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The African Continental Free Trade Area Agreement and the missed opportunity to advance the right to development in Africa

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ABSTRACT

This article explores the extent to which the African Continental Free Trade Area Agreement (AfCFTA) advances the right to development (RTD). To this end, it examines the integration of human rights standards and the RTD jurisprudence in the AfCFTA. It demonstrates that the Agreement is essentially economic, with little or no attention to human rights. It argues that although the Agreement emphasises socio-economic development, gender equality and numerous aspects of the SDGs, as well as core elements of African Union's Agenda 2063, the lack of a human rights-based approach and reference to the RTD constitutes a missed opportunity to foster the RTD. The article also argues that the blatant exclusion of the beneficiaries from the AfCFTA processes is another missed opportunity to foster the RTD, which is binding in the African Charter. Ultimately, the article concludes that the AfCFTA missed the opportunity to promote and protect the RTD.

1 INTRODUCTION

While it is contentious at the global level, the right to development (RTD) is recognised as binding in the African human rights system. It is provided for by the African Charter on Human and Peoples' Rights in its article 22, which declares that "[s]tates shall have the duty, individually or collectively to ensure the exercise of the right to development". The TRD is also contained in the African Charter on the Rights and Welfare of the Child,[1] the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa,[2] and various national constitutions.[3] To give effect to the RTD, states are required, individually or collectively, to adopt policies and frameworks to improve people's lives.[4] In this vein, they should take the initiatives to redress the weaknesses of Africa's economies to secure a better life for their citizens.[5]

It is against this backdrop that, in 2018, the African Union established the African Continental Free Trade Area (AfCFTA), which came into force in 2020; it is estimated that it stands to creates a market worth more than USD 3 trillion.[6] The advent of the AfCFTA has been lauded on the continent and beyond. According to the United Nations Conference on Trade and Development, it is a crucial tool for Africa's development.[7] This optimism is shared by the World Bank, which believes the AfCFTA will be instrumental in "lifting an additional 30 million people from extreme poverty and 68 million people from moderate poverty by 2035".[8] Given that poverty eradication and the improvement of livelihoods are at the centre of the RTD, the AfCFTA would seem to provide a pathway to realising the RTD in Africa via trade – in other words, implicitly advance the RTD.

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1 AHG/235 (XXXVIII) Annex I para 3(c), art 5.

2 Adopted in Maputo, Mozambique on 11 July 2003 and entered into force on 25 November 2005.

3 For example, Malawi, s 30; Cameroon, preamble, para 3; and Ethiopia, art 43.

4 See articles 55 and 56 the UN Charter.

5 Page J "Why intra-African trade matters: Working locally to go global" (2016) *Brookings Africa Growth Initiative* available at https://www.brookings.edu/wp-content/uploads/2016/07/01_working_locally_page.pdf (accessed 1 July 2022).

6 Agreement Establishing the African Continental Free Trade Area ("AfCTA Treaty"), adopted by the African Union in Kigali, Rwanda on 21 March 2018, AU Doc TI21086_E.

7 United Nations Conference on Trade and Development *Reaping the potential benefits of the African Continental Free Trade Area for inclusive growth: Economic Development in Africa Report 2021* Geneva: United Nations (2021).

8 World Bank *The African Continental Free Trade Area: Economic and distributional effects* Washington, DC: World Bank Group (2020).

However, a closer look at the AfCFTA Agreement reveals that there is no mention of the RTD, even though, inter alia, it seeks to "promote and attain sustainable and inclusive socio-economic development".[9] Its lack of a human-centred approach, and specifically its silence on the RTD, raises questions about the extent to which the AfCFTA could advance this critical human right. The questions are important because, so far, conversations about the AfCFTA have seldom focused on its human rights implications; rather, they tend to be silent on the risk that it could foster inequalities given that beneficiaries will have "different level of access to credits, or may enjoy different levels of participation in related activities and benefits."[10]

This article argues that the AfCFTA Agreement misses the opportunity to advance the RTD in Africa. To this end, it demonstrates that the Agreement has an economic orientation that neglects to give due attention to human rights; that the people who are the main beneficiaries of the Agreement did not participate in its adoption; and that there are no human rights impact assessments of the Agreement. It also argues nevertheless that while, at least normatively, the AfCFTA missed the opportunity to advance the RTD, there are certain pathways by which to remedy this shortcoming in the actual implementation of the Agreement.

These pathways are about ensuring the rights to participation the citizenry; leaving no one behind, by mainstreaming human rights in national strategies for operationalising the AfCFTA; and holding key stakeholders accountable. In making its case, the article is divided into five sections, including this introduction. The second section presents an overview of the AfCFTA; the third demonstrates that the Agreement missed the opportunity to advance the RTD; the fourth explores the pathways for operationalising the RTD through the implementation of the AfCFTA; and the last section summarises and concludes the article.

2 THE AfCFTA: AN OVERVIEW

This section examines the AfCFTA from a historical perspective and presents a snapshot of its substance.

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9 Article 3(e) of the AfCTA Treaty.

10 United Nations Economic Commission for Africa (UNECA) & Friedrich Ebert Stiftung *The Continental Free Trade Area (CFTA) in Africa: A human rights perspective* Geneva: United Nations (2020) at 3.

2.1 Historical perspective

Since time immemorial, Africa's share in global trade has been extremely low.[11] In terms of numbers, its share in world trade currently is less than 3 per cent.[12] Moreover, intra-regional trade in Africa is at the lowest level compared to that in North America, Europe and the Association of Southeast Asian Nations (ASEAN).[13]

To remedy this situation, numerous trade and economic integration agreements have been adopted. These include the Lagos Plan of Action for the Development of Africa (1980); the Abuja Treaty (1991), from which regional economic communities (RECs)[14] originated; the Constitution of the Association of African Trade Promotion Organizations;[15] the Inter-African Convention Establishing an African Technical Co-operation Programme;[16] the African Charter on Statistics;[17] and the African Union Convention on Cross-Border Cooperation ("Niamey Convention").[18]

It could be argued that the failure of these initiatives to improve Africa's position in terms of both global and intra-region trade led to the adoption of the AfCFTA. Fasan maintains that the AfCFTA originates from the obvious failures of the Abuja Treaty to engender a significantly integrated continent even after a lengthy period of time, as well as from the blatant inability of RECs to make any visible progress in fast-tracking trade and integration in Africa.[19]

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11 Page (2016).

