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Africa's Participation in International Economic Law in the 21st Century: An Introduction

Olabisi D. Akinkugbe,[*] Ohio Omiunu,[†] Amaka Vanni,[‡] Regis Y. Simo[§] and Luwam Dirar[**]

ABSTRACT: *This is the introduction to the Manchester Journal of International Economic Law Symposium Issue based on selected papers presented at the Fourth Biennial Conference of the African International Economic Law Network at Strathmore Law School, Nairobi, Kenya in July 2019. The introduction also reflects on four important spaces for the consolidation of the scholarship, teaching and research, practice and policy relating to international economic law in Africa.*

1. INTRODUCTION

We are delighted to introduce this Special Issue comprised of selected papers from the Fourth Biennial Conference of the African International Economic Law Network (AfIELN) which held at Strathmore Law School, Nairobi, Kenya in July 2019.[1] The conference theme was *Africa's Participation in International Economic Law in the 21st Century*. This Special Issue builds on an initial conference proceeding which was published on Afronomicslaw.[2]

The significance of the conference and the breadth of the scholarship presented were most significant in view of the recent developments in International Economic Law (IEL) in Africa. The most significant of the enhanced frameworks for deepening intra-African trade relations is the *African Continental Free Trade Area Agreement* (*AfCFTA Agreement*) which entered into force on May 30, 2019.[3] The *AfCFTA Agreement,* when operational, will create a single market for goods, services and movement of persons within the continent. The *AfCFTA Agreement* adds to the adoption in 2016 of a *Pan-African Investment Code (PAIC)*

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[1] AfIELN Conference, available at: https://afieln-siel.org (accessed 20 February 2020).
[2] Regis Simo, 'Fourth African International Economic Law Network Biennial Conference Symposium', *Afronomicslaw Blog*, 15 July 2019, available at: www.afronomicslaw.org/2019/07/15/the-fourth-afieln-biennial-conference-addressing-africas-voice-in-global-economic-governance/ (accessed 20 February 2020). The AfronomicsLaw blog focuses on all aspects relating to International Economic Law in Africa and the Global South.
[3] The *AfCFTA* has already generated an appreciable range of analysis on various subject areas. See generally, Collins C. Ajibo, 'African Continental Free Trade Area Agreement: The Euphoria, Pitfalls and Prospects', *Journal of World trade*, 2019, 53(5): 871-94; Regis Y. Simo, 'Trade in Services in the African Continental Free Trade Area: Prospects, Challenges and WTO Compatibility', *Journal of International Economic Law*, (forthcoming), available at: https://academic.oup.com/jiel/advance-article/doi/10.1093/jiel/jgz031/5627761 (accessed 23 March 2020); David Luke and Jamie Macleod, *Inclusive Trade in Africa: The Africa Continental Free Trade in Comparative Perspective* (London: Routledge, 2019).

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– the first continent-wide model investment agreement whose objective is to foster coherence and consistency regarding the rules and principles that govern investment protection, promotion and facilitation in Africa.[4]

As such, the *AfCFTA Agreement* builds on a long-standing tradition among African States 'of using regional integration as a norm of solidarity and as a defensive response to Africa's marginalisation in the global trading system.'[5] The *AfCFTA Agreement* and its dispute settlement mechanism are expected to usher in new institutional mechanisms for intra-African relations premised on a rules-based regime.[6] Notwithstanding the fact that African States have little to no record of using the World Trade Organization's (WTO) dispute settlement regime due to their preference for an informal dispute settlement mechanism,[7] it is interesting to see that the Member States of the AfCFTA remain committed to a formalised regime.

While the *AfCFTA Agreement* was concluded amidst resounding optimism among the majority of African States,[8] a bouquet of developments in the international arena provides an additional impetus and underscores the significance of the AfCFTA. These developments include but are not limited to challenges in the multilateral trading system epitomised by the WTO appellate body's crisis and the fracture in the European Union's (EU) in the form of Brexit; the African Union (AU) adoption of a common position for negotiations of a new cooperation agreement with the EU post-2020; and the United States' consideration to mature its trade relations with Africa upon the expiration of the African Growth and Opportunity Act (AGOA) waiver in 2025,[9] and China's new cooperation strategy with Africa through free trade agreements like the one concluded with Mauritius in October 2019.

