



To cite this article: Tesfaye Beljige Dara, Tesfaye Tafesse, Filmon Hadaro, *Reimagining Pan-African Economic Integration by Addressing Legal Impediments to Institutional Coordination*, *HARAMAYA LAW REVIEW* 12: 51-66 (2023)

REIMAGINING PAN-AFRICAN ECONOMIC INTEGRATION BY ADDRESSING LEGAL IMPEDIMENTS TO INSTITUTIONAL COORDINATION

*Tesfaye Beljige Dara, Tesfaye Tafesse, and Filmon Hadaro**

Abstract

The economic integration of Africa is crucial for the continent's growth and development. To achieve the integration, the use of Regional Economic Communities (RECs) has been identified as a foundational building block. However, ineffective coordination of main integration institutions poses a significant challenge to the approach of using RECs to integrate Africa's economy. This paper aims to analyse the legal frameworks for the African Union/African Economic Community (AU/AEC) and RECs relation. Through a qualitative doctrinal method, it has identified some of the legal impediments to effective institutional coordination and provided a means for overcoming them. Accordingly, the paper presented recommendations to address the legal challenges by addressing critical legal issues through legal reform anchoring on the strengthened political will of member states and embracing Pan-Africanism in the process.

Key terms: Regional Economic Integration, African Union, Regional Economic Communities, Building Blocks, Legal Challenges

I. INTRODUCTION

The notion of Pan-Africanism is fundamentally based on the belief that African Unity is vital to the economic, social, and political transformations of the continent.¹ As part of this bigger picture, the regional integration agenda has been there since the era of modern Pan-Africanism.² And, of course, the issue of continental political unification and economic integration agendas underpin the birth of the Organization of African Unity (OAU) in 1963 and

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¹ See generally, HAKIM, ADI. PAN-AFRICANISM: A HISTORY. LONDON: BLOOMSBURY ACADEMIC, (2018).

² Oloruntoba, Samuel. "Pan-Africanism, knowledge production and the third liberation of Africa." *JOURNAL OF AFRICAN RENAISSANCE STUDIES* 10, no. 1 (2015): at 7-24.

its successor, the African Union (AU) which was established in 2001.³ Pan-African regional economic integration is the process of increasing cooperation and unity among African people. It is based on the belief that Africa is stronger when it is united.⁴ Pan-African regional economic integration is being pursued through a variety of initiatives under the AU and Regional Economic Communities (RECs).

Institutional and legal frameworks are principal instruments in the success of regional economic integration as they provide rules, norms, and platforms for cooperation and drive integration by fostering a sense of shared identity across member states.⁵ Due to the mandates given to the AU and the RECs in the legal frameworks for the regional economic integration of the continent, the success of economic integration is highly dependent on the effective coordination of the institutions. The AU's economic integration follows the approach of using RECs as building blocks of the integration process. This approach requires some degree of uniformity of objectives and legal frameworks among RECs and effective institutional coordination between the AU and RECs toward achieving African economic integration.⁶

The route toward economic integration, particularly, in a complicated landscapes such as Africa, is seldom linear. It is paved with intricate legal frameworks, diverse regional institutions, and the constant need for effective coordination. One crucial aspect, which is often overlooked, pertains to the interplay between treaties and institutional coordination.⁷ This underscores the need for a more nuanced understanding of the role of legal agreements and institutional arrangements in promoting successful economic integration efforts in Africa. At the heart of this interplay lies the relationship between RECs and the overarching African Economic Community (AEC).⁸

While the Treaty establishing the AEC⁹ envisions RECs as building blocks, the legal frameworks surrounding their integration remains a challenge. This issue has been scarcely addressed in the literature from the Pan-African ethos and visions of a developed and unified Africa.¹⁰ This paper, employing a doctrinal qualitative approach, delves into the legal frameworks governing the relationship between AU/AEC and RECs. In addition, the paper incorporated insights from face-to-face interviews with bureaucratic officials and regional policy experts. These interviews were conducted in 2023 and included representatives from organizations such

³ Adi, *supra* note 1.

⁴ *Id.*

⁵ OPPONG, R. F. *LEGAL ASPECTS OF ECONOMIC INTEGRATION IN AFRICA*. NEW YORK: Cambridge University Press, (2011).

⁶ *Id.*

⁷ *Id.*

⁸ OPPONG, R. F. "REDEFINING THE RELATIONS BETWEEN THE AFRICAN UNION AND THE REGIONAL ECONOMIC COMMUNITIES IN AFRICA." IN *MONITORING REGIONAL INTEGRATION IN SOUTHERN AFRICA*, Yearbook, edited by A. Bösl, G. Erasmus, T. Hartzenberg, and C. McCarthy. Stellenbosch, South Africa: TRALAC; Windhoek, Namibia: Konrad-Adenauer-Stiftung, (2009).

⁹ OAU, Treaty Establishing the African Economic Community, done at Abuja, June 3, 1991, entered into force May 12, 1994, available at <https://au.int/en/treaties/treaty-establishing-african-economic-community>. [Hereinafter, The Abuja Treaty].

¹⁰ See generally, Magoke, Peter & Mustafa Kemal Öke. "Coordination between the African Union and Regional Economic Communities towards Achieving Regional Integration in Africa." *Istanbul Ticaret Üniversitesi Dış Ticaret Dergisi* 1, no. 1 (2023): 1-14; Kolbeck, Barbara. *Legal Analysis on the Relationship Between the AU/AEC and RECs: Africa Lost in a "Spaghetti Bowl" of Legal Relations?* (unpublished LL.M. thesis, University of Cape Town, 2014); Babatunde Fagbayibo, Rethinking the African Integration Process: A Critical Politico-Legal Perspective on Building a Democratic African Union, 36 *S. Afr. Y.B. Int'l L.* 209 (2011); Salami, Isiaka. "Legal and Institutional Challenges of Economic Integration in Africa." *European Law Journal* 17, no. 5 (2011): at 667-682.

as the AU, the East African Community (EAC) Secretariat, the United Nations Economic Commission for Africa (ECA), and the African Development Bank (AfDB). The purpose of these interviews was to provide further support for particular assertions made in the paper.

The paper identifies key legal impediments to seamless institutional coordination by meticulously analysing the legal frameworks. These include the lack of clear status of RECs within the AEC, overlapping memberships, and conflict of obligations, all of which create confusion and impede the economic integration agenda. The paper also identifies potential avenues for overcoming these legal hurdles, advocating for deliberate legal reform. Yet, legal reform alone is not enough. This paper convincingly argues that strengthened political will among member states is an indispensable condition for effective implementation. Overcoming vested interests and prioritizing the continental vision requires a resolute commitment to Pan-Africanism. When political will aligns with legal reform, the path toward a unified African economic space becomes a viable reality.

