

Legal Aspects of Economic Integration in Africa

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ECONOMIC INTEGRATION
IN AFRICA

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LEGAL ASPECTS OF ECONOMIC INTEGRATION IN AFRICA

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

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

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TABLE OF TREATIES

- African Union, Decision on the Moratorium on the Recognition of Regional Economic Communities, Assembly/AU/ Dec.112 (VII), 2006
- Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, [1994] OJ L344/3
- Agreement Establishing the Caribbean Court of Justice, 2001, online: www.caricom.org/jsp/secretariat/legal_instruments/agreement_ccj.pdf
- Agreement on the European Economic Area, 17 March 1993, 1793 UNTS I-31121
- Agreement on the Foundation of the EURASIAN Economic Community, 10 October 2000, 2212 UNTS I-39321
- Agreement on the Statute of the Central American Court of Justice, 10 December 1992, 1821 UNTS I-31191, 34 ILM 921
- Charter of the Organization of African Unity, 25 May 1963, 2 ILM 766
- Charter of the Organization of American States, 30 April 1948, 119 UNTS 3
- Charter of the Union of Central African States, 2 April 1968, 7 ILM 725
- Charter of the United Nations, 26 June 1945, 1 UNTS XVI
- Consolidated Version of the Treaty on European Union, 13 December 2007, [2010] OJ C83/13
- Consolidated Version of the Treaty on the Functioning of the European Union, 13 December 2007, [2010] OJ C83/47
- Constitutive Act of the African Union, 11 July 2000, (2005) 13 Afr. J. Int'l Comp. L. 25
- Convention on the Settlement of Investment Disputes between States and Nationals of other States, 18 March 1965, 575 UNTS 159
- Council Regulation (EC) No. 864/2007 of the European Parliament and of the Council of 11 July 2007 on the Law Applicable to Non-contractual Obligations (Rome II), OJ L199/40
- Council Regulation (EC) No. 44/2001 of 22 December 2000 on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters, [2001] OJ L12/1
- Council Regulation (EC) No. 2201/2003 of 23 November 2003, concerning Jurisdiction and the Recognition and Enforcement of Judgments in Matrimonial Matters and the Matters of Parental Responsibility, repealing Regulation (EC) 1347/2000, [2003] OJ L338/1

- Decision on Differential and more Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries, 28 November 1979, GATT BISD (1980)
- ECOWAS 1979 Protocol A/P.1/5/79 relating to Free Movement of Persons, Residence and Establishment
- ECOWAS 1985 Supplementary Protocol A/SP.1/7/85 on the Code of Conduct for the implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment
- ECOWAS 1986 Supplementary Protocol A/SP.1/7/86 on the Second Phase (Right of Residence) of the Protocol on Free Movement of Persons, the Right of Residence and Establishment
- ECOWAS 1989 Supplementary Protocol A/SP.1/6/89 amending and complementing the provisions of Article 7 of the Protocol on Free Movement, Right of Residence and Establishment
- ECOWAS 1990 Supplementary Protocol A/SP.2/5/90 on the implementation of the Third Phase (Right of Establishment) of the Protocol on Free Movement of Persons, Right of Residence and Establishment
- General Agreement on Tariffs and Trade, 15 April 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, 1867 UNTS 187, 33 ILM 1153
- General Agreement on Trade in Services, 15 April 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1B, 1869 UNTS 183, 33 ILM 1167
- General Convention on Privileges and Immunities of the Organization of African Unity, 25 October 1965, online: www.africa-union.org/root/au/Documents/Treaties/treaties.htm
- Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters, 15 November 1965, 20 UST 361
- Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, 18 March 1970, 23 UST 2555
- Inter-American Convention on Jurisdiction in the International Sphere for the Extraterritorial Validity of Foreign Judgments, 24 May 1984, 24 ILM 468
- Inter-American Convention on the Extraterritorial Validity of Foreign Judgments and Arbitral Awards, 8 May 1979, 1439 UNTS I-24392, 18 ILM 1224
- Inter-American Convention on the Law Applicable to International Contracts, 17 March 1994, 33 ILM 732
- Lugano Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters, [2007] OJ L339/3
- Marrakesh Agreement Establishing the World Trade Organization, 15 April 1994, 1867 UNTS I-31874, 33 ILM 1144
- North American Free Trade Agreement between the United States of America, Canada and Mexico, 17 December 1992, 32 ILM 296

