfinished and calls for institutional reforms to fully dedicate its environmental dimension.



17. “The integration of AI into the legal framework of the AfCFTA: a strategic lever for establishing a genuine digital market and the emergence of a common economic AI policy in Africa”



Biography

Mr. **Léonard Balangalire Mugurha (DRC)** is a Lecturer and PhD student in law at the University of Lubumbashi (DRC), specializing in natural resources law, lake law and hydrocarbon law. Parallel to his academic activities, he also works as a lawyer at the Bar of Haut-Katanga (DRC).

Abstract:

Artificial intelligence (AI) remains, like the core labour standards, a neglected component in the law of the African Continental Free Trade Area, whose current framework prioritises trade liberalisation while still largely overlooking technological dimensions. Based on the principle of systemic integration, as enshrined in Article 31(3)(c) of the Vienna Convention on the Law of Treaties, this contribution identifies the legal bases that could anchor AI within the normative corpus of the Agreement. Drawing on the objectives of structural transformation, digital integration and inclusive development set out in African Union instruments, this study highlights the strategic role that AI could play in optimising intra-African trade. However, in the absence of an explicit legal framework, such integration remains hypothetical and vulnerable. This observation underlines the need for the adoption of a clear protocol expressly dedicated to economic artificial intelligence in Africa, incorporating guiding principles, governance mechanisms and safeguards for fundamental rights. Such an approach, rooted in economic regionalism, is likely to lead to the emergence of a common African AI policy capable of strengthening the continent’s technological sovereignty and shaping an integrated, equitable and sustainable continental digital market.



18. “The ‘Africanisation’ of the right to a healthy environment in light of the protection of natural commons within the framework of the AfCFTA”



Biography

Mrs **Sanae BOUYAYACHEN** (Morocco) is a PhD student in International Law at the Mohammed V University of Rabat in Morocco and her thesis focuses on the African reform of International Investment Law. Her work focuses on International Investment Law, International Environmental Law and Human Rights. Her current research explores in particular the way in which emerging states legally redefine their international openness in a context of geopolitical and normative recomposition. She is a member of the African Society of Community Law (ASCL).



Biography

Mrs **Alyae EL BIED** (Morocco) is a PhD student in International Law at the Mohammed V University of Rabat in Morocco. Her work focuses on the contextualisation of human rights within the African Continental Free Trade Area (AfCFTA). She is a member of the African Society of Community Law (ASCL).

Abstract:

This communication analyses how the AfCFTA promotes the “africanisation” of the right to a healthy environment through the protection of natural commons such as land, water and biodiversity. Rooted in Ubuntu and community traditions, this approach reinterprets global environmental standards within the framework of African value systems. It highlights the collective and intergenerational nature of environmental rights, as recognized in the African Charter and in landmark cases such as SERAC v. Nigeria and Ogiek v. Kenya. The AfCFTA investment protocol integrates sustainability and states' right to regulate on environmental protection.

Thus, the AfCFTA becomes both an economic and normative laboratory, linking trade, human rights and sustainability, and illustrating Africa's emerging contribution to a global ecological constitutionalism based on solidarity, justice and sovereignty over natural resources.

The analysis examines the "africanisation" of the right to a healthy environment from the perspective of the protection of natural commons within the framework of the AfCFTA. She situates the environmental challenge as a central question of contemporary international law with unique African dimensions. It traces the evolution of environmental human rights law in Africa over the past four decades, highlighting key milestones such as the African Charter on Human and Peoples' Rights, the regional protocols and emerging jurisprudence of African courts that enshrine collective rights to a healthy environment and sustainable management of natural commons such as land, water, forests and biodiversity.

The role of the AfCFTA is essential to the analysis, not only as a tool for economic integration, but also as a normative laboratory promoting the hybridization of commercial law, investment law and environmental law, based on African ecological ethics. It explores how AfCFTA protocols integrate sustainable development goals, promote green technologies and recognize the regulatory autonomy of states to protect environmental interests in line with regional values.

Furthermore, the authors show how ancestral African customary laws and contemporary international human rights frameworks converge to redefine environmental governance as a collective and transgenerational responsibility, questioning Western anthropocentric and individualistic legal paradigms. Thanks to a detailed analysis of the jurisprudence, including the historical decisions of the African Commission and Court on Human and Peoples' Rights, this communication illustrates the practical implementation of this African environmental jurisprudence, which integrates the protection of natural common goods as a central element of the right to a healthy environment.



19. The AfCFTA and the energy transition in the face of the DRC paradox



Biography

Mr. **Eugène NKILI** (Cameroon) holds a PhD from the University of Yaoundé II. He is the founding President of the African Community Law Society (ASCL) and a certified arbitrator at the Court of Arbitration of the Comoros. Magistrate by profession, he is a member (associate) of several research centres and laboratories such as: the Sorbonne International and European Law Research Institute (IREDIÉS), the European, International and Comparative Law Research Institute (IRDEIC) of the Toulouse Capitole University, Centre for Study and Research in International and Community Law (CEDIC) of the University of Yaoundé II, Research Laboratory in International Law, International Jurisdictions and Comparative Constitutional Law (LR-DIJIDC) of the University of Tunis, Toulouse Committee of the Comparative Legislation Society, Arbitration Pole of the Section of Young Researchers of the African Academy of the Practice of International Law and of the African Council of Law.

He is the author of several scientific productions, the most recent being that in collaboration with **Sanae Bouyayachen** (« L'investissement “vert” dans le lac Victoria : nexus entre une démocratie environnementale et un impératif de développement économique », *Revue internationale de droit économique*, 2025/1 t. XXXIV, 2025, pp. 69-101.

Abstract:

The DRC emerges as the strategic pivot for both African and global energy transition due to its immense natural resource potential, cobalt, copper, lithium, nickel, graphite, and hydroelectric power. These materials are critical for producing clean technologies such as batteries, electric vehicles, and renewable energy systems. Sustainable exploitation of these resources positions the DRC as an energy powerhouse capable of driving the continent's industrialization and reducing dependence on fossil fuels.

Within the AfCFTA framework, this energy transition is part of a broader agenda for pan-African economic integration, aimed at boosting intra-African trade, modernising infrastructure, and strengthening the continent's energy sovereignty. The Inga Dam project, for instance, is presented as a catalyst for regional energy interconnection.

However, several major obstacles: poor governance, persistent instability in eastern DRC, dependence on foreign powers (the United States, China, the European Union), and intense geopolitical competition over control of Congolese resources slow the effective implementation of the energy transition and undermine the full achievements of the AfCFTA's objectives. For the DRC to truly become the “battery of Africa”, transparent governance, sustainable political stability, and inclusive investment policies are deemed essential.



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