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[4] Whether the negotiations of the AfCFTA investment chapter will support the trends of the PAIC or will follow another standard approach remains to be seen. See Makane Moïse Mbengue and Stefanie Schacherer, 'The "Africanisation" of International Investment Law: The Pan-African Investment Code and the Reform of the International Investment Regime', *The Journal of World Investment & Trade*, 2017, 18(3): 414-48.

[5] James T. Gathii, 'Agreement Establishing the African Continental Free Trade Area', *International Legal Materials*, 2019, 58(5): 1028-83, at 1029; Luwam Dirar, 'Norms of Solidarity and Regionalism: Theorising State Behaviour among Southern African States', *Michigan State International Law Review*, 2015, 24: 667-723; Luwam Dirar, 'Rethinking and Theorizing Regional Integration in Southern Africa', *Emory International Law Review*, 2014, 28:125-65.

[6] The AfCFTA Dispute Settlement Mechanism is modelled after the WTO's system. See Olabisi D. Akinkugbe, 'Dispute Settlement under the African Continental Free Trade Area Agreement: A Preliminary Assessment', *African Journal of International and Comparative Law* (forthcoming, 2020); SSRN: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3403745.

[7] A panel was recently constituted for what is the first intra-African dispute at the WTO between Tunisia and Morocco over anti-dumping measures on school exercise books. See https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S009-DP.aspx?language=E&CatalogueIdList=262426,257109,251819&CurrentCatalogueIdIndex=0&FullTextHash=&HasEnglishRecord=True&HasFrenchRecord=True&HasSpanishRecord=True (accessed 20 March 2020); also see, Regis Y. Simo, 'The Tunisia/Morocco Scuffle at the WTO: A Missed Opportunity to Establish a Record of Regional Interstate Trade Disputes or a Chance to Contribute to Shaping WTO Jurisprudence?', *Afronomicslaw Blog*, 4 April 2019, available at: www.afronomicslaw.org/2019/04/03/the-tunisia-morocco-scuffle-at-the-wto-a-missed-opportunity-to-establish-a-record-of-regional-interstate-trade-disputes-or-a-chance-to-contribute-to-shaping-wto-jurisprudence/ (accessed 20 March 2020).

[8] Nigeria, one of the largest economies in Africa caused quite a stir by delaying to sign the *AfCFTA Agreement* at the Kigali Sumit in March 2018. See Ohio Omiunu(A), 'Revisiting Nigeria's absence from the AfCFTA', *Afronomicslaw Blog*, 12 July 2019, available at: www.afronomicslaw.org/2019/06/12/revisiting-nigerias-absence-from-the-afcfta/ (accessed 20 March 2020); and Ohio Omiunu(B), 'Mainstreaming social concerns into the AfCFTA negotiation process', *Afronomicslaw Blog*, 23 January 2019, available at: www.afronomicslaw.org/2019/01/23/mainstreaming-social-concerns-into-the-afcta-negotiation-process/ (accessed 20 March 2020).

[9] See Regis Y. Simo, 'The AGOA as Stepping Stone for USA-Africa Free Trade Agreements', *Journal of International Trade Law and Policy*, 2018, 17(3): 115-31; James T. Gathii (ed.), 'Symposium on Africa and the Future of International Trade Regimes', AJIL Unbound, ,2017, 111, at 369 *et seq*. 'Introduction to the Symposium on Africa and the Future of International Trade Regimes', *AJIL Unbound*, 2017, 111:369-71.

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Despite the momentum towards legalising economic integration regimes in Africa, important questions regarding widening inequality, non-tariff trade barriers, challenges relating to the negotiation of the rules of origin, and more pose significant challenges to the realisation of the aspiration envisaged under the *AfCFTA*. While the signing of *AfCFTA Agreement* and the adoption of the *PAIC* connotes significant progress in the Continent's participation in global economic governance in the 21st century, however, several questions remain.