12 Gumede V "The African Continental Free Trade Agreement and the future of regional economic communities" (2021) 39 (3) *Journal of Contemporary African Studies* 470 at 473.

13 Gumede (2021) at 475.

14 The regional economic communities are: AMU – Arab Maghreb Union; CEN-SAD – Community of Sahel-Saharan States; COMESA – Common Market for Eastern and Southern Africa; EAC – East African Community; ECCAS – Economic Community of Central African States; ECOWAS – Economic Community of West African States; IGAD – Intergovernmental Authority on Development; and SADC – Southern African Development Community. Sub-regional arrangements are: CEMAC – Central African Economic and Monetary Community; SACU – Southern African Customs Union; and UEMOA – West African Economic and Monetary Union.

15 Adopted on 18 January 1974 and entered into on 28 March 28 2012.

16 The Inter-African Convention Establishing an African Technical Co-operation Programme, adopted on 1 August 1975.

17 The African Charter on Statistics, adopted on 4 February 2009 and coming into force on 8 February 2015.

18 The African Union Convention on Cross-Border Cooperation ("Niamey Convention"), adopted on 27 June 2014.

19 Fasan O "AfCFTA: Africa is moving too slowly towards economic integration" (18 February 2019) *IGC* available at https://www.theigc.org/blog/afcfta-africa-is-moving-too-slowly-towards-economic-integration/ (accessed 2 July 2022).

2.2 The substance of the AfCTA

Connecting 55 countries and 1.3 billion people and valued prospectively at USD 3.4 trillion,[20] the AfCFTA is a massive treaty in terms of contents, which consist of seven parts and three protocols. The seven parts cover definitions;[21] establishment, objectives principles and scope;[22] administration and organisation;[23] transparency of activities;[24] continental preferences;[25] dispute settlement mechanisms;[26] and final provisions[27] (which deal with exceptions, the rule of adoption, signature, ratification and accession). In turn, the three protocols deal with trade in goods,[28] trade in services,[29] and rules and procedures for the settlement of disputes.[30] This normative framework seeks to

> create a single market for goods, services, facilitated by movement of persons in order to deepen the economic integration of the African continent and in accordance with the Pan African Vision of "An integrated, prosperous and peaceful Africa" enshrined in Agenda 2063.[31]

In other words, at the centre of this Agreement is the need to improve the place of Africa in global trade and boost intra-African trade. Ultimately, through negotiations, the Agreement will eliminate tariffs and non-tariff barriers in goods[32] and thus foster regional integration through free movement of goods and persons (among many other objectives). The promotion and attainment of sustainable and inclusive socio-economic development, gender equality and structural transformation of African countries is also among the core objectives of the Agreement.[33] So too are industrial development (through diversification

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20 The consolidated AfCFTA text was adopted and signed at the 10th Extraordinary Summit of the AU Assembly in Kigali, Rwanda on 21 March 2018 by 44 African Heads of State and Government and entered into force on 30 May 2019 following ratification by 24 countries.

21 AfCFTA, art 1(a)–(x).

22 AfCFTA, Part II.

23 AfCFTA, Part III.

24 AfCFTA, Part IV

25 AfCFTA, Part V.

26 AfCFTA, Part VI.

27 AfCFTA, Part 7.

28 AfCFTA at 17–30.

29 AfCFTA at 31–53.

30 AfCFTA at 54–76

31 AfCFTA, Part II (a) "Establishment, objectives, principles and scope".

32 AfCFTA, art 4(a).

33 AfCFTA, Part II(e).

and regional value chain development) and agricultural development and food security.[34] Progressive liberalisation of trade in services is also sought to be achieved.[35]

The centrality of states, RECs, the differentiated approach, unanimity in decision-making,[36] transparency, and most-favoured-nation treatment[37] are the main principles governing the AfCFTA. To its credit, the AfCFTA includes a periodic review of the Agreement every five years.[38] It is also flexible, as state parties are allowed to negotiate additional texts that will be included in the main agreement with binding effect.[39]

Kuhlmann and Agutu argue that "this inherent flexibility should allow the AfCFTA to respond to new trade opportunities and challenges as they arise, including the recent COVID-19 pandemic and broader sustainable development considerations".[40] Not only is the AfCFTA robust, but it has the potential to transform Africa into a giant in terms of trade. This is recognised by the World Bank and experts alike. For the World Bank, the span of the AfCFTA is large. It explains it in these terms:

> The agreement will reduce tariffs among member countries and cover policy areas such as trade facilitation and services, as well as regulatory measures such as sanitary standards and technical barriers to trade. It will complement existing subregional economic communities and trade agreements in Africa by offering a continent-wide regulatory framework and by regulating policy areas – such as investment and intellectual property rights protection … that so far have not been covered in most subregional agreements in Africa.[41]

Kuhlmann and Agutu share this view, and note that the AfCFTA is new standard for trade and development . It will help to redesign trade rules in a fairer way with attention to inclusiveness and fairness, with a strong potential to transform trade globally.[42] In the process, intra-African trade will be boosted by more than 50 per cent (about USD 34.6

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34 AfCFTA, Part II(g).
35 AfCFTA, art 4(b).
36 AfCFTA, art 14.
37 AfCFTA, art 5.
38 AfCFTA, art 28.
39 AfCFTA, art 8(3).
40 Kuhlmann K & Agutu AL "The African Continental Free Trade Area: Toward a new legal model for trade and development" (2020) 51 *Georgetown Journal of International Law* 753 at 756.
41 World Bank (2020).
42 Kuhlmann & Agutu (2020) at 758.

billion), provided the Agreement is implemented.[43] The value of the AfCFTA cannot be overemphasised, all the more so when the predictions are that this Agreement is likely to alleviate poverty in Africa.[44] It is also likely to be instrumental in the employment terrain, where the continent expects an increase in access to the job market for unskilled job seekers, with provision of better salaries for these vulnerable people.[45]

The other strong point of the AfCFTA is its development focus and its integration of some provisions of the AU's Agenda 2063.[46] It establishes the nexus between Africa's progress and "integration" to the Sustainable Development Goals.[47] In this respect, inclusive-socio economic development, gender equality, food security as well as numerous other core elements of the RTD appear to be addressed. UNECA and Erbert Sifting write:

> The CFTA offers a window of opportunity for African countries to boost intra-African trade, to diversify, structurally transform, and meet the important *human rights objectives and poverty-related goals the continent is committed to* under its Agenda 2063 … and the global Agenda 2030.[48]

Africa aspires to affluence based on inclusive growth and sustainable development,[49] as well as democracy, respect for human rights, justice and the rule of law.[50] It could be argued that, through these aspirations implicit in the AfCFTA, the continent is committed to ensuring that the RTD, as enshrined in the African Charter, is realised. At first sight, the AfCFTA, which is centred on development of Africa, seems to be a roadmap for the enjoyment of the RTD. But a second look at the Agreement reveals that this important instrument missed the opportunity to advance the RTD in Africa, where it is needed the most.

