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LEGAL ASPECTS OF ECONOMIC INTEGRATION IN AFRICA

Richard Frimpong Oppong challenges the view that effective economic integration in Africa is hindered by purely socio-economic, political and infrastructural problems. Inspired by the comparative experiences of other regional economic communities and imbued with insights from constitutional, public and private international law, he argues that even if the socio-economic, political and infrastructural challenges were to disappear, the state of existing laws would hinder any progress. Using a relational framework as the fulcrum of analyses, he demonstrates that, in Africa's economic integration processes, community–state, interstate and inter-community legal relations have been neither carefully thought through nor situated on a solid legal framework, and that attempts made to provide a legal framework have been incomplete and, sometimes, grounded on questionable assumptions. To overcome these problems and aid the economic integration agenda that is essential for Africa's long-term economic growth and development, the author proposes radical reforms to community and national laws.

RICHARD FRIMPONG OPPONG is a lecturer at Lancaster University Law School. He specializes in regional economic integration and private international law, focusing particularly on African countries. He studied law at the University of Ghana, Ghana School of Law, University of Cambridge, Harvard Law School and University of British Columbia.

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Dedicated with love to my wife and daughter
Joyce Okofo Adjei and Mary Adjei

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ABBREVIATIONS

AEC	African Economic Community
AEC Treaty	Treaty Establishing the African Economic Community
AMU	Arab Maghreb Union
Assembly Rules	Rules of Procedure of the Assembly of the African Union
AU	African Union
AU Court Protocol	Protocol of the Court of Justice of the African Union
Benelux Treaty	Treaty Establishing the Benelux Union
Brussels I Regulation	Council Regulation (EC) No. 44/2001 of 22 December 2000 on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters
Caribbean Court Agreement	Agreement Establishing the Caribbean Court of Justice
CARICOM Treaty	Revised Treaty of Chaguaramas Establishing the Caribbean Community Including the CARICOM Single Market and Economy
CEMAC	Central African Economic and Monetary Community
CENSAD	Community of Sahel-Saharan States
CEPLG	Economic Community of Great Lakes Countries
COMESA	Common Market for Eastern and Southern Africa
COMESA Arbitration Rules	Common Market for Eastern and Southern Africa Court of Justice Arbitration Rules
COMESA Treaty	Treaty Establishing the Common Market for Eastern and Southern Africa
EAC	East African Community
EAC Arbitration Rules	East African Court of Justice Arbitration Rules
EAC Treaty	Treaty for the Establishment of the East African Community
EALA	East African Legislative Assembly
ECCAS	Economic Community of Central African States
ECJ	Court of Justice of the European Union
ECOMOG	ECOWAS Monitoring Group

LIST OF ABBREVIATIONS

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ECOWAS	Economic Community of West African States
ECOWAS Court Protocol	Protocol A/P.1/7/91 on the Community Court of Justice of the High Contracting Parties as amended by Supplementary Protocol A/SP/.1/01/05 Amending the Protocol Relating to the Community Court of Justice
ECOWAS Treaty	Revised Treaty Establishing the Economic Community of West African States
ECSC	European Coal and Steel Community
ECSC Treaty	Treaty Establishing the European Coal and Steel Community
EEA Agreement	Agreement on the European Economic Area
EFTA Court Agreement	Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice
EU	European Union
EU Treaty	Consolidated Version of the Treaty on the Functioning of the European Union
Executive Council Rules	Rules of Procedure of the Executive Council
ICJ	International Court of Justice
ICSID	International Centre for Settlement of Investment Disputes
ICSID Convention	Convention on the Settlement of Investment Disputes between States and Nationals of other States
IGAD	Inter-Governmental Authority on Development
IOC	Indian Ocean Commission
MERCOSUR	Mercado Comun del Cono Sur (Southern Cone Common Market)
MRU	Mano River Union
NAFTA	North American Free Trade Agreement
New York Arbitration Convention	UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards
NGO	Non-Governmental Organization
OAS	Organization of American States
OAU	Organization of African Unity
OAU Charter	Charter of the Organization of African Unity
OHADA	Organisation for the Harmonization of Business Laws in Africa
OHADA Treaty Protocol on Relations	Treaty on the Harmonization of Business Law in Africa Protocol on Relations between the African Union and the Regional Economic Communities, July 2007

Protocol on Relations – 1998	Protocol on Relations between the African Economic Community and the Regional Economic Communities, February 1998
Protocol on the African Court of Justice	Protocol on the Statute of the African Court of Justice and Human Rights
Protocol on the Pan- African Parliament	Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament
PTA	Preferential Trade Area
PTA Treaty	Treaty for the Establishment of the Preferential Trade Area for Eastern and South African States
REC	Regional Economic Community
SACU	Southern African Customs Union
SADC	Southern African Development Community
SADC Treaty	Treaty of the Southern African Development Community
SADC Tribunal Protocol	Protocol to the Southern African Development Community Tribunal and Rules of Procedure Thereof
Statute of the African Court of Justice	Statute of the African Court of Justice and Human Rights
Treaty of Rome	Treaty Establishing the European Economic Community
UEMOA	Union Economique et Monétaire Ouest Africaine (West African Economic and Monetary Union)
UMA	Union du Maghreb Arabe (Arab Maghreb Union)
UN	United Nations Organization
UNCTAD	UN Conference on Trade and Development
UNECA	UN Economic Commission for Africa
WTO	World Trade Organization
WTO Agreement	Marrakesh Agreement Establishing the World Trade Organization