In particular, against a backdrop of these new agreements and other ongoing developments within the continent, we wanted to focus on the theory, method and 'doing' that informs Africa's participation in international economic law in the 21st century. What is Africa's role and contribution to IEL and governance? Is there a particular African philosophy in the teaching and practising of IEL? Is there space for the 'African woman' in IEL? How about competition law in Africa and broad questions relating to the utility of international investment law[10], climate change and sustainable development goals? All these issues required not only self-reflection but also original and innovative thinking in IEL as it pertains to the continent.

Building upon past AfIELN Conferences,[11] we sought not only to encourage collaboration and participation that challenges, engages and addresses Africa's marginality in global economic governance, but also critical scholarship on the various emerging innovative platforms on the continent. We were overwhelmed by the quality and volume of submissions received in response to our call for papers. Over three days, 20 panels brought together over 100 scholars and practitioners from across the world to address diverse themes pertaining to IEL in Africa.[12] Professor Makane Moïse Mbengue gave the opening keynote while Professor Sylvia Kang'ara delivered the plenary address.

Given the current inauspicious international economic regime, examining Africa's participation is even more critical. The papers in this Special Issue reflect a growing body of exciting, new scholarship on IEL in Africa. Employing diverse theoretical and methodological approaches in interrogating the continent's participation in IEL, our contributors critically reflect on the challenges, blind spots, and

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[10] Olabisi D. Akinkugbe, 'Reverse Contributors? African State Parties, ICSID and the Development of International Investment Law,' *ICSID Review – Foreign Investment Law Journal*, (forthcoming) siz010, https://doi.org/10.1093/icsidreview/siz010 (accessed 24 April 2020); Mavluda Sattorova, Mustafa Erkan and Ohio Omiunu, 'How do Host States Respond to Investment Treaty Law? Some Empirical Observations', in Akbar Rasulov and John D. Haskell (eds.), *International Economic Law: New Voices, New Perspectives*, *European Year Book of international Economic Law* (Netherlands: Springer, 2020), 133-51.

[11] The AfIELN has successfully hosted conferences (in South Africa - 2011 and 2013, and Nigeria - 2015) that have drawn broad participation from all around the world. The Network has also published a special journal issue and two edited book volume from its past conferences while also putting several scholars with overlapping interests in touch for collaborative projects. See, Emmanuel T. Laryea, Nokuhle Madolo and Franziska Sucker, *International Economic Law: Voices of Africa* (1st ed., Cape Town, South Africa: Siber Ink, 2012); James T. Gathii, Tomer Broude and Laurence Boulle, 'Special Issue: Integrating Africa into the World Economy through International Economic Law', *The Law and Development Review*, 2013, 6(2): 1-2, at 2; Laurence Boulle , Emmanuel T. Laryea and Franziska Sucker, *International Economic Law and African Development* (Cape Town, South Africa: Siber Ink, 2014).

[12] The thematic areas covered by the panels included: African approaches to international economic governance; regulatory sovereignty; ACP-EU Trade Agreements; special and differential Treatment; the AfCFTA; Sino-African relations; sustainable development; the environment and climate change; Africa & the WTO;, private international law & IEL in Africa; public health intervention & systems in Africa; new constitutionalism; civil societies and non-state actors; intellectual property rights; tax, monetary and financial policies; corruption and investor to state arbitration; cryptocurrencies & digital transactions; human rights, extractive industry & corporations; and the role of women and African voices in IEL.

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impediments to trade and investment liberalisation in Africa. We hope the pieces in this Special Issue goes some way toward representing the wonderful diversity of themes, ideas and innovative approaches we heard in Nairobi.