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43 Kuhlmann & Agutu (2020) at 759.
44 World Bank (2020).
45 World Bank (2020).
46 AfCFTA, art 3(e) and (g).
47 African Union Commission *Agenda 2063 framework document: The Africa we want* (2015).
48 UNECA & Friedrich Ebert Stiftung (2020) at 3 (emphasis added).
49 AU Agenda 2063, Aspiration 1.
50 AU Agenda 2063, Aspiration 3.

3 THE MISSED OPPORTUNITY TO ADVANCE THE RTD

The RTD is a composite, multidimensional human right that entails the improvement of the living standards of beneficiaries, the participation of beneficiaries in the process of development, and equal enjoyment of the profits of development.[51] It also entails the accountability of duty-bearers.[52] To unlock the potential in the AfCTA to aid in the realisation of the RTD, it is imperative to look beyond the purely economic aspects of the Agreement and examine the extent to which it is human-centred. This entails an examination of the flavour of the Agreement (which is essentially economic) to explore the extent of citizens' participation and determine whether the Agreement contains a human rights impact assessment mechanism.

3.1 The essentially economic nature of the AfCFTA

While the AfCFTA is an Agreement, and as such a normative or legal document, it is also a macro-economic development text that originates in a regional trade agreement (RTA) which ultimately seeks regional integration with economic development at its centre.[53] The AfCFTA exemplifies a "political will [geared] towards establishing a unified legal institution to advance economic and social development through trade".[54] This Agreement bolsters the prospect of achieving African economic development via trade.

However, to what extent does this continental economic policy bolster the promotion, protection and fulfilment of all human rights including the RTD? The AfCFTA Agreement does little to recognise human rights as the core objective of development, which is to achieve the complete enjoyment of all human rights including the RTD.[55] The only reference to human rights appears in the sixth paragraph of the preamble of the document, which recognises "the importance of international security, democracy, *human rights*, gender equality and the rule of law, for the development of international trade and economic cooperation".[56] Not only is this recognition of human rights mild, but it is located merely in the preamble of the Agreement, all of which casts serious doubt on its

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51 See article 1 of the UNDRTD, adopted on 4 December 1986 by UN General Assembly Resolution 41/128.

52 Arts K & Tamo A "The right to development in international law: New momentum thirty years down the line?" (2016) 63(3) *Netherlands International Law Review* 221 at 242 and 243.

53 Kuhlmann & Agutu (2020) at 756.

54 Kuhlmann & Agutu (2020) at 756.

55 UNECA & Friedrich Ebert Stiftung (2020) at 28.

56 ACFTA, preamble, para 6 (emphasis added).

legal value, given that it is conventionally held that the preamble of a document is not binding.[57] In addition, nothing has been done to indicate how, and by which institutions, these rights are to be realised or protected.

Even though article 26 of the AfCFTA Protocol on Trade in Goods allows state parties to take measures that digress from trade liberalisation, it fails not only to mention human rights explicitly, but also to mention the RTD in particular. Similarly, neither human rights nor the RTD are mentioned in article 28 (of the same protocol), which enables state parties that are "in a critical balance of payment difficulties" to adopt restrictive measures in view of their rights and obligations under the international agreements to which they are party. This is to say that the RTD was not in the minds of the drafters of the AfCFTA.

Furthermore, while the document consists of macro-economic policies, none of them clearly specifies how they would ensure the fulfilment of human rights. From the trade and human rights standpoint, it is imperative, for example, to shield small-scale farmers from the might of big business, as they could be discriminated against if the registration costs (for instance) for an enterprise are high. In this regard, the United Nations Economic Commission for Africa (UNECA) and Friedrich Ebert Stiftung argue that ensuring fairness and equity by removing barriers that frustrate the most vulnerable is congruent "with the protection of *the right to development*".[58] Such fairness and equity are instrumental in ensuring the availability of various aspects of the RTD including employment, education, health care, and food security.[59] Nevertheless, the AfCFTA is silent on discrimination which the Agreement is likely to create or foster.

While the Agreement is anchored in regional integration, it does not embrace the notion of human rights, for example by explaining that regional integration and human rights are mutually inclusive, as the former is incomplete if it fails to uplift the latter. In other words, any form of regional integration that does not capture the enjoyment of human rights is flawed.[60] According to Viljoen, "regional economic integration is not a

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57 Kamga SD "Realising the right to primary education in Cameroon" (2011) 11(1) *African Human Rights Law Journal* 171 at 187.

58 UNECA & Friedrich Ebert Stiftung (2020) at 29 (emphasis added).

59 UNECA & Friedrich Ebert Stiftung (2020) at 29.

60 Forere M "The relationship between the right of access to education and work, and sub-regional economic integration in Africa" *African Human Rights Law Journal* 11(2) (2011) 588 at 592 and 93. See also generally Odinkalu C *Regional integration and human rights in Africa* (PhD thesis, London School of Economics 2008).

goal in itself, but a means to an end – eradication of poverty".[61] (Needless to say, the eradication of poverty is at the centre of the RTD.)