This paper, therefore, will make a timely and significant contribution to the ongoing dialogue and discourse on African economic integration and the role of law in shaping the effective coordination of institutions. Illuminating the legal roadblocks and proposing concrete solutions offers a valuable roadmap for navigating the complex landscape of regional integration. Embracing the spirit of Pan-Africanism and forging a strengthened political will, alongside meticulous legal reform, hold the key to unlocking the full potential of RECs and propelling Africa towards a truly unified economic future.

For the purpose of this article, regional economic integration is defined as an ongoing, institutionalized process aimed at reducing or eliminating economic barriers between two or more states, leading to a convergence of their trade, economies, and financial systems. This process necessitates a compromise of some national sovereignty and relies on formal regional agreements to establish frameworks for cooperation and coordinated policies.

In the preceding paragraphs, the article presented an overview of the paper, including the context of the issue being investigated and the methodology utilized. The remaining part of the article is divided into the following sections: Section II presents the general overview of the approach adopted in Pan-African economic integration. Section III analyses the legal frameworks for RECs and AU/AEC relations. Section IV presents the legal challenges to the approach of achieving Pan-African economic integration through the coordinated efforts of the RECs. Section V endorses reimagining effective coordination with Pan-African ethos as a solution for the legal challenges. Finally, Section VI is about the article's conclusion and the way forward.

II. GENERAL OVERVIEW OF THE APPROACH OF PAN-AFRICAN ECONOMIC INTEGRATION THROUGH RECS

Pan-African economic integration, through the combined efforts of the RECs promotes economic growth and development across the African continent by enhancing cooperation and integration among African countries. RECs are sub-regional organizations that facilitate regional economic integration by promoting trade, investment, and economic cooperation among their member states. The integration process involves the harmonization of policies, regulations, and institutions to create a conducive environment for the free movement of goods, services, and factors of production.

A. The Pan-African Economic Integration Agenda

The idea of regional integration in the African continent as a means of collective measure for promoting economic integration and cooperation has been going on for a long time.¹¹ Over the years, the notion of Pan-Africanism has served as a strategy for guiding the African continent's decolonization struggles, endorsing continental unity, and promoting a development framework¹². The post-colonial African leaders and thinkers believed that an integration agenda based on the ideals of Pan-Africanism was necessary for positioning African countries in the global economy to achieve socio-economic development.¹³ Modern African regionalism is; thus, rooted in Pan-Africanist philosophical foundations that were later institutionalized in 1963 after the establishment of OAU, which then became the AU.¹⁴

The era of modern Pan-Africanism and post-colonial African regionalism are embedded in three important regional initiatives: the 1979 Monrovia Strategy, 'the 1980 Lagos Plan of Action (LPA)',¹⁵ and 'the 1991 Abuja Treaty'.¹⁶ The 1979 Monrovia Strategy for the Economic Development of Africa was developed as a strategy of African development and transformation and set out to achieve a number of objectives, including the eventual establishment of an African Common Market leading to an African Economic Community.¹⁷

The ideas of regional integration had occupied centre stage in the Lagos Plan of Action (LPA) for the economic development of Africa (1980-2000).¹⁸ The LPA marked for the first time that independent African states with diverse socio-political systems and levels of economic development should pledge to a common set of development objectives and goals and adopt a bold development strategy and program of action based on regional building blocks that would eventually lead to the economic unity of the African continent.¹⁹ Both the Monrovia Strategy and the LPA emerged on the African development agenda with the policy objective of accelerating the process of regional economic integration through cooperation.²⁰

The Abuja Treaty was adopted by the OAU to establish the architecture of regional integration in Africa. The Treaty provides a neo-functional approach that aims to achieve the AEC through a gradual process of coordination, harmonization, and progressive integration of

¹¹ See Ake, Claude. *A Political Economy of Africa*. Ibadan: Longman, 1981; Aniche, Ernest Tooichi. "From Pan-Africanism to African regionalism: A chronicle." *AFRICAN STUDIES* 79 (2020): at 70-87.

¹² Aniche, *id.*

¹³ Nkrumah, Kwame. *Africa Must Unite*. London: Heinemann, 1963; Ndlovu-Gatsheni, Sabelo. *Coloniality of Power in Postcolonial Africa: Myths of Decolonization*. Dakar: CODESRIA, (2013).

¹⁴ Aniche, Ernest Tooichi. "The 'calculus' of integration or differentiation in Africa: Post-neofunctionalism and the future of African Regional Economic Communities (RECs)." *International Affairs and Global Strategy* 36 (2015): at 41-52.

¹⁵ OAU Assembly, Final Act of Lagos, § II(B)(a), adopted at the 2nd Extraordinary Session of the OAU Assembly of Heads of State and Government, Lagos, Apr. (1980), available at <https://archives.au.int/handle/123456789/609> [Hereinafter, Final Act of Lagos].

¹⁶ Asuk, O.C. "Resolving the African Development Sclerosis: Two Strategies, No Future." *AFRICA RESEARCH REVIEW: AN INTERNATIONAL MULTI-DISCIPLINARY JOURNAL* 5(3): at 133-147 (2011); Aniche, *supra* note 11.

¹⁷ Final Act of Lagos, *supra* note 15; Organization of African Unity (OAU). *What kind of Africa by the Year 2000*. Addis Ababa: Organization of African Unity (1979); Asuk, *id.*; Sekgoma, Gilbert A. "The Lagos Plan of Action and Some Aspects of Development in Sierra Leone." *PUIA: Botswana Journal of African Studies* 8, no. 2 (1987): 68-94.

¹⁸ *Id.*

¹⁹ Adedeji, A. "Preparing Africa for the Twenty-First Century: Agenda for the 1990s." *Economic Commission for Africa*. Addis Ababa: ECA, 1991; Benachenhon, A. *South-South co-operation: The Lagos Plan of Action and Africa's independence* *Africa Development* III (4) (1983), 1-13; Asuk, *supra* note 16.