2. CONTRIBUTIONS TO THE CONFERENCE SPECIAL ISSUE

Opening this Special Issue are three papers that address different questions on the broad subject of international investment law in Africa. *Okechukwu Ejims,* in his contribution, focuses on regional investment treaties (RITs).[13] Ejims assesses how African regional investment treaties (RITs) affect public health concerns; especially non-communicable diseases (NCDs) in Africa. Undertaking detailed analysis of investment provisions in select treaties with a direct effect on public health such as the *Pan-African Investment Code*, *the COMESA* and *the SADC Model BITs,* the article argues that African RITs enhance public health protection by placing obligations on investors whilst safeguarding the regulatory space of African governments. Bearing in mind the current global pandemic as a result of a spread of the COVID-19 virus, the timely piece by Ejims shows that concerning public health, African RITs are in tune with the current international discussions on the need for reform of international investment law.[14]

Gudrun Monika Zagel's paper which follows examines the African IIA reform approaches and their viability to reconcile investment protection and sustainable development.[15] Zagel undertakes a nuanced assessment of African experiences with traditional IIAs and identifies their main impediments to the implementation of host states' sustainable development policies. In light of this, Zagel discusses three reform elements used in modern African IIAs to promote sustainable foreign investment and concludes by looking at the feasibility of these Africa-specific approaches to reconciling investment protection and sustainable development. This paper provides an important argument for creating a uniform Africa-wide position in the international fora or in IIA negotiations with large economic players. More importantly, the paper highlights the emerging strategies in the IEL space, which can influence the debates and frame the global rules in the interest of African States. The third article by *Chidebe M. Nwankwo* interrogates international investment law and climate change in Africa.[16] The article engages with a running concern throughout this Conference and Special Issue of how Africa (through investment agreements) contend with foreign direct investment (FDI) and the promise of sustainable development. Focusing on regional instruments on international investment such as the Pan-African Investment Code (PAIC), Nwankwo demonstrates how the modernisation of the international investment regime is taking place in Africa with

[13] Okechukwu Ejims, 'African Regional Investment Agreements: Neutralising a Threat to Non-Communicable Disease Control Policies', *Manchester Journal of International Law*, 2020, 17(1): 10-24

[14] See Hamed El-Kady and Mustaqeem De Gama, 'The Reform of the International Investment Regime: An African Perspective', *ICSID Review*, 2019, 1-14, at 5. Also, for discussions on the impact of the COVID 19 pandemic on the Investor-Host State relationship see Nathalie Bernasconi-Osterwalder, Sarah Brewin and Nyaguthii Maina, 'Protecting Against Investor–State Claims Amidst COVID-19: A call to action for governments' *ISID Commentary*, April 2020, https://www.iisd.org/sites/default/files/publications/investor-state-claims-covid-19.pdf (accessed 24 April 2020).

[15] Gudrun Monika Zagel, 'International Investment Agreement (IIAs) and Sustainable Development: Are the African Reform Approaches a Possible Way out of the Global IIA Crisis?', *Manchester Journal of International Law*, 2020, 17(1): 25-46.

[16] Chidebe M. Nwankwo, 'Balancing International Investment Law and Climate Change in Africa: Assessing Vertical and Horizontal Norms', *Manchester Journal of International Law*, 2020, 17(1): 47-62

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the environment and climate change as central values in the process. Employing a textual analysis of these agreements, he balances the nexus between FDI and the existential challenge of climate change in line with the environmental goals contained in the African Union's Agenda for sustainable development – Agenda 2063. Nwankwo concludes that while it is apparent that the AU Member States appear keen to balance the influx of investments with the promise of sustainable development, however, it remains to be seen if these robust laws translate into adroit implementation.

The next article by *Adebayo Majekolabe* examines issues arising from climate change and sustainability in Africa. Majekolagbe calls for a re-imagination of the continent's approach to negotiation at the global stage both normatively and substantively.[17] He argues that while history cannot be changed, other independent variables which informed previous negotiation stances are no more, notably the potency of the G77 as a negotiating platform for African interests. It is, therefore, vital that we reflect on 27 years (1992 - 2019) of climate negotiations and re-strategise on how to engage at the global level. The article rightly suggests that African states should adopt a position in future negotiations which moves away from the notion of allowance to emit to a more proactive concept that emphasises an urgency to address developmental challenges like energy poverty with green technologies.