In fact, the AfCFTA fails to do what numerous REC instruments have done, that is, explicitly assert their commitment to human rights. The Southern Africa Development community (SADC) Charter of Fundamental Social Rights is unequivocal in its provision for the rights to employment and social protection.[62] Similarly, the human-centred design of the treaties establishing the Economic Community of West African States (ECOWAS) and Common Market for Eastern and Southern Africa (COMESA) is evident in their pledges to improve citizens' quality of life.[63] Moreover, ECOWAS has also adopted a General Convention on Social Security,[64] while the ECOWAS and East African courts of justice have each developed important jurisprudence on the protection of human rights.[65]

Nonetheless, although the AfCFTA does not focus on human rights in general and the RTD in particular, its objectives seek to realise development and achieve economic growth, alleviate poverty, and improve the quality of life in Africa.[66] Therefore, it could be argued that the RTD is implied by the AfCFTA inasmuch as it aims to secure "a conglomerate consisting of numerous rights to basic necessities of life",[67] an aim that informed the adoption of the Agreement in the first place. The Agreement (as already noted) makes reference to sustainable and inclusive socio-economic development in its objectives,[68] and unambiguously captures key points of the Sustainable Development Goals (SDGs) such as gender equality and food security,[69] which are key elements of the discourse on human rights and the RTD.

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61 Viljoen F *International human rights law in Africa* Oxford: Oxford University Press (2007) at 496.

62 Articles 10 and 14.

63 Art 3(1) of the ECOWAS treaty (as revised in Cotonou in 1993); article 3(b) of the COMESA treaty.

64 Adopted by the ECOWAS Ministers of Labour and of Social Affairs in December 2012.

65 See Ebobrah ST *Legitimacy and feasibility of human rights realisation through regional economic communities in Africa: The case of the Economic Community of West African States* (LLD thesis, University of Pretoria 2009); Ebobrah ST "A rights-protection goldmine or a waiting volcanic eruption? Competence of, and access to, the human rights jurisdiction of the ECOWAS Community Court of Justice" (2007) 7(2) *African Human Rights Law Journal*.

66 For more on ensuring social security or human welfare, see Olivier MP et al. (eds) *Understanding social security law* Cape Town: Juta (2009) at 45–53.

67 Viljoen (2007) at 496.

68 AfCFTA, art 3(e).

69 AfCFTA, art 3(e) and (g).

However, the argument that the RTD is implicit within the AfCFTA is weak because, to advance the RTD, it is imperative to ensure its visibility in agreements and conventions, especially in Africa, where the right is provided for in the African Charter and is therefore non-negotiable.[70] The failure to integrate human rights and the RTD in "development planning and implementation" to ensure that African needs and aspirations are fully met[71] clearly indicates that the drafters of the AfCFTA did not have human rights protection in mind. In short, they did not heed the advice of Sepulveda Magdalena, the UN Special Rapporteur on Extreme Poverty, who urged states to "keep in mind their international human rights commitments when designing all policies, including international trade, taxation, fiscal, monetary, environmental and investment policies".[72]

The omission of human rights and the RTD is also evident in the lack of participation by beneficiaries, to which we turn in the next section.

3.2 The right to participation

Participation is central to any development process. It entails, the involvement of peoples or communities in decision-making, implementation and enjoyment of benefits. Echoing Cheetam,[73] Munene writes:

> Community participation occurs when a community organizes itself and takes responsibility for managing its problems. Taking responsibility includes identifying the problems, developing actions, putting them into place and following through.[74]

This suggests that participation will be flop if those who have an interest in a project do not receive information about it and its implication for their lives.[75] Through

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70 AfCFTA, art 22.

71 Office of the United Nations High Commissioner for Human Rights *Principles and guidelines for a human rights approach to poverty reduction strategies* Geneva: United Nations (2022).

72 United Nations Human Rights Office of the High Commissioner (OHCHR) *Guiding principles on extreme poverty and human rights* Geneva: United Nations (2012).

73 Cheetham N "Community participation: What is it?" 3 (2002) 14(3) *Transitions* 1 at 4.

74 Munene A "Implementing the right to development through public participation in Kenya" in Ngang CC & Kamga SD (eds) *Insight into policies and practices on the right to development* Lanham, Maryland: Rowman & Littlefield (2020) 77.

75 Rono G "Public participation process in the devolved system of governance in Kenya" (2017) V(11) *International Journal of Economics, Commerce and Management* 547 at 552.

participation, people become owners of the project, which *per ricochet* legitimises it.[76] According to Munene, "public participation has the potential of raising the confidence and self-esteem of people who have previously had no voice in society and thereby enabling them to live a dignified life and to realise their own potential".[77] In other words, participation is essential if development initiatives are to be meaningful.

Nkabinde J put this well in the South African case of *Poverty Alleviation Network*:

> [E]ngagement with the public is essential. Public participation informs the public of what is to be expected. It allows for the community to express concerns, fears and even to make demands. In any democratic state, participation is integral to its legitimacy. When a decision is made without consulting the public the result can never be an informed decision.[78]

The centrality of the right to participation in development processes was explicitly recognised and codified in the Universal Declaration of Human Rights (UDHR) in these terms: "[E]veryone has the right to take part in the government of his country, directly or indirectly or through freely chosen representatives."[79] This right is equally central to the enjoyment of the RTD. The preamble of the United Nations Declaration on the Right to Development (UNDRTD) provides that "development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on *the basis of their active, free and meaningful participation* in development".[80] This is reiterated by the first article of the UNDRTD, which emphasises "the right to participate and contribute in the development process".[81] This means that in all development initiatives, including through trade, all stakeholders should participate.

The right to participation was further pronounced on by the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights *The*

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[76] Munene AW "Public participation and the right to development in Kenya" (2019) 7(1) *Africa Nazarene University Law Journal*.

[77] Munene (2020) at 77.

[78] *Poverty Alleviation Network v President of the Republic of South Africa* (CCT86/08) [2010] ZACC 5 at para 33.

[79] UDHR, adopted on 10 December 1948 (General Assembly Resolution 217 A), art 21(1).

[80] UNDRT, preamble, para 2 (emphasis added).

[81] UNDRT, art 1(1).

Endorois Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v Kenya[82] and *The African Commission on Human and Peoples' rights v Republic of Kenya* ("*Ogieck* case"), respectively.[83] These decisions by the African human rights system are unambiguous in affirming that the right of local communities to participate in projects affecting their lives should be meaningful. In other words, the beneficiaries of a project should be given detailed information on the project to inform them of its impact on their lives and communities. Failure to do this would amount to a violation of their RTD. Given that the AfCFTA discussions were held in AU summits and expert meetings not always open to the public, it has not been easy to measure public participation.