²⁰ OAU, *supra* note 17; Adedeji, *id.*; Aniche, *supra* note 11.

existing and future RECs in Africa.²¹ The primary objective of the African Economic Community is to facilitate mutual economic development by promoting cooperation in all fields of human endeavour to contribute to the African continent's progress, development, and economic integration. The Abuja Treaty has been a significant step towards realizing the vision of a united and prosperous Africa, and its implementation is essential for the continent's socio-economic growth and development.²²

B. The Regional Economic Communities (RECs): 'Building Blocks' of Pan-African Economic Integration

In order to understand the approach adopted by the AU regarding continental economic integration, one must refer to the Abuja Treaty.²³ The Abuja Treaty provides for the African Economic Community, and as per the Treaty, AEC is the structural result of full regional economic integration in the continent.²⁴ The ultimate goal of the Abuja Treaty is to create an African common market.

The 2000 Constitutive Act of the AU (CAAU) and the Abuja Treaty were signed and ratified by all 54 AU Member States, demonstrating Africa's unwavering dedication to achieving regional integration and the formation of the AEC. In accordance with this commitment, the recently joined South Sudan signed the Abuja Treaty on January 24th, 2013, while the Kingdom of Morocco signed and ratified it on April 13th, 2017.²⁵ The AU is tasked with overseeing the progress of regional and continental integration in Africa.

The continental integration strategy expressed in the Abuja Treaty is progressive integration through the use of RECs as 'building blocks.'²⁶ This approach is one of the underlying principles of continental integration under the AU.²⁷ Article 88 of the Abuja Treaty states, 'the Community shall be established mainly through the coordination, harmonization, and progressive integration of the activities of the RECs²⁸.' Accordingly, AU Member States have a twin obligation under the Abuja Treaty and the Treaties of the RECs²⁹.

The main rationale for adopting the RECs as a 'building block for African economic integration' under the AU is the continent's massive geography and the existence of 54 sovereign countries, with 16 landlocked countries.³⁰ The existence of multiple borders on the continent requires economic integration at a regional bloc level and coordination of the blocks for continental economic integration to generate economies of scale through larger markets.³¹ This is

²¹ Aniche, *supra* note 11.

²² Aniche, *supra* note 14.

²³ Magoke & Öke, *supra* note 10.

²⁴ Abuja Treaty, Article 2.

²⁵ African Union. List of Countries which have Signed, Ratified/Accessed to the Treaty Establishing the African Economic Community. 24/01/2023, available at https://au.int/sites/default/files/treaties/37636-sl-TREATY_ESTABLISHING_THE_AFRICAN_ECONOMIC_COMMUNITY.pdf (Accessed on 10th September, 2023)

²⁶ Magoke & Öke, *supra* note 10.

²⁷ Desta, Melaku Geboye and Guillaume Gérout. "The Challenge of Overlapping Regional Economic Communities in Africa: Lessons for the Continental Free Trade Area from the Failures of the Tripartite Free Trade Area," ETHIOPIAN YEARBOOK OF INTERNATIONAL LAW (Zeray Yihdego, Melaku Desta, Mussie Hailu, and Fikremarkos Merso eds., (2017).

²⁸ Abuja Treaty, Art. 88 (1).

²⁹ It is important to note that many States belong to two or more RECs.

³⁰ Oppong, *supra* note 8.

³¹ Magoke & Öke, *supra* note 10.

the logic that underpins the use of RECs as building blocks in African economic integration. The primary objective of the RECs is to facilitate regional economic integration by promoting cooperation and collaboration among the member states through the elimination of barriers on substantially all trade and economic cooperation. This involves the creation of a conducive environment for trade, investment, and economic growth. Additionally, RECs seek to harmonize policies and regulations on trade, investment, and other economic activities.³²

The Abuja Treaty, under Article 1 (d), calls for the creation of five RECs according to the five regions recognized by the OAU³³; however, currently, the continent has embraced the eight RECs³⁴ as the building blocks of the AEC. In July 2006, the African Union made a decision based on the recommendations of the first Conference of African Ministers in Charge of Integration (COMAI I), which was held on the 30th and 31st of March 2006 in Ouagadougou, Burkina Faso.³⁵ The decision was not to recognize any new RECs except for the eight already recognized RECs.³⁶ This decision was made in order to maintain consistency and coherence in the efforts toward regional integration in Africa. After deliberating on the then status of integration across the continent, the conference underlined the need to rationalize and harmonize the efforts of the RECs to enhance the economic integration of the continent.³⁷

Currently, the continent has more than 14 economic groupings, including the Tripartite Free Trade Area (TFTA), established in 2015; the Southern Africa Customs Union (SACU), founded in 1910, the oldest customs union in Africa, and the West African Economic and Monetary Union (WAEMU).³⁸ However, these economic groups are not recognized by the AU, including in the recent AfCFTA, despite their potential significance for the African integration effort.³⁹

While the AU sees RECs as crucial players in African integration across diverse areas, reports highlight their inefficiency and their transformation from building blocks to stumbling blocks.⁴⁰ To overcome these challenges, a key task lies in strengthening intergovernmental institutions, managing relations between various actors, and streamlining RECs' activities to

³² Eghosa Ekhaton, *International Environmental Governance: A Case for Sub-regional Judiciaries in Africa*, in Michael Addaney & Ademola Jegede (eds.), *Human Rights and the Environment under African Union Law*, 209 (Palgrave Macmillan 2020).

³³ See the definition of "region" in Art. 1(d) of the Abuja Treaty.

³⁴ Mutai, K.H., ed. *Compliance with International Trade Obligations: The Common Market for Eastern and Southern Africa. Alphen aan den Rijn, Netherlands: KLUWER LAW INTERNATIONAL*, 2007. 106. The eight RECs recognized by the AU are the Arab Maghreb Union (UMA), Common Market for Eastern and Southern Africa (COMESA), Community of Sahel–Saharan States (CEN– SAD), East African Community (EAC), Economic Community of Central African States (ECCAS), Economic Community of West African States (ECOWAS), Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC).

³⁵ Magoke & Öke, *supra* note 10.

³⁶ African Union. *Decisions and Declarations – Decision on the Moratorium on the Recognition of Regional Economic Communities (RECs) DOC.EX.CL/278 (IX)*. AU Doc. Assembly/AU/Dec. 111 – 132 (VII). Assembly of the African Union. Seventh Ordinary Session. 1 – 2 July 2006. Banjul, The Gambia, *available at* http://www.au.int/en/sites/default/files/ASSEMBLY_FR_01_JULY_03_JULY_2006_AUC_SEVENTH_ORDINARY_SESSION_DECISIONS_DECLARATIONS.pdf (Accessed on 15th August, 2023).

³⁷ Magoke & Öke, *supra* note 10.