Focusing on IEL pedagogy in Africa and using Nigeria as a case study, *Suzzie Oyakhire* examines the challenges with teaching International Economic Law (IEL) within the legal education curriculum.[18] The paper proceeds from the perspective of a teacher of IEL in a Nigerian university and links the poor participation of African countries in the world trade system to the legal education curriculum, which relegates IEL to the status of an optional course for many undergraduate law students. To rectify this, Oyakhire recommends incorporating IEL in early legal education a way of building capacity and improving the Continent's participation and expertise in the international trading system. Oyakhire's contribution prompts reflection on how the early study of IEL is important and critical to constructing the present and future generation of IEL in Africa both as a field of study and legal practice.

The next article focuses on competition law and policy in Africa. *Vellah Kedogo Kigwiru*'s paper contributes to the limited literature on competition law and policy as it pertains to the AfCFTA.[19] In imagining how the competition framework under the AfCFTA should be designed, Kigwiru takes into consideration the African market structures and the peculiar challenges facing the African competition regimes. These challenges, she argues, include eradication of poverty, enhancing inclusive development and conflicts that arise as a result of overlapping memberships of regional competition regimes. Kigwiru argues that the resultant *Protocol on Competition Policy* under the *AfCFTA* must seek to address these challenges and improve the enforcement of competition law at the national, regional and continental level.

In their collaborative contribution, *Caroline Kago*, *Tomasz Milej*, *Fidel Mwaki*, and *Saweria Mwangi*

[17] Adebayo Majekolagbe, 'Africa's Sustainability Transition in a Post-Fossil World: Postures, Negotiation, and Agreements', *Manchester Journal of International Law*, 2020, 17(1): 63-79
[18] Suzzie Oyakhire, 'Re-Strategising the Position of International Economic Law within the Legal Education Curriculum in Africa', *Manchester Journal of International Law*, 2020, 17(1): 80 – 96.
[19] Vellah Kedogo Kigwiru, 'The Cooperation on Competition Policy Under the African Continental Free Trade Area (AfCFTA)', *Manchester Journal of International Law*, 2020, 17(1): 97-120.

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[20] analyses international public policy and corruption in the context of investor-state arbitration. They focus on the consequences that the acts of bribery and other fraudulent acts should have for an investors' claims under the Investor to State Arbitration by analysing the applicable public international law provisions and a case-study of three cases in which corruption became relevant.

Flora Huang and *Horace Yeung'*s paper concludes the Special Issue.[21] They assess the rhetoric and stereotypes about the nature and drivers for Sino-African relations. Underscoring the growing volume of Sino-African trade – now four times larger than that of US-Africa – this article focuses on the legal, and non-legal mechanisms such as China's Belt and Road Initiative (BRI) and the Forum on China-Africa Cooperation to take the bilateral/multilateral relations to the next level. Through a multi-level analysis, the article develops a comprehensive picture of the closer than ever Sino-African trade relations, paying attention to Chinese corporations now dominating certain business sectors in Africa. The paper offers a much-needed critical theoretical perspective on Sino-African relations, particularly firm-level and corporate social responsibility as required by law.

3. GOING FORWARD – MAPPING THE SPACES FOR THE PARTICIPATION OF AFRICA AND INTERNATIONAL ECONOMIC LAW IN THE 21ST CENTURY

In the concluding section of this introduction, we imagine four spaces that are must be consolidated upon in this new wave of IEL in Africa. The first relates to the *production of scholarship on IEL in Africa*. The historical trope that there is a gap in the scholarship produced by Africans relating to IEL is fast changing. Recent years have seen an emergence of exciting, new scholarship and research on the continent's contributions to, and involvement with IEL.[22]

Similarly, there is a growing body of blogs with a focus on analysing a range of topical and historical issues in international economic law in Africa and the global south.[23] It is especially gratifying to see an increase