- Olivos Protocol for the Settlement of Disputes in MERCOSUR, 18 February 2002, 42 ILM 2
- Protocol A/P.1/7/91 on the Community Court of Justice of the High Contracting Parties as amended by Supplementary Protocol A/SP.1/01/05 Amending the Protocol Relating to the Community Court of Justice
- Protocol of Tegucigalpa of Reforms to the Charter of the Organization of the Central American States, 13 December 1991
- Protocol of the Court of Justice of the African Union, 11 July 2003, (2005) 13 Afr. J. Int'l & Comp. L. 115
- Protocol on Relations between the African Economic Community and the Regional Economic Communities, 25 February 1998, (1998) 10 Afr. J. Int'l & Comp. L. 157
- Protocol on Relations between the African Union and the Regional Economic Communities, July 2007, online: www.afrimap.org/english/images/treaty/AU-RECs-Protocol.pdf
- Protocol on the Commission of Mediation, Conciliation and Arbitration, 21 July 1964, 3 ILM 1116
- Protocol on the Establishment of the East African Community Common Market, 20 November 2009, online: www.eac.int/advisory-opinions/cat_view/68-eac-common-market.html
- Protocol on the role of National Parliaments in the European Union, 13 December 2007, [2010] OJ C83/203
- Protocol on the Statute of the African Court of Justice and Human Rights, 1 July 2008, online: www.africa-union.org/root/au/Documents/Treaties/text/Protocol%20on%20the%20Merged%20Court%20-%20EN.pdf
- Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, 10 June 1998, online: www.africa-union.org/root/au/Documents/Treaties/Text/africancourt-humanrights.pdf
- Protocol to the Southern African Development Community Tribunal and the Rules of Procedure Thereof, 7 August 2000, online: www.sadc-tribunal.org/docs/Protocol_on_Tribunal_and_Rules_thereof.pdf
- Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, 2 March 2001, (2005) 13 Afr. J. Int'l & Comp. L. 86
- Revised Agreement Establishing the Caribbean Court of Justice Trust Fund, 12 January 2004, online: www.caribbeancourtjustice.org/legislation.html
- Revised Treaty Establishing the Economic Community of West African States, 24 July 1993, 35 ILM 660, (1996) 8 Afr. J. Int'l & Comp. L. 187
- Revised Treaty of Chaguaramas Establishing the Caribbean Community Including the CARICOM Single Market and Economy, 5 July 2001, 2259 UNTS I-40269, online: www.caricom.org/jsp/community/revised_treaty-text.pdf

- Southern African Customs Union Agreement, 21 October 2002, online: www.sacu.int/main.php?include=docs/legislation/2002-agreement/main.html
- Southern African Development Community Protocol on Immunities and Privileges, online: www.sadc-tribunal.org/docs/ImmunitiesAndPrivileges.pdf
- Statute of the African Union Commission on International Law, 4 February 2009, online: www.africa-union.org/root/au/Documents/Treaties/text/STATUTE%20F%20THE%20AUCIL-Adopted%20-%20Feb%202009.pdf
- Statute of the International Court of Justice, 26 June 1945, 59 Stat. 1055
- Treaty Concerning the Establishment and Statute of the Benelux Court of Justice, 31 March 1965, 924 UNTS 13176
- Treaty Creating the Court of Justice of the Cartagena Agreement, 28 May 1979, 18 ILM 1203, as revised by the Protocol Modifying the Treaty Creating the Court of Justice of the Cartagena Agreement, 28 May 1996, online: www.comunidadandina.org/ingles/normativa/ande_trie2.htm
- Treaty Establishing a Central African Economic and Customs Union, 8 December 1964, 4 ILM 699
- Treaty Establishing the African Economic Community, 3 June 1991, 30 ILM 1241
- Treaty Establishing the Benelux Union, 3 February 1958, 381 UNTS 5471 (as revised by the Treaty Revising the Treaty Establishing the Benelux Economic Union, 17 June 2008)
- Treaty Establishing the Common Market for Eastern and Southern Africa, 5 November 1993, 33 ILM 1067
- Treaty Establishing the Economic Community of West African States, 28 May 1975, 1010 UNTS I-14843, 14 ILM 1200
- Treaty Establishing the European Atomic Energy Community, 25 March 1957, 298 UNTS 140
- Treaty Establishing the European Coal and Steel Community, 18 April 1951, 261 UNTS 140
- Treaty Establishing the European Economic Community, 25 March 1957, 298 UNTS 11
- Treaty for East African Cooperation, 6 June 1967, 6 ILM 932
- Treaty for the Establishment of a Common Market between the Argentine Republic, the Federative Republic of Brazil, the Republic of Paraguay and the Eastern Republic of Uruguay, 26 March 1991, 2140 UNTS I-37341
- Treaty for the Establishment of the East African Community, 30 November 1999, 2144 UNTS I-37437
- Treaty for the Establishment of the Preferential Trade Area for Eastern and South African States, 21 December 1981, 21 ILM 479
- Treaty of the Southern African Development Community, 17 August 1992, 32 ILM 120
- Treaty on the Harmonization of Business Law in Africa, 1 November 1997, Official Journal of OHADA No. 4, p. 1

UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards,
10 June 1958, 330 UNTS 3

UNCITRAL Model Law on International Commercial Arbitration, 21 June 1985,
24 ILM 1302

Vienna Convention on the Law of Treaties, 23 May 1969, 1155 UNTS 331, 8 ILM 679

TABLE OF CASES
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Regional courts in Africa

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- Building Design Enterprise v. Common Market for Eastern and Southern Africa*,
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East Afr. LR 54
- Eritrea v. Ethiopia* [1999] LawAfr. LR 6
- Intelsomac v. Rwanda Civil Aviation Authority*, Reference No. 1 of 2009 (COMESA
Court of Justice, 2010)
- Muleya v. Common Market for Eastern and Southern Africa* [2003] 1 East Afr. LR 173
- Muleya v. Common Market for Eastern and Southern Africa (No. 2)* [2003] 2 East Afr.
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- Muleya v. Common Market for Eastern and Southern Africa (No. 3)* [2004] 1 East Afr.
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East African Court of Justice

- AG of the Republic of Kenya v. Anyang' Nyong'o*, Application No. 5 of 2007 (East African Court of Justice, 2007)
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- Christopher Mtikila v. AG of the United Republic of Tanzania*, Application No. 8 of 2007 (East African Court of Justice, 2007)
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- Tokunbo Lijadu Oyemade v. ECOWAS Council of Ministers*, Judgment No. ECW/CCJ/JUD/02/08 (ECOWAS Court of Justice, 2008)
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- Mike Campbell (Pvt) Ltd v. The Republic of Zimbabwe*, Case No. SADC (T) 2/2007 (SADC Tribunal, 2008)
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International courts outside Africa

- Allianz SpA v. West Tankers Inc.* (C-185/07) [2009] ECR I-663
- Amministrazione delle Finanze dello Stato v. Simmenthal SpA* (106/77) [1978] ECR 629; 3 CMLR 263
- Amsterdam Bulb v. Produktschap voor Siergewassen* (50/76) [1976] ECR 137
- Brazil-Measures Affecting the Importation of Retreaded Tyres* (2007), WT/DS332/AB/R (Appellate Body Report)
- Chorzow Factory case*, PCIJ Ser. A., No. 17, 1928, p. 33
- Flaminio Costa v. ENEL*, Case 6/64, [1964] ECR 585
- Hombre Sobrido v. The French State*, Judgment No. 266/2000 (Court of Appeal of Saint Denis, 2000)
- Ingmar GB Ltd v. Eaton Leonard Technologies Inc.* (C-381/98) [2000] ECR I-9305
- Jurisdiction of the Courts of Danzig (Pecuniary Claims of Danzig Railway Officials who have Passed into the Polish Service, against the Polish Railways Administration)* PCIJ, Ser. B., No. 15, 1928, p. 12
- Krombach v. Bamberski* (C-7/98) [2000] ECR I-1935
- Loewen Group Inc. v. United States*, 42 ILM 811
- Merce Pesca Co. v. The French State*, Judgment No. 267/2000 (Court of Appeal of Saint Denis, 2000)
- Mexico-Tax Measures on Soft Drinks and other Beverages* (2006), WT/DS308/AB/R (Appellate Body Report)
- Mondev International Ltd v. United States*, 42 ILM 85
- Opinion 1/91, *Draft Agreement between the Community and the Countries of the European Free Trade Association relating to the Creation of the European Economic Area* [1991] ECR I-06079
- Opinion 1/00, *Proposed Agreement between the European Community and non-Member States on the establishment of a European Common Aviation Area* [2002] ECR I-03493
- Owusu v. Jackson* (C-281/02) [2005] ECR I-1383
- Parliament v. Council* (C-302/87) [1988] ECR 5616
- Parliament v. Council* (C-70/88) [1990] ECR I-2041
- Regie Nationale des Usines Renault SA v. Maxicar SpA* (C-38/98) [2000] ECR I-2973
- Reparation for Injuries Suffered in the Service of the United Nations*, Advisory Opinion, [1949] ICJ Reports 174
- Trinidad Cement Ltd v. The Caribbean Community* [2009] CCJ 2 (OJ)
- Trinidad Cement Ltd v. The Co-operative Republic of Guyana* [2008] CCJ 1 (OJ)
- Trinidad Cement Ltd v. The State of the Co-operative Republic of Guyana* [2009] CCJ 1 (OJ)
- Turner v. Grovit* (C-159/02) [2004] ECR I-3565
- United States – Standards for Reformulated and Conventional Gasoline* (1996), WTO Doc. WT/DS2/AB/R (Appellate Body Report)