However, nowadays an examination of tweets on social media can provide reliable information on public opinion on important issues. Such public opinion often reveals the extent to which populations are involved in affairs affecting their lives.[84] Ajala et al. note that "the more salient an issue is, the stronger the link between public opinion and the legitimacy of public policy on that issue".[85] Yet research on public opinion on the AfCFTA reveals that that only 18 per cent of the discussion on the issues has happened in Africa, with 8 per cent in East Africa, 4 per cent in West Africa, and 6 per cent in Southern Africa.[86] In other words, most of the debate on the AfCFTA takes place outside of Africa and is controlled by the African Diaspora and foreign interests "framing and shaping the issues".[87] Very importantly, not only is the African voice on the AfCFTA thin, but the few voices heard are negative. This is an indication of "a potential disconnect between the governments and politicians who are promoting AfCFTA and the average citizen".[88]

The disconnect between governments and their people shows the lack of participation of the latter in this important project. In terms of African jurisprudence on

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82 *The Endorois Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v Kenya* (276/2003) ("*Endorois Centre").*

83 *The African Commission on Human and Peoples' rights v Republic of Kenya* (Ogieck case, Application No. 006/2012).

84 Dür A & Mateo G "Public opinion and interest group influence: How citizen groups derailed the Anti-Counterfeiting Trade Agreement" (2014) 21(8) *Journal of European Public Policy* 1199.

85 Ajala O, Ejiogu A & Lawal A "Understanding public sentiment in relation to the African Continental Free Trade Agreement" (2021) 13(2) *Insight on Africa* 127 at 130.

86 Ajala, Ejiogu & Lawal (2021) at 133.

87 Ajala, Ejiogu & Lawal (2021) at 138.

88 Ajala, Ejiogu & Lawal (2021) at 138.

the RTD, people should be educated on the issue at hand in order to be meaningfully involved in it.[89] However, during the AfCTA negotiations, citizens' right to participation was neglected. When asked about the challenges this could hold for the AfCFTA, a representative of COMESA responded:[90] "There is lack of ownership (e.g., lack of funds and finances). The entire process of AfCFTA is funded by the Western world causing lack of ownership."[91] This fosters the perception that many Africans feel excluded from this Agreement. This state of affairs could have been avoided by, among other things, ensuring the availability of the Agreement in African languages, "[relying on] traditional African methods of consultation, and ensuring that there is a robust feedback from organised and broader civil society on such matters".[92]

Nevertheless, it could be argued that AU meetings in which the AfCFTA is discussed are made up of African representatives who are elected to speak on behalf of their people. Unfortunately, this would ignore what Cheeseman calls Africa's "democratic backsliding", which entails the use of state apparatus to curb social media and other tools that can enhance civil society and political parties' participation in the democracy process.[93] Moreover, even without "democratic backsliding", representatives of the people should be able to go back to their constituencies to ensure meaningful engagement with the beneficiaries of projects. Ajala et al. write:

> [It] is imperative to develop more effective communication about AfCFTA within individual countries … in Africa. This should involve engagement on the salient issues of job creation, effects on the nation as well as building trust and legitimacy to show that AfCFTA is indeed an African agenda and not some neo-colonial tool or foreign imposition.[94]

The other sign of lack of participation is the omission of the Pan-African Parliament (PAP) from the institutional structures of the AfCFTA.[95] Given that the PAP is

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89 *Endorois* and *Ogiek* cases.

90 Gumede (2021) at 474.

91 Gumede (2021) at 474.

92 Fagbayibo B "The African Continental Free Trade Area (AfCFTA) and the imperative of democratic legitimacy: An analysis" in Eboe-Osuji C, Engobo Emeseh E & Akinkugbe OD (eds) *Nigerian yearbook of international law 2018/2019* New York: Springer (2021) at 406.

93 Cheeseman N *BTI 2018 – A divided continent: Regional report Africa* Gütersloh: Bertelsmann Stiftung (2019).

94 Ajala, Ejiogu & Lawal (2021) at 138.

95 Fagbayibo (2019) at 399.

representative of African citizenry, it should have been a platform to enable citizen and civil society involvement in the activities of the AfCFTA. Unfortunately, this Agreement seems to ignore civil society's role as the voice of the voiceless.[96] This is problematic for the ECOWAS region, where civil society organisations are part and parcel of the conversation seeking to improve people's well-being. In this regard, the West African Civil Society Forum (WACSOF) is the umbrella body of civil society organisations in ECOWAS member states. Among other things, it monitors elections and involves itself in peace and security issues, gender concerns, and trade-connected activities.[97] The exclusion of civil society from AfCFTA activities demonstrates that the right to participation was not on the agenda. In sum, considering the essential place of the right to participation in RTD discourse, the AfCFTA missed the opportunity to advance the RTD by not ensuring beneficiaries' right to participation.

3.3 The lack of human rights impact assessment

A human rights impact assessment (HRIA) is a tool to assess the human-centredness of policies, legislation, programmes and projects. According to Gathii, "a HRIA is an instrument for examining policies, legislation, programs and projects and measuring their impact on human rights".[98] It seeks to examine whether human rights are central to policy-making so as to establish accountability and empower beneficiaries.[99]

Assessing the human rights impact of the AfCTA entails examining whether it complies with human rights obligations even though it is centred on trade. In this context, the yardstick for compliance is the African Charter, which has been a tool to measure RECs' compliance with human rights.[100] Therefore, assessing the human rights impact of the AfCFTA necessitates an analysis of the extent to which "m]acro-economic policies [are likely] to facilitate and not retard access to and enjoyment of economic, social and cultural rights as well as [the RTD] by individuals or peoples".[101] For this Agreement to be RTD-

96 Fagbayibo (2019) at 399.

97 Fagbayibo (2019) at 403 and 404.

98 Gathii JT *Designing the Continental Free Trade Area (CFTA): An African human rights perspective* Geneva: UNECA & Friedrich Ebert Stiftung (2016) at 7.