[20] Caroline Kago, Tomasz Milej, Fidel Mwaki and Saweria Mwangi, 'International Public Policy, Corruption and Investor to State Arbitration', *Manchester Journal of International Law*, 2020, 17(1): 121 – 138.
[21] Flora Huang and Horace Yeung, 'Sino-African Trade: A Multi-Layered Appraisal', *Manchester Journal of International Law*, 2020, 17(1): 139-158.
[22] See, Amaka Vanni, *Patent Games in the Global South, Pharmaceutical Patent Law-Making in Brazil, India and Nigeria* (Hart Publishing, 2020); Dr Chijioke I. Okorie, *Multi-sided Music Platforms and the Law: Copyright, Law and Policy in Africa* (Routledge, 2020); James T. Gathii (ed.), *Re-Assessing the Performance of Africa's International Courts* (Oxford university Press, forthcoming 2020); Eleanor M. Fox and Mor Bakhoum, *Making Markets Work for Africa: Markets, Development, and Competition Law in Sub-Saharan Africa* (Oxford university Press, 2019); Jonathan B. Rudahindwa, *Regional Developmentalism Through International Law: Establishing an African Economic Community* (Routledge, Taylor & Francis Group, 2018); Olufemi Amao, *African Union Law: The Emergence of a Sui Generis Legal Order* (Routledge, Taylor & Francis Group, 2018); Johannes Döveling, Hamudi I. Majamba, Ulrike Wanitzek and Richard F. Oppong, *Harmonisation of Laws in the East African Community: The State of Affairs with Comparative Insights from the European Union and Other Regional Economic Communities* (Nairobi: LawAfrica, 2018); Gammage Clair, *North-South Regional Trade Agreements as Legal Regimes: A Critical Assessment of the EU-SAC Economic Partnership Agreement* (Edward Elgar Publishing, 2017); Jorg Kleis, *African Regional Community Courts and their Contribution to Continental Integration* (Nomos: 2016); Kofi O. Kufuor, *African Continental Union: Law, Problems and Prospects* (Carolina Academic Press: 2016); Ukaigwe Jerry, *ECOWAS Law* (Springer, 2016); Richard F. Oppong, *Legal Aspects of Economic Integration in Africa* (Cambridge: Cambridge University Press, 2011); James T. Gathii, *African Regional Trade Agreements as Flexible Legal Regimes*, (Cambridge: Cambridge University Press, 2011); Kofi O. Kufuor, *The Institutional Transformation of the Economic Community Court of West African States* (Ashgate: Aldershoot, 2006).
[23] See, Afronomicslaw.org, (a blog dedicated to the analysis of all issues as they relate to international economic law in Africa and the global South), available at: www.afronomicslaw.org/about/; FloraIP, available at: www.floraip.com; TRALAC (Perspectives

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in the number of African Universities based Press/Publication outfits over the past decade. Certainly, more can and is being done to expand the offering of IEL scholarship emanating from the continent or from scholars interested in the continent. As more doctoral degrees are completed, more books will be published. Similarly, there are several articles either published or are forthcoming. It is important to take stock of this excellent body of scholarship and reflect on what they mean for the development of the field of IEL in Africa. We hope, even if it is in modest ways that, despite the challenges, the lens through which we analyse scholarship production on IEL in Africa will be much more positive. We hope that in the coming years, there will be more collaborative projects across different regions on Africa's involvement in, and contribution to IEL.

Second, another significant development in recent times is the rise in the *teaching and research of IEL* in law schools around the continent. An appreciable number of the current crop of IEL scholars in Africa were either self-taught, trained abroad during graduate studies, or taught in Africa through a very Eurocentric and legal positivist prism. In May 2019, James Gathii convened a symposium on Afronomicslaw that focused on 'Teaching International Economic Law in Africa'.[24] The contributors were asked to reflect on questions ranging from style to the materials used; whether Africa was centred in the classes or if the materials were made relevant to an African context in the materials used among others.[25] The contributions to the symposium reveal the depth of work that is required to develop the quality of IEL teaching in African universities. While there is a renewed wave in this process and an urgent need to foreground the African narrative and context in the teaching of IEL in African institutions, we nevertheless acknowledge the dedication of the scholars who do the hard work on the continent. Their efforts should not be underestimated. In January 2020, another symposium, convened by Olabisi Akinkugbe, focused on the role of theory and methodology in the study of IEL in Africa.[26] As noted in the Symposium introduction, 'how theoretical and methodological approaches deployed in the study of IEL in Africa' offer an alternative, but, critical narratives of the historical and contemporary practices of the field is an important aspect of the mission of decolonising IEL. Reflecting on the role of theory and method for the study of IEL in Africa in ways that do not simply reproduce the dominant discourses of IEL is critical to understanding the past, and more importantly, forging a way forward for the African continent.