³⁸ United Nations Economic Commission for Africa (ECA) & African Union (AU), *Assessing Regional Integration in Africa II: Rationalizing Regional Economic Communities* 45 (Addis Ababa: United Nations Economic Commission for Africa, 2009), *available at* <https://hdl.handle.net/10855/5611> (Accessed on 10th September, 2023)

³⁹ Salami, *supra* note 10.

⁴⁰ ECA & AU, *supra* note 38.

pave the way for a coherent African Economic Community.⁴¹ By clarifying its relationship with RECs through strategic MOUs and robust engagement beyond current meetings, the AU can empower RECs in their domains while maintaining its own continental oversight and facilitating compliance with joint initiatives. As noted in Kagame's report, this division of labour strengthens both organizations and improves coordination for future integration efforts.⁴²

III. CURRENT LEGAL FRAMEWORK FOR AU/AEC AND RECS RELATIONS

The economic integration of Africa is heavily reliant on the cooperation between the AU, the AEC, and the RECs. However, the relationship between these entities is governed by a complex framework of legal instruments that possess inherent ambiguities and limitations. The present legal framework for AU/AEC and RECs relations regarding economic integration comprises continental instruments such as the AU Constitutive Act, the Abuja Treaty, the Protocol on Relations, and the founding treaties of the RECs. An examination of this framework reveals both prospects and hurdles toward achieving efficacious institutional coordination.

A. Continental Frameworks

There are several legal instruments that dictate the relationship between the AU and the RECs. The Constitutive Act of the AU acknowledges the importance of the Abuja Treaty and calls on Member States to comply with and implement it. The Abuja Treaty remains effective today and was instrumental in regulating the relationships between the AU/AEC and RECs. The Treaty recognized the RECs as crucial to achieving continental economic integration in the form of the African economic community. The OAU Charter, although the primary document for continental integration, did not contain any provisions governing the relationship between the AU and RECs.

The "Protocol on Relations"⁴³ serves as the primary governing document for the AU/AEC and the RECs. First established in 1998, it has since been updated in 2008 and 2021 to promote collaboration, coordination, and harmonization between the OAU and RECs.⁴⁴ However, the Protocol can pose a common challenge due to the absence of clear definitions and procedures of relations between the AU and RECs, which may hinder its effective implementation. The ultimate goal of the RECs is to evolve and eventually merge into the African Economic Community - a Pan-African organization that seeks to promote socio-economic development and regional integration on the continent.⁴⁵ The African Economic Community is envisioned to be a

⁴¹ Generally, see African Union Handbook (African Union Commission and New Zealand Ministry of Foreign Affairs and Trade 2020); United Nations Economic Commission for Africa. 2006. Assessing Regional Integration in Africa II, Rationalising Regional Economic Communities. At XXIV and XXV, 115 – 128, available at <http://www.uneca.org/aria2/> (Accessed on 15th August, 2023)

⁴² Kagame, P. 2017. 'The Imperative to Strengthen Our Union: Report on the Proposed Recommendations for the Institutional Reform of the African Union by President Paul Kagame', 29 January, available at <https://www.tralac.org/documents/resources/african-union/1139-report-on-the-proposed-recommendations-for-the-institutional-reform-of-the-african-union-kagame-29-january-2017/file.html> (Accessed on 10th September, 2023)

⁴³ Protocol on Relations between the African Union and the Regional Economic Communities, July 2007, online: www.afrimap.org/english/images/treaty/AU-RECs-Protocol.pdf (hereafter, Protocol on Relations). This protocol replaces the Protocol on Relations between the African Economic Community and the Regional Economic Communities, 25 February 1998, (1998) 10 Afr. J. Int'l & Comp. L. 157 (hereafter, Protocol on Relations – 1998).

⁴⁴ Protocol on Relations, art. 3(a)(b).

⁴⁵ Magoke & Öke, *supra* note 10.

common market with free movement of goods, services, and people and a currency union that would facilitate trade and investment among African countries.⁴⁶

The core aim of the Protocol on Relations is to establish a formal, cohesive, and robust partnership between the AU and the RECs by coordinating, aligning, and executing their policies, initiatives, programs, and operations across various fields and sectors.⁴⁷ The Protocol also aims to create a structure for synchronizing the efforts of RECs towards achieving the goals of the Constitutive Act of the AU and the AEC Treaty.⁴⁸ To achieve these objectives, the AU and the RECs have agreed to work together and synchronize their policies and programs.⁴⁹

Specifically, the RECs have committed to creating a direct connection with the AU in order to enhance their relationship with the Union. This is intended to pave the way for their integration into the African Common Market and serve as a precursor to the African Economic Community.⁵⁰ To promote greater collaboration between RECs, there are provisions that either mandate or encourage the formation of cooperative arrangements⁵¹, as well as participation in each other's meetings⁵². This includes the attendance and participation of both the RECs and the AU in each other's meetings, albeit without voting rights.⁵³ The Protocol of Relations additionally establishes the Committee on Coordination and the Committee of Secretariat Officials as the bodies responsible for ensuring policy and activity coordination between the RECs and implementing the Protocol.⁵⁴ The AU is likewise expected to establish a liaison office at the headquarters of each REC.⁵⁵

B. The Founding Treaties of the RESs

The regulatory framework under the Protocol on Relations is complemented by provisions within the founding treaties of each REC, which outline the specific ways in which they relate to other RECs and the AU/AEC. Together, these measures are meant to ensure a comprehensive and cohesive approach to regional economic development and cooperation throughout Africa. The member states are obligated by the EAC Treaty to encourage collaborative relationships with other regional and global organizations whose activities are relevant to the Community's goals.⁵⁶ Under the Common Market for Eastern and Southern Africa (COMESA) Treaty, the organization is permitted to establish cooperative agreements with other regional communities.⁵⁷ The ECOWAS Treaty also includes a provision that is similarly crafted.⁵⁸ The South African Development Community (SADC) Treaty, when it comes to its relations with the AEC, provides little detail apart from mentioning the AEC in its preamble and a general reference to cooperation with regional and international organizations.⁵⁹

Obviously, it is evident that these clauses provide authority, and certain RECs have utilized them to form partnerships with other RECs. One of the most significant events in this regard was

⁴⁶ Abuja Treaty, Art. 88(1).

⁴⁷ Protocol on Relations, Art. 3(a).

⁴⁸ *Id.*, at Art. 3(b).

⁴⁹ *Id.*, at Art. 4(a).

⁵⁰ *Id.*, at Art. 5.

⁵¹ *Id.*, at Art. 15(1).