99 Gathii (2016).

100 UNECA & Friedrich Ebert Stiftung (2020) at 32.

101 African Commission on Human and Peoples' Rights *Guidelines and principles on economic, social and cultural rights* (2011) at para 40.

friendly, it would have to demonstrate inclusiveness in terms of protecting the rights of the most vulnerable and ensuring the accountability of duty-bearers.[102]

3.3.1 The protection of the most vulnerable and inclusiveness

Prior to the negotiation of the Agreement in 2016, the Office of the United Nations High Commission for Human Rights (OHCHR), the United Nations Economic Commission for Africa (ECA) and the Friedrich Ebert Stiftung held numerous meetings to consider a possible HRIA for the AfCFTA.[103] To advance the inclusiveness of the Agreement, state parties committed to "promote and attain sustainable and *inclusive socio-economic development, gender equality and structural transformation …*"[104]

However, it is difficult to see how this could be achieved because no measure has been taken to ensure that trade liberalisation does not "overshadow the adverse distributional impacts for those at the bottom of the economic ladder, who are often women, informal traders or small-scale agricultural producers".[105] In this regard, women are often neglected to the benefit of men in various activities, including access to credit or labour markets – both of which are instrumental to trade.[106] Yet no intervention measures are established to ensure that women enjoy equal benefit as the result of the AfCFTA. In the same vein, many women are informal cross-border traders and, as such, are vulnerable to abuse, such as sexual harassment, and numerous other forms of gender discrimination.[107]

Unfortunately, the Agreement has no mechanism to protect women or ensure that informal traders are not excluded from the massive industrialisation that will accompany trade liberalisation. As a result, informal traders are likely to see their right to work violated or their income, reduced. The ECA and Friedrich Ebert Stiftung note that "[t]he implementation of the CFTA could thus adversely affect … the creation of a conducive

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[102] Kamga SD *The right to development in the African human rights system* London: Routledge (2018) at 44.

[103] From January to March 2015, in preparation for a human rights impact assessment, the OHCHR produced an issue paper describing key areas on which to focus. In addition, from 16–17 April 2015, the ECA, FES and OHCHR jointly held a multi-stakeholder workshop in Addis Ababa on the potential human rights impact of the AfCFTA. For more on these initiatives, see Gathii (2016) at 8 and 9.

[104] Article 3(e) of the General Objectives (emphasis added).

[105] UNECA & Friedrich Ebert Stiftung (2020) at 34.

[106] Cagatay N "Trade, gender and poverty" Background paper to the UNDP project on Trade and Sustainable Human Development New York: United Nations Development Programme (2001).

[107] UNECA & Friedrich Ebert Stiftung (2020) at 65.

environment for employment, compromise coping strategies and *reinforce work- and income-related discrimination against informal cross-border traders*".[108] In other words, the AfCFTA is likely to destroy livelihoods and impoverish those who are unable to penetrate the formal economy. This probability is high because those in the informal sector do not have access to much-needed social protection.[109] It could be argued, then, that although the AfCFTA is likely to increase intra-regional trade, it will not advance social justice in the region. Hence it is considered pro-poor in Burkina Faso and pro-rich in Cameroon and Nigeria, for example.[110]

Moreover, the development of infrastructure such as roads will cut across the continent in the drive to regional integration and economic advancement. Here, the Agreement is silent on the plight of indigenous people, including pastoralists and hunter-gatherers, who will be dispossessed of their lands and entire culture and livelihood. This will amount to the violation of their RTD, as pointed out by the African Commission in the *Endorois* case[111] and the African Court in the *Ogiek* case.[112] All the indications are that the AfCFTA will not lead to a better life for all but rather create further inequalities. The ECA and Friedrich Ebert Stiftung observe:

> The CFTA will impact different socio-economic groups differently due to existing patterns of discrimination, unequal access to resources, credit and/or economic opportunities. Those who are already most vulnerable are at risk of being adversely impacted by the CFTA.[113]

In short, the AfCFTA fails to protect the most vulnerable and, as such, misses the opportunity to advance the RTD.

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[108] UNECA & Friedrich Ebert Stiftung (2020) at 66.
[109] UNECA & Friedrich Ebert Stiftung (2020) at 78.
[110] UNECA & Friedrich Ebert Stiftung (2020) at 36.
[111] *Endorois Centre* (2003)
[112] *The African Commission on Human and Peoples' rights v Republic of Kenya* (Application No. 006/2012) ("*Ogieck* case").
[113] UNECA & Friedrich Ebert Stiftung (2020) at 12.

3.3.2 The accountability of duty-bearers

Accountability refers to the "obligation or willingness to accept responsibility or to account for one's actions".[114] Therefore, to be meaningful, any commitment should be associated with accountability mechanisms.[115] Accountability for human rights violations refers to the liability of duty-bearers, who have to respond to actions of theirs that violate human rights or fail to protect them. It is thus imperative to establish mechanisms to that effect. Under the AfCFTA, state parties commit to "improving the export capacity of both formal and informal service suppliers, with particular attention to micro, small and medium size; [and] women and youth service suppliers",[116] but there is no mechanism to monitor compliance with this commitment.

Although Ghatii (who led the scoping study on a HRIA for the AfCFTA) called for the human rights impact of the Agreement be monitored via the African Peer Review Mechanism (APRM), his recommendation was ignored.[117] In the same vein, there is no commitment to the Principles for Responsible Contracts, which compels businesses to establish "grievance mechanisms for non-contractual parties", and no mechanisms to enforce violations of labour rights.[118] Calling for reliance on the APRM as a tool to monitor the governance of the AfCFTA by state parties, Fagbayibo highlights its importance in assessing the quality of public institutions mandated for its operationalisation, with a special focus on "the availability of *participatory* structures at the national level, and the socio-economic *[and human rights]* impact of AfCFTA obligations on citizens and institutions".[119] Put differently, the APRM is a suitable avenue for the HRIA of the AfCFTA.

The failure to institutionalise a mechanism within the AfCTA Agreement to ensure responsibility for human rights violations indicates that its architects reject the notion of accountability, which is instrumental for the achievement of human rights including the RTD.[120] The Agreement could have established a link between domestic courts and the

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[114] See Merriam-Webster Dictionary "Accountability" *Merriam-Webster* available at https://www.merriam-webster.com/dictionary/accountability (accessed 1 July 2022).

[115] OHCHR & Center for Economic and Social Rights *Who will be accountable? Human rights and the post-2015 development agenda* New York and Geneva: United Nations (2013) at 1.

[116] Article 27(2)(d).

[117] Gathii (2016) at 34.

[118] Gathii (2016) at 34.

[119] Fagbayibo (2019) at 406.