Unfortunately, the majority of African universities are still poorly financed. The implication of which is that vibrant scholars who are faculty members, a cohort of inspiring graduate and undergraduate student

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on Africa's Trade and Integration), available at: www.tralac.org/blog.html; AfricLaw, (Advancing the rule and role of law in Africa), available at: https://africlaw.com; I-ARB Africa, available at: www.iarbafrica.com/en/; and Afro-IP (African IP Conversations), available at: http://afro-ip.blogspot.com among many others doing excellent work on a variety of subjects on the continent (all accessed 20 March 2020).

[24] See Symposium on Teaching International Economic Law in Africa' available at https://www.afronomicslaw.org/2019/05/07/introduction-symposium-on-teaching-international-economic-law-in-africa/ (accessed 24 April 2020).

[25] James T. Gathii, 'Introduction: Symposium on Teaching International Economic Law in Africa', *Afronomicslaw Blog*, 7 May 2019, available at: www.afronomicslaw.org/2019/05/07/introduction-symposium-on-teaching-international-economic-law-in-africa/ (accessed 20 March 2020).

[26] Olabisi D. Akinkugbe, 'Symposium Introduction: Assessing the Roles of Theory and Methodology in the Study of IEL in Africa', *Afronomicslaw Blog*, 13 January 2020, available at: www.afronomicslaw.org/2020/01/13/symposium-introduction-assessing-the-roles-of-theory-and-methodology-in-the-study-of-iel-in-africa/ (accessed 20 March 2020).

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communities often lack access to the materials they require. In this regard, AfIELN's partnership with Afronomicslaw blog has been refreshing. Its open access and breadth of reflections from a broad set of scholars is inspiring. The point is that the teaching and research of IEL in Africa has a lot to do with the nurturing of future critical IEL scholars who are appropriately equipped with knowledge relevant to the continent.

The third space is the *practice* space. The steady rise in the production of scholarship and teaching on IEL in African law schools have been complemented by an increase in law firms and research institutes with expertise that is relevant to the field of IEL in Africa. The private sector is key to the future of IEL in Africa. These sole proprietors and partnership law firms are beneficiaries of different international and continental institutes that focus on certificate courses that deliver much needed expertise to African trade law enthusiasts. Therefore, it is not uncommon these days to see law firms in Africa that advertise international trade law advisory related services as part of their bouquet of offers. Similarly, we have also seen the rise of trade law institutes and policy centres across the continent that offer services on policy implementation in the context of trade in Africa. As Africa enters the AfCFTA era in full, complementary expertise in terms of legal and other practitioners will be critical.

The final point relates to the *policy space*. African States, when drafting and negotiating trade agreements, often have a shortage of personnel with expertise and understanding of the dynamics of international economic relations on the continent; particularly technical, historical and substantive knowledge of the field of IEL in Africa. This deficiency can be rectified with strategic investments by stakeholders into the *production of scholarship, teaching* & *research* and *practice* spaces discussed earlier. Large scale outsourcing of consultancy work to firms with no appropriate knowledge of the norms and unique circumstances that inform regional economic integration in Africa should be discouraged. Instead, the AU and other institutions should commit to breeding policy experts that strive for innovation in the design and negotiation of African trade agreements.

As Africa continues to develop its voice and contributions to IEL governance even as new struggles for Africa's market persists, the role of AfIELN – a network for pedagogy, scholarship, and research – becomes even more crucial. We hope that with continued engagement with scholars, intergovernmental organisations, governments, private sector and NGOs within and outside the continent, AfIELN will continue to provide the space to think through collectively and put forward rigorous analysis and scholarship on international economic law issues as they relate to Africa.[27]

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