⁵² *Id.*, at Art. 16(1).

⁵³ *Id.*, at Arts. 17 and 19.

⁵⁴ *Id.*, at Arts. 6 -10.

⁵⁵ *Id.*, at Art. 21.

⁵⁶ EAC Treaty, Art. 130 (3).

⁵⁷ COMESA Treaty, Art. 179 (1).

⁵⁸ ECOWAS Treaty, Art. 79 (1).

⁵⁹ SADC Treaty, Art. 24.

the COMESA-EAC-SADC Tripartite Summit of Heads of State and Government in Kampala, Uganda, in October 2008.⁶⁰ The theme of the Summit was “Deepening COMESA-EAC-SADC Integration.” In a joint communique⁶¹, the Heads of State and Government reviewed the activities of the three RECs, agreed on a harmonization program, and expressed their commitment to future cooperation.

With regard to the AEC, the founding treaties of the RECs acknowledge its existence and aim to support its goals.⁶² However, details on the nature and form of their relationship with the AEC are not extensively outlined. The COMESA Treaty, however, provides the most comprehensive information on this matter. It states that the ultimate goal of COMESA is to facilitate the implementation of the AEC Treaty.⁶³ Member states are required to implement the COMESA Treaty provisions while considering the AEC Treaty and eventually merge the organization with the AEC at a mutually agreed time.⁶⁴ The Secretary-General of the Community is tasked with coordinating the activities of COMESA with the AEC and reporting regularly to the Council of Ministers.⁶⁵ The foundation of COMESA is traced back to Article 28 (1) of the AEC Treaty, which calls for the creation and strengthening of RECs as the initial step towards the evolution of the African Economic Community. Further, the objectives of COMESA include the establishment, progression, and realization of the aims of the AEC.⁶⁶ While there are still some unresolved issues, these provisions demonstrate a level of attention to the relationship between the AEC and COMESA that surpasses that of other RECs.

While the EAC Treaty describes the EAC as a step towards achieving the objectives of the AEC Treaty⁶⁷ and the Economic Community of West African States (ECOWAS) Treaty states that members will facilitate coordination and harmonization of policies and programs with the AEC⁶⁸, neither Treaty provides specific details on their relations with the AEC. This means that they do not address important issues such as the legal nature of their relations with the AEC, whether AEC decisions bind them, and whether AEC law overrides their own in cases of conflict.

IV. PRESENTING LEGAL CHALLENGES TO PAN-AFRICAN ECONOMIC INTEGRATION THROUGH RECS

This section will examine the legal obstacles that impede the progress of pan-African economic integration. The paper highlights the various legal barriers that hinder the joint efforts of the RECs to achieve regional integration. It will delve into the fundamental legal documents of both the AU and RECs, evaluating their alignment with the Pan-African objective of economic integration. The inquiry will concentrate on the legal status of RECs within the AU/AEC, the future of RECs within the AEC, and the conflicting legal mandates,

⁶⁰ Magoke & Öke, *supra* note 10.

⁶¹ See Final Communique of the COMESA–EAC–SADC Tripartite Summit of Heads of State and Government, 22 October 2008, Kampala Uganda, available at www.tralac.org/cause_data/images/1694/FinalCommuniqueKampala_20081022.pdf (Accessed on 11th September, 2023).

⁶² ECOWAS Treaty, art. 78; EAC Treaty, art. 130 (2)(3); and COMESA Treaty, art. 3 (f).

⁶³ COMESA Treaty, art. 178 (1).

⁶⁴ *Id.*, at Art. 178 (1) (b).

⁶⁵ *Id.*, at Art. 178 (2).

⁶⁶ *Id.*, at Art. 3 (f).

⁶⁷ EAC Treaty, Art. 130 (2).

⁶⁸ ECOWAS Treaty, Art. 78.

responsibilities, and jurisdictions. By comprehending these primary challenges, the paper aims to provide insight into how they can be resolved to achieve a more cohesive and prosperous Africa.

A. The Legal Position of RECs in the AEC

One of the most critical concerns about Africa's economic integration is undoubtedly the legal position of the RECs inside the AEC.⁶⁹ There is little discussion of the founding treaties of the RECs and the Abuja Treaty, from the perspective of Pan-African ethos, made to address this issue. However, the legal status of the RECs within the AEC is a critical factor in facilitating effective institutional coordination. The recent Kagame report has also stressed the lack of clarity in the relationship of the continental body with RECs⁷⁰. Indeed, several interviewees noted that the relationship between the RECs and the AU is problematic owing to the absence of a defined framework.⁷¹

The lack of clarity in institutional coordination in African economic integration is a result of the lack of explicit provisions in the Abuja Treaty regarding the legal status of RECs. Questions like "Do RECs retain full autonomy?" or "How are conflicts of competence resolved?" linger unanswered, hindering effective decision-making and implementation. What complicates the issue more is the fact that all of the RECs have a legal personality in accordance with their founding treaties.⁷²

According to the Abuja Treaty, the AEC's establishment is to be achieved through the coordination, harmonization, and progressive integration of the RECs' activities, which are also subject to various obligations and deadlines. However, the Treaty is silent on the legal status of the RECs within the AEC, which runs counter to the Pan-African goal of leveraging the RECs as the AEC's foundational elements for achieving economic integration.

This matter is also not addressed in the Protocol on Relations.⁷³ This is a matter of significant theoretical and practical implications. Legally speaking, unless one can demonstrate that a REC is an organ, member, agent, or subject of the AEC, it is difficult to imply that its decisions bind it.⁷⁴ The AEC Treaty does not provide membership status to the RECs as its provisions implicitly indicate in Article 2 that the states are members of the AEC. In the absence of a clear stipulation in the founding Treaty of an international organization, we cannot infer a membership of an entity.⁷⁵ In the same vein, as one interviewee put it, it is not logical to argue that the RECs are AEC members.⁷⁶

Similarly, it is impossible to argue that the RECs are organs of the AEC, as Article 7 does not include the RECs in the list of organs. There is also growing doubt regarding the assertion

⁶⁹ Kolbeck, *supra* note 10.

⁷⁰ Kagame, *supra* note 42.

⁷¹ Interview with Albert M. Muchanga, Commissioner for Trade and Industry of the AU, 21st of August 2023, Addis Ababa; Interview with Dr. Ashebir Woldegiorgis, Vice President of the Pan-African Parliament (PAP), 15th of July 2023, Addis Ababa; Interview with Policy Expert (anonymous) at the ECA, 1st October 2023, Addis Ababa; (Telephone) Interview with Policy Expert (anonymous) at the EAC, 5th of November 2023.