[120] OHCHR & Center for Economic and Social Rights (2013) at 9.

dispute settlement organ so as to ensure that peoples' right are protected. Alternatively, "ad hoc trade chamber" in the African Court of Justice and Human Rights (ACJ&HR) would have helped to protect human rights and the RTD.[121]

Another possibility would have been to establish a court that provides direct access to individuals without exhausting local remedies, as is currently the case at the ECOWAS and East African courts of justice.[122] A further avenue could have been to create an ad hoc chamber on trade and human rights in sub-regional courts or related institutions.[123] This would have been instrumental in augmenting the legitimacy of both the AfCFTA and the sub-regional courts.[124]

Another problem is that while the AfCFTA focuses on trade and growth, it forgets the RTD. In this regard, the drafters failed to factor in the "logic of realizing the full human potential for all human beings, including resistance to trade and investments practices aimed at increasing profits but that generate inequality and harm people".[125]

Nonetheless, despite the failure by the AfCTA's drafters to address the RTD, this human right could still be protected during the implementation of the Agreement, as will be argued in the following section.

4 PATHWAYS FOR PROTECTING THE RTD IN AfCFTA IMPLEMENTATION

Advancing the RTD in the implementation of the AfCFTA entails narrowing the disconnection between African governments and their people in regard to the Agreement; mainstreaming human rights during the Agreement's implementation; and holding key stakeholders accountable for failure to protect the RTD.

4.1 Narrowing disconnection between governments and people

Narrowing the gap between governments and people in Africa on the AfCFTA entails enforcing citizens' rights to meaningful participation in the Agreement's processes. To

[121] Fagbayibo (2019) at 406.

[122] Fagbayibo (2019) at 406.

[123] Fagbayibo (2019) at 406.

[124] Oppong R "Legitimacy of regional economic integration courts in Africa" (2014) 7 *African Journal of Legal Studies* 61 at 73.

[125] Marks S & Malhotra R "The future of the right to development" (2017) 13 available at https://cdn1.sph.harvard.edu/wp-content/uploads/sites/134/2018/06/Marks-Malhotra-The-Future-of-the-Right-to-Development-2017.pdf (accessed 3 July 2020).

this end, the AfCFTA should be popularised in African languages across the continent.[126] Civil society organisations should be at the forefront of the conversation on trade agreements and their impacts, rather than government officials (as is currently the case). Similarly, in discharging its promotional mandate under article 45 of the African Charter, the African Commission should beat the drums of the AfCFTA and its implication for the RTD. The AfCFTA should likewise always feature on the agenda of the PAP, so as to enable its members to take the debate their constituencies.[127] Put differently, states should take on the challenge of ensuring meaningful participation in the operationalisation of the AfCFTA Agreement.

4.2 Mainstreaming human rights during implementation

Stakeholders should constantly revise the implementation of this Agreement, with special attention paid to ensuring that it does not discriminate against the poor and vulnerable, such women, indigenous people, and persons with disabilities. The effort should be to ensure that the small-scale traders are protected from by transnational companies. It is necessary to strongly emphasise that regional integration and economic development cannot be dissociated from respect for human rights. Hence the need to mainstream gender rights as well as the rights of indigenous peoples and persons with disabilities in contracts related to the implementation of the AfCFTA. This would help to advance social cohesion, diversity, inclusion, and social justice, which are implicit in the RTD. Ultimately, states should integrate human rights in their AfCFTA national implementation strategies. This will not happen, however, if key role-players are not held accountable for failing to foster human rights and the RTD in particular.

4.3 Holding key stakeholders accountable for the RTD

Government officials and other stakeholders such as businesses should be held accountable if they fail to ensure that the AfCFTA benefits the population. To this end, the continent should rely on the APRM to monitor and evaluate compliance with regional standards on human rights in general and the RTD in particular. However, considering the non-binding nature of the decisions of the APRM, an "ad hoc trade chamber" inside the

[126] Fagbayibo (2019) at 406.
[127] Fagbayibo (2019) at 399.

ACJ&HR can be set up to cater for the protection human rights and the RTD.[128] Alternatively, it would help to establish a court that provides direct access to individuals without exhausting local remedies, as is currently the case at the ECOWAS and East African courts of justice,[129] notwithstanding that such a court is likely to be bogged down by a high number of cases.

As for holding businesses accountable for unfair labour practices and infringements of human rights, it is necessary to mainstream human rights and the United Nations Guiding Principles on Business and Human Rights in the AfCFTA Agreement and associated processes.[130] These principles will help to compel companies to respect human rights at their sites of operation and ensure their accountability "for any adverse impact that their actions or those of their suppliers, produce on human rights".[131]

5 CONCLUSION

It was found that all is not lost: the RTD can still be advanced in the implementation of the AfCFTA. It was found that bridging the gap between governments and citizens in understanding the AfCFTA will be instrumental. It was also found that "leaving no one behind" can be achieved by mainstreaming human rights into national strategies for implementing the AfCFTA. Lastly, holding key stakeholders accountable for encroaching on the RTD will be essential. Although the AfCFTA missed the opportunity to advance the RTD – at least normatively during its drafting process – the implementation of this Agreement provides pathways promote this right effectively.

BIBLIOGRAPHY

Books

Kamga SD *The right to development in the African human rights system* London: Routledge (2018)

[128] Fagbayibo (2019) at 406.

[129] Fagbayibo (2019) at 406.

[130] Panel discussions on the mainstreaming of human rights in the implementation of the AfCFTA during the African Business and Human Rights Forum on 12–13 October 2022 organised by the OHCHR in Accra, Ghana (on file with author).

[131] Resolution on a Human Rights-based approach to the Implementation and Monitoring of the African Continental Free Trade Area Agreement – ACHPR/Res.551 (LXXIV) 2023.