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- Van Gend en Loos v. Nederlandse Administratie der Belastingen* (26/62) [1963] ECR I; [1963] CMLR 105
- Von Colson and Kamann v. Land Nordrhein-Westfalen* (14/83) [1984] ECR 1891
- Yassin Abdullah Kadi and Al Barakaat International Foundation v. Council of the European Union and Commission of the European Communities* (C-402 and 415/05) [2008] ECR I-6351

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National courts in Africa

- Abacha v. Fawehinmi* [2000] 6 NWLR 228
Administrator, Transvaal v. Traub 1989 (4) SA 731
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Cairo Bank v. Mohamed Ali Bahaydar 1966 (1) ALR Comm. 33
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Chihana v. Republic, MSCA Criminal Appeal No. 9 of 1992 (Supreme Court, Malawi, 1992)
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- Chloride Batteries Ltd v. Viscosity*, Civil Cause No. 1896 of 2006 (High Court, Malawi, 2006)
- Chong Sun Wood Products Ltd v. K & T Trading Ltd* 2001 (2) SA 651
- Coluflandres Ltd v. Scandia Industrial Product Ltd* 1969 (2) RLR 431
- Commercial Farmers Union v. Minister of Lands and Rural Resettlement*, Judgment No. SC 31/10 (Supreme Court, Zimbabwe, 2010)
- Coutts v. Ford* 1997 (1) ZLR 440
- De Gree v. Webb* 2007 (5) SA 184
- Delmas America Africa Line Inc. v. Kisko Products Ghana Ltd* [2005-6] SCGLR 75
- Detmold v. Minister of Health and Social Services* 2004 NR 175
- Dow v. AG* 1991 BLR 233
- Drive Control Services Ltd v. Troycom Systems Ltd* 2000 (2) SA 722
- Eastern and Southern African Trade v. Hassan Basajjabalaba* [2007] Uganda Commercial Court 30
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- Eden v. Pienaar* 2001 (1) SA 158
- Edicomesa International Inc. v. Citec International Estates Ltd* [2006] 4 NWLR 114
- Ekkehard Creutzburg v. Commercial Bank of Namibia* [2006] All SA 327
- Emmanuel Bitwire v. The Republic of Zaire* [1998] I Kampala LR 21
- Fasco Trading Co. Ltd v. Goodearth Ltd* [2000] LawAfr. LR 1236
- Fattal v. Fattal* [1999-2000] 1 GLR 331
- Fick v. Government of the Republic of Zimbabwe*, Case No. 77881/2009 (North Gauteng High Court, South Africa, 2010)
- Fonville v. Kelly* [2002] 1 East Afr. LR 71
- Friday Anderson Jumbe v. Humphrey Chimpando*, Constitutional Case Nos. 1 and 2 of 2005 (High Court, Malawi, 2005)
- Friendship Container Manufacturing Ltd v. Mitchell Cotts Ltd* [2001] East Afr. LR 338
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- Ghassan Halaoui v. Grosvenor Casinos Ltd* [2002] 17 NWLR 28
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- Healthwise Pharmaceuticals Ltd v. Smithkline Beecham Consumer Healthcare Ltd* [2001] LawAfr. LR 1279
- Herbst v. Surti* 1990 (2) ZLR 269
- Heyns v. Demetriou* [2001] Malawi High Court 52
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