⁷² COMESA Treaty, art. 186(1); EAC Treaty, art. 138(1); and ECOWAS Treaty, art. 88(1). See generally, Oppong, *supra* note 5.

⁷³ Articles 18 and 20 deal with the status of the RECs at AU meetings and the status of the AU at the RECs meetings respectively.

⁷⁴ Abuja Treaty, Arts. 10 (2) and 13 (2).

⁷⁵ AMERASINGHE, C. F. PRINCIPLES OF THE INSTITUTIONAL LAW OF INTERNATIONAL ORGANIZATIONS (Cambridge: Cambridge Univ. Press, 2d ed., at 104–14; KLABBERS, JAN. AN INTRODUCTION TO INTERNATIONAL INSTITUTIONAL LAW. 2nd ed. Cambridge: Cambridge Univ. Press, (2009), at 93.

⁷⁶ Interview with Dr. Ashebir Woldegiorgis, Vice President of PAP, 15th of July (2023), Addis Ababa.

that the RECs are AEC agents.⁷⁷ This is due to the lack of clear or implied consent for this kind of relationship. It is impossible to assume that two international organizations with distinct legal personalities have an agency relationship.⁷⁸

Some authors, however, argue that the RECs can be construed as subjects of the AEC from a purposive reading of the AEC Treaty and the Protocol on Relations.⁷⁹ Their relations emanate from the mandates of the RECs to work towards the realization of the African Economic Community. Nonetheless, this interpretative assertion does not guarantee the authority of the AEC over the RECs. A recurring theme raised during the interviews was that the legal position of RECs in the AEC remains a critical puzzle that needs to be solved to achieve Pan-African economic integration through the coordinated effort of the RECs.⁸⁰

B. The Future of RECs within the AEC

The other legal challenge to the unique Pan-African approach of economic integration is the undetermined future legal relationship of the RECs with the AEC. Numerous interviewees noted that it is a matter that has got little attention in the African economic integration. The RECs are ultimately expected to merge or be ‘absorbed’⁸¹ to form the African Economic Community. Article 88 (1) of the AEC Treaty specifies that the African Economic Community should primarily be established via coordinating, harmonizing, and gradually integrating activities within RECs. Additionally, Article 3 of the Constitutive Act of the AU emphasizes the importance of coordinating and harmonizing policies among current and prospective RECs to progressively achieve the Union’s objectives.

However, the legal status of the RECs after achieving the African Economic Community is not determined. In other words, the question of whether the RECs will disappear or continue to exist in the African economic integration is not addressed in the AEC Treaty or founding treaties of the RECs or any other protocol. The ECOWAS Treaty⁸² and the EAC Treaty⁸³ do not explicitly address their status after forming the African Economic Community. Actually, the EAC Treaty provides perpetual duration for the regional economic integration body.⁸⁴ Unlike the ECOWAS and the EAC Treaties, the COMESA Treaty visualizes the transformation of COMESA into an organ of AEC, of course, not in its demise.⁸⁵

It is, therefore, difficult to propose that the creation of the African Economic Community will signify the RECs’ demise. It is important to note the fact that there are active RECs that are

⁷⁷ *Id.*

⁷⁸ SAROOSHI, DAN. INTERNATIONAL ORGANIZATIONS AND THE EXERCISE OF SOVEREIGN POWERS. OXFORD: Oxford University Press, (2005), at 33–53.

⁷⁹ Opong, *supra* note 5.

⁸⁰ Interview with Albert M. Muchanga, Commissioner for Trade and Industry of the AU, 21st of August 2023, Addis Ababa; Interview with Policy Expert (anonymous) at the ECA, 1st October 2023, Addis Ababa; Interview with Senior Policy Advisor (anonymous) at the African Development Bank (AfDB), 28th of October (2023), Addis Ababa.

⁸¹ Protocol on Relations, Art. 5 (1)(d).

⁸² Article 2(1) provides that the member states have decided that ECOWAS shall ultimately be the sole economic community in the region for the purpose of economic integration and the realization of the objectives of the African Economic Community.

⁸³ In the preamble to the treaty, the member states affirmed their desire for a wider unity of Africa and regarded the Community as a step towards the achievement of the objectives of the Treaty Establishing the African Economic Community.

⁸⁴ EAC Treaty, Art. 144.

⁸⁵ COMESA Treaty, Art. 192.

not recognized by the AU (such as the Southern African Customs Union), and there is objective and progressive variation among the AU-recognized RECs.⁸⁶ The UNECA study suggests a revision of the functions and structures of the RECs after the formation of the African Economic Community.⁸⁷ Scholars have also suggested a comprehensive merger protocol that addresses the status and future relational issues between the RECs and the AEC in detail.⁸⁸ The status of RECs after the formation of AEC, as noted by most of the interviewees, remains a challenge that needs to be addressed for the success of the Pan-African approach of achieving economic integration using the RECs as a building block.⁸⁹

C. Overlapping Legal Rules, Obligations and Jurisdictions

The central issue in the Pan-African approach of using the RECs as a building block is the complexity of the legal systems, which may lead to conflict of laws and jurisdictions.⁹⁰ This kind of overlapping sets of legal rules and jurisdictions reduces the clarity of legal obligations.⁹¹ The AEC has appreciated this potential problem and provided the institutional framework for coordinating and balancing interactions between the AEC and the RECs through the Protocol on Relations. It highlights the coordination and harmonization of their efforts. Nevertheless, the Protocol contains no explicit provisions addressing the problem of conflicting laws and jurisdictions. The matter of whether the AEC law holds precedence over conflicting laws and the legislative and judicial jurisdiction of RECs is typically left unaddressed. While the Protocol on Relations offers some partial solutions, there are still outstanding issues. The AU has the authority to impose sanctions on RECs or member states that do not adhere to its directives. This presents a significant legal hurdle for the Pan-African strategy for regional economic integration.

Furthermore, multiple memberships can lead to overlapping obligations and rules, creating confusion and potential contradictions between different RECs' treaties and protocols. The establishment of the AEC aims to create a continent-wide single market, harmonizing regulations and facilitating seamless trade across Africa. However, multiple memberships can complicate the AEC's implementation, as member states might prioritize obligations to their RECs over the AEC's provisions. Several interviewees have underlined that this could lead to a fragmented single market with uneven levels of integration across different regions, jeopardizing the AEC's overall effectiveness.⁹²

V. REIMAGINING THE AU-RECS RELATIONS WITH PAN-AFRICAN ETHOS

The realization of a unified African economic space hinges on the systematic dismantling of legal and institutional barriers that impede effective coordination between AU/AEC and RECs.