Olivier MP, Mpedi LG, Jordaan B, Kalula E & Strydom E (eds) *Understanding social security law* Cape Town: Juta (2009)

Viljoen F *International human rights law in Africa* Oxford: Oxford University Press (2007)

Chapters in books

Fagbayibo B "The African Continental Free Trade Area (AfCFTA) and the imperative of democratic legitimacy: An analysis" in Eboe-Osuji C, Engobo Emeseh E & Akinkugbe OD (eds) *Nigerian yearbook of international law 2018/2019* New York: Springer (2021) 393

Munene A "Implementing the right to development through public participation in Kenya" in Ngang C & Kamga SD (eds) *Insight into policies and practices on the right to development* Lanham, Maryland: Rowman & Littlefield (2020)

Journal articles

Ajala O, Ejiogu A & Lawal A "Understanding public sentiment in relation to the African Continental Free Trade Agreement" (2021) 13(2) *Insight on Africa* 127

Arts K & Tamo A "The right to development in international law: New momentum thirty years down the line?" *Netherlands International Law Review* 63(3) (2016) 221

Cheetham N "Community participation: What is it?" (2002) 14(3) *Transitions* 1

Dür A & Mateo G "Public opinion and interest group influence: How citizen groups derailed the Anti-Counterfeiting Trade Agreement" 21(8) 2014 *Journal of European Public Policy* 1199

Ebobrah ST "A rights-protection goldmine or a waiting volcanic eruption? Competence of, and access to, the human rights jurisdiction of the ECOWAS Community Court of Justice" (2007) 7(2) *African Human Rights Law Journal* 307

Forere M "The relationship between the right of access to education and work, and sub-regional economic integration in Africa" 11(2) *African Human Rights Law Journal* (2011) 588

Gumede V "The African Continental Free Trade Agreement and the future of regional economic communities" 39(3) *Journal of Contemporary African Studies* 470

Kamga SD "Realising the right to primary education in Cameroon" (2011) 11(1) *African Human Rights Law Journal* 171

Kuhlmann K & Agutu AL "The African Continental Free Trade Area: Toward a new legal model for trade and development" (2020) 51 *Georgetown Journal of International Law* 753

Munene AW "Public participation and the right to development in Kenya" (2019) 7(1) *Africa Nazarene University Law Journal* 64

Oppong R "Legitimacy of regional economic integration courts in Africa" (2014) 7 *African Journal of Legal Studies* 61

Rono G "Public participation process in the devolved system of governance in Kenya" (2017) V(11) *International Journal of Economics, Commerce and Management* 547

Reports

Cagatay N "Trade, gender and poverty" Background paper to the UNDP project on Trade and Sustainable Human Development New York: United Nations Development Programme (2001)

Cheeseman N *BTI 2018 – A divided continent: Regional report Africa* Gütersloh: Bertelsmann Stiftung (2019)

Gathii JT *Designing the Continental Free Trade Area (CFTA): An African human rights perspective* Geneva: United Nations Economic Commission for Africa & Friedrich Ebert Stiftung (2016)

Office of the United Nations High Commissioner for Human Rights *Principles and guidelines for a human rights approach to poverty reduction strategies* Geneva: United Nations (2022)

United Nations Conference on Trade and Development *Reaping the potential benefits of the African Continental Free Trade Area for inclusive growth:* Economic Development in Africa Report 2021 Geneva: United Nations (2021)

United Nations Economic Commission for Africa & Friedrich Ebert Stiftung *The Continental Free Trade Area (CFTA) in Africa: A human rights perspective* Geneva: United Nations (2020)

United Nations Human Rights Office of the High Commissioner & Center for Economic and Social Rights *Who will be accountable? Human rights and the post-2015 development agenda* New York and Geneva: United Nations (2013)

United Nations Human Rights Office of the High Commissioner *Guiding principles on extreme poverty and human rights* Geneva: United Nations (2012)

World Bank *The African Continental Free Trade Area: Economic and distributional effects* Washington, DC: World Bank Group (2020)

Case law

The African Commission on Human and Peoples' rights v Republic of Kenya (Application No. 006/2012)

The Endorois Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v Kenya, (276/2003)

Legislation

African Charter on Statistics, adopted 4 February 2009 and entered into force on 8 February 2015

African Commission on Human and Peoples' Rights *Guidelines and principles on economic, social and cultural rights* (2011)

African Union Commission *Agenda 2063 framework document: The Africa we want* (2015)

African Union Convention on Cross-Border Cooperation, adopted on 27 June 2014

Agreement Establishing the African Continental Free Trade Area, adopted by the African Union in Kigali, Rwanda on 21 March 2018, AU Doc TI21086_E

Constitution of the Federal Democratic Republic of Ethiopia, 1995

Constitution of the Republic of Cameroon, 1996, amended 1972

Constitution of the Republic of Malawi, 1994, with amendments until 2017

Inter-African Convention Establishing an African Technical Co-operation Programme, adopted on 1 August 1975

Panel discussions on the mainstreaming of human rights in the implementation of the AfCFTA during the African Business and Human Rights Forum on 12–13 October 2022, organised by the OHCHR in Accra, Ghana (on file with author)

Protocol to the African Charter on Human and Peoples' Rights on the Rights of women in Africa, adopted in Maputo, Mozambique on 11 July 2003, and entered into force on 25 November 2005

Resolution on a Human Rights-based approach to the Implementation and Monitoring of the African Continental Free Trade Area Agreement - ACHPR/Res.551 (LXXIV) 2023

Treaties and regional documents

United Nations Declaration on the Right to Development, adopted on December 1986 (General Assembly Resolution 41/128)

Universal Declaration of Human Rights, adopted on 10 December 1948 (General Assembly Resolution 217 A)

Internet sources

Fasan O "AfCFTA: Africa is moving too slowly towards economic integration" (18 February 2019) *IGC* available at https://www.theigc.org/blog/afcfta-africa-is-moving-too-slowly-towards-economic-integration/ (accessed 2 July 2022)

Marks S & Malhotra R "The future of the right to development" (2017) available at https://cdn1.sph.harvard.edu/wp-content/uploads/sites/134/2018/06/Marks-Malhotra-The-Future-of-the-Right-to-Development-2017.pdf (accessed 3 July 2020)

Merriam-Webster Dictionary "Accountability" *Merriam-Webster* available at https://www.merriam-webster.com/dictionary/accountability (accessed 1 July 2022)

Page J "Why intra-African trade matters: Working locally to go global" (2016) *Brookings Africa Growth Initiative* available at https://www.brookings.edu/wp-content/uploads/2016/07/01_working_locally_page.pdf (accessed 1 July 2022)

Theses

Ebobrah ST *Legitimacy and feasibility of human rights realisation through regional economic communities in Africa: The case of the Economic Community of West African States* (LLD thesis, University of Pretoria 2009)

Odinkalu C *Regional integration and human rights in Africa* (PhD thesis, London School of Economics 2008)