⁸⁶ Oppong, *supra* note 8.

⁸⁷ ECA & AU, *supra* note 38.

⁸⁸ Oppong, *supra* note 8.

⁸⁹ Interview with Dr. Ashebir Woldegiorgis, Vice President of PAP, 15th of July 2023; Interview with Senior Policy Advisor (anonymous) at the AfDB, 28th of October 2023, Addis Ababa; Interview with Policy Expert (anonymous) at the ECA, 1st October 2023, Addis Ababa.

⁹⁰ Interview with Senior Official (anonymous) at the AU, 23rd of August 2023, Addis Ababa; (Telephone) Interview with Policy Expert (anonymous) at the EAC, 5th of November 2023.

⁹¹ Alter, Karen J., & Meunier, Sophie (eds.). *The Politics of International Regime Complexity. Perspectives on Politics*, 7(1), 13-24. Betts, Alexander. *Competing Claims of Sovereignty: Refugees and the Fragmentation of International Governance*. 42-56, (2009), at 16.

⁹² Interview with Dr. Ashebir Woldegiorgis, Vice President of PAP, 15th of July 2023; Interview with Senior Policy Advisor (anonymous) at the AfDB, 28th of October 2023, Addis Ababa; Interview with Policy Expert (anonymous) at the ECA, 1st October 2023, Addis Ababa.

By methodically addressing these challenges while fostering a Pan-African ethos, RECs can transform from isolated entities into formidable engines driving continental economic integration. This is the key to bringing the African dream to life, where strong institutions, harmonized legal frameworks, and a shared commitment to Pan-Africanism will drive progress forward in the economic integration sphere. To this end, this section puts forward recommendations that tackle legal obstacles through legal reform, anchored by the strengthened political will of member states and a wholehearted embrace of Pan-Africanism.

A. Addressing Key Legal Challenges Through Legal Reform

Unfortunately, the current legal framework for Africa's integration process, crafted through various treaties and protocols, falls short of ensuring effective and coherent governance of the institutions tasked with driving this ambitious project.⁹³ The challenges surrounding the relationships between the African Union/African Economic Community (AU/AEC) and Regional Economic Communities (RECs) act as a significant brake on Pan-African integration. While the sheer volume of legal documents adopted speak to Africa's commitment to integration, their complexity and inconsistencies often create confusion and impede progress. The core of the problem lies in the lack of well-defined legal relationships between the various actors in the integration landscape.

Despite these challenges, a closer examination reveals that Africa is not merely short of solutions but rather grappling with the intricate task of translating innovative ideas into a clear and workable legal framework. The adoption of the Abuja Treaty, the Constitutive Act of the African Union, and the establishment of the AEC all demonstrate a continuous effort to refine the legal architecture of integration. However, these documents need further precision and elaboration to guide institutional coordination effectively and address the practical challenges encountered on the ground. Moving forward, tackling the legal ambiguity surrounding RECs within the AEC landscape should be paramount. In the author's understanding of the existing situations, this can be achieved through a two-pronged approach:

A) *Revising the Abuja Treaty:*

- Clarifying the legal status of RECs, whether they are independent entities or subordinate to the AEC, would resolve conflicts of competence and streamline decision-making processes.
- Defining the precise nature of the relationship between RECs and the AU/AEC and outlining areas of cooperation and collaboration would prevent duplication of efforts and enhance synergy.
- Establishing clear and efficient mechanisms for resolving conflicts of competence between RECs and the AU/AEC would provide legal certainty and avoid potential disputes that can further stall integration progress.

B) *Harmonizing REC Treaties:*

- Aligning every RECs' objectives and regulations with the AEC's broader goals would ensure greater coherence and consistency in regional policies.
- Removing overlapping provisions and harmonizing technical regulations across RECs would facilitate seamless cross-border trade and movement of goods and services.

⁹³ Magoke & Öke, *supra* note 10.

By dedicating concerted efforts to these two key areas, Africa can begin to address the legal challenges that currently impede its integration journey. A clear and harmonized legal framework, coupled with a shared commitment to Pan-Africanism, can transform the RECs from isolated entities into powerful engines driving continental economic and political integration. This, in turn, will unleash the immense potential of this vast continent and propel Africa toward a brighter future characterized by shared prosperity and regional solidarity.

B. The Need for a Strengthened Political Will of Member States

States are the main actor in African integration, and any legal reform requires their political commitment. Drawing on the European experience, classical integration theories (neo-functionalism and intergovernmentalism) hold divergent assertions regarding the dominant actors in regional integration.⁹⁴ The main assumption of neo-functionalist approaches is that initial regional integration generates a demand, especially by non-state actors, for more supranational decision-making and policies⁹⁵. Intergovernmentalism rejects this conclusion and agrees with neo-functionalism that institutional developments relate to demand factors like economic or security interdependences, but claims that state actors determine the intensity of integration as they calculate relative sovereignty costs and cooperation benefits based on exogenous preferences.⁹⁶ Governments, thus, retain control over the intensity of regional integration, although the liberal variant of intergovernmentalism posits that they do so as representatives of domestic interest groups.⁹⁷

While legal reforms are undoubtedly necessary, it is crucial for the African Heads of State and Government to show genuine political will in accordance with the beliefs of liberal intergovernmentalists. This is essential for successfully implementing the necessary reforms and achieving the ambitious goal of establishing effective institutional cooperation between the AU and RECs to facilitate economic integration. Without such commitment, the realization and implementation of the new treaties, protocols, and declarations could fail to materialize.

Ultimately, the success of AU-REC cooperation hinges on recognizing a fundamental truth: institutions are merely tools wielded by their creators. The AU Commission, any REC, or any international body is as strong or as weak as the member states choose to make it. Member states must prioritize the continental goal of unity over narrow national interests in their dual roles as AU and REC members. This necessitates a shift in mindset, recognizing that collective progress benefits all nations in the long run. It is akin to realizing that a rising tide lifts all boats.

Hence, the legal adjustment overhaul must be complemented by strengthened political will. By tackling legal hurdles and reinvigorating political will, the AU-REC relationship could be transformed from a source of frustration into a potent engine of continental progress. The strength of a unified Africa lies not in individual institutions but in the collective commitment across each level of governance.

⁹⁴ See generally BÖRZEL, T. A., & RISSE, T. (EDS.). *THE OXFORD HANDBOOK OF COMPARATIVE REGIONALISM*. OXFORD: Oxford University Press (2016); Söderbaum, F. *Rethinking Regionalism*. London & New York: Palgrave (2016).

⁹⁵ Haas, E. B. *The Uniting of Europe: Political, Social and Economic Forces 1950-1957*. London: Stevens (1958); Schmitter, P. C. *Three Neo-Functional Hypotheses about International Integration*. *International Organization*, 23(1), at 161–166 (1969).

⁹⁶ Spandler, Kilian. *Regional Integration through Normative Arguing: Legitimizing Legalization in ASEAN and the EU* (2019).

⁹⁷ Moravcsik, A. *THE CHOICE FOR EUROPE: SOCIAL PURPOSE AND STATE POWER FROM MESSINA TO MAASTRICHT*. ITHACA: Cornell University Press (1998).

C. Unleashing the Potential of Pan-Africanism for AU/AEC-REC Synergy

In the legalization process in regional integration, member states of organizations, who are the ultimate creators of the institutions, pursue more strategic goals. However, they rhetorically justify their arguments in legitimating the legalization process by reference to certain principles and normative beliefs.⁹⁸ This is common legitimating legalization in most regional integrations like the ASEAN and EU. In ASEAN integration, regional organizations are shaped by distinct principles of cooperation like the ‘ASEAN Way.’ In the European context, the strategic or rhetorical action of EU actors has also identified shared European values like liberal democracy as an important legitimation resource.⁹⁹ In African integration, Pan-Africanism has played an important role in legitimizing the legalization process.¹⁰⁰ Apart from the functionalist frames that justify the establishment of the Pan-African integration institutions by functional demands, Pan-African values also provide an important foundation for legitimizing the institutions. Hence, the spirit of Pan-Africanism presents a potent catalyst for legal reform and for renewing the political will of member states in the process and the later implementation.

Since regional integration has been the central concern of Africa’s development strategy, it has reinforced most pan-African development policies.¹⁰¹ Throughout the 21st Century, Pan-Africanism has maintained its significance as a critical ideology and movement. However, it has also evolved in response to present-day challenges and opportunities. The AU serves as an embodiment of Pan-Africanism in an organizational structure, with the ethos of Pan-Africanism continuing to guide the acceleration of regional integration as a beacon of hope.¹⁰² As stated above, the success of AU-REC cooperation relies on a comprehensive legal reform and political commitment of member states. Embracing Pan-Africanism in the process, therefore, provides an important engine in harnessing the spirit of collective unity and shared purpose toward African economic integration. In other words, the lack of political commitment to reinvigorate the effective institutional coordination between the AU and RECs by addressing legal challenges could be catalysed by the Pan-Africanism ethos, which legitimizes the legalization of institutional cooperation.

VI. CONCLUSION AND THE WAY FORWARD

While RECs are the cornerstone of African economic integration, their full potential remains locked behind a series of intricate legal challenges. This paper identified four key bottlenecks: the ambiguous legal status of RECs within the AEC, the complexities of potential REC mergers, the unresolved conflicts of laws and jurisdiction, and the complexities of multiple memberships. To propel Africa towards its dream of a unified economic space, a reimagining of RECs and their legal framework is imperative.

The legal status of RECs within the AEC is ambiguous and needs to be clarified. It is imperative to determine whether they are merely “building blocks” with limited autonomy or

⁹⁸ Kilian, *supra* note 96.

⁹⁹ Schimmelfennig, F. *Liberal Community and Enlargement: An Event History Analysis*. JOURNAL OF EUROPEAN PUBLIC POLICY, 9(4), 2002, at 598–626.

¹⁰⁰ Aniche, *supra* note 14.

¹⁰¹ Aniche *Supra* note 11; Samuel, *supra* note 2.

¹⁰² Muriithi, T., *Institutionalizing Pan-Africanism: Transforming African Union values and principles into policy and practice*. ISS PAPER, (2007), at 143; Adi, H. *Pan-Africanism and the politics of liberation*. New York: AFRICAN HOLOCAUST, (2005).

have the potential to evolve into entities with significant legal personality. Defining their status through legal reform is so crucial for clarity, empowering RECs to enter into international agreements, hold property, and effectively implement their mandates. This clarity could be achieved through amendments to the AEC treaty or harmonizing the legal status of the RECs across the continent by addressing it in their treaties.

Secondly, the prospect of RECs mergers, driven by the lofty goal of a single continental market, necessitates careful navigation. Merging entities with disparate legal frameworks and institutional structures is a complex legal and political exercise. Devising robust merger guidelines, considering factors like regional coherence and economic logic, is essential to ensure seamless integration and avoid legal limbo for member states. This could involve establishing dedicated institutional mechanisms for negotiating and implementing mergers under the AU.

Thirdly, conflicts of laws and jurisdiction pose a significant barrier to smooth cross-border transactions and dispute settlement. The overlapping legal frameworks of multiple RECs and the AEC can create confusion and legal uncertainty for businesses and individuals. Developing a robust conflict of laws regime, outlining which legal framework applies in specific situations, can provide much-needed predictability and facilitate cross-border economic activity. This could involve harmonizing national and regional conflicts of laws and rules and establishing common courts or arbitration mechanisms for resolving disputes arising from overlapping jurisdictions.

Finally, the issue of multiple memberships, while it can offer access to diverse markets, can also lead to conflicting obligations and hinder regional coherence. Optimizing the framework for multiple memberships requires acknowledging their potential benefits while minimizing their disruptive effects. This could involve streamlining regional rules and regulations, encouraging RECs to adopt compatible legal frameworks, and fostering strong communication and coordination between overlapping RECs and the AEC.

Achieving these ambitious legal reforms demand a multifaceted approach. Strong political will from member states, backed by a shared commitment to Pan-Africanism is paramount. Embracing regional cooperation and prioritizing the collective good over narrow national interests will be crucial for driving legal reform and unlocking the potential of RECs.

Unlocking the full potential of RECs necessitates a bold reimagining of their legal framework. By addressing the challenges of legal status, RECs mergers, conflicts of laws, and multiple memberships, Africa can pave the way for a truly integrated economic space. This journey requires unwavering political will, innovative legal solutions, and a relentless commitment to regional cooperation. Only then can RECs truly transform from “building blocks” into solid pillars supporting a unified and prosperous African continent. Most importantly, in reforming the legal frameworks for the AU/AEC and RECs for effective coordination, the sovereign states must be guided by the Pan-African ethos.

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