

Implementing the African Continental Free Trade Area Agreement (AfCFTA) and the Challenges of Corruption in Africa

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Abstract

Since the first quarter of 2020, African nations have been forced to battle to scourge of COVID-19 and its toll on the economies across the African continent. As normalcy resumes, the timing of the implementation of the provisions of the African Continental Free Trade Agreement (AfCFTA) could not have been timelier. While the objectives of the AfCFTA include the economic integration within the continent, which is considered noble and timely, this paper argues that the objectives of the AfCFTA may not be realised if Africa refuses to combat corruption within the continent and among member nations. Following a doctrinal approach, this paper recommends the incorporation of the provisions of the African Union Convention on Preventing and Combating Corruption (AUCPCC) into the AfCFTA to demonstrate political will of African leaders to combat corruption.

Keywords

Corruption, African Continental Free Trade Area Agreement, African Union Convention on Preventing and Combating Corruption (AUCPCC)

1. Introduction

Nigeria recently signed the African Continental Free Trade Area Agreement (AfCFTA) (BBC News, 2019) and became the 34th African state to deposit its instrument of ratification to the African Union (ECA, 2020; Vanguard, 2021). The AfCFTA came into effect on 30 May 2019, and aims at achieving economic integration of the African region by the promotion of freedom of trade and the movement of goods, services, capital and labour among others, to bring about

greater economic development and growth within the region (AfCFTA, 2019: Article 3). Since the agreement became effective, Africans expect that poverty and economic retrogression would be eliminated. This expectation does not take into consideration that majority of African countries are plagued by the consequences of corruption, which is one cause of poverty and economic backwardness of the continent (Mbaku, 1999: p. 321), see also (Lambsdorff, 2005). It is pertinent to examine how corruption would further impact the implementation of this agreement. In other words, can the goals for implementing this agreement be achieved while the African continent has failed to tackle corruption?

The methodological approach for this study is doctrinal as it is undertaken against the background of the legal framework for the implementation of the AfCFTA Agreement. This discussion is preceded by brief discussion on the definition of corruption, the causes, and effects of corruption in Africa are also discussed. Flowing from the effects of corruption, this paper discusses the economic development in Africa and the objectives for the AfCFTA Agreement. Our argument that the AfCFTA Agreement may not achieve the aim of unifying a mutually beneficial relationship among all African nations is presented before our recommendations.

By way of background, it is noted that corruption among African nations is rife and in the recent Corruption Perception Index 2020, the average score of African nations is 32/100 with only 8 countries scoring above 43 (Transparency International, 2022). This abysmal statistics does not reflect African nations' efforts in combating corruption notwithstanding that a significant number of them have ratified international and regional treaties on corruption like the United Nations Convention against Corruption (UNCAC) and the African Union Convention on Preventing and Combating Corruption (AUCPCC). It has been submitted that corruption in Africa has become so pervasive that the phenomenon has been described as the "AIDS" of democracy (Hope, 2000: pp. 17-18).

The paper is divided into six sections, including this section which introduces the scope of discussion in the paper. Section 2 provides the context of the discussion by defining corruption, the types of corruption and the causes and effects of corruption in Africa. In Section 3, the paper discusses the objectives of the AfCFTA while Section 4 assesses how Africa is combating corruption through the leading international conventions on corruption especially the AUCPCC. In other words, Section 4 establishes the nexus between corruption discussed in Section 2 and the objectives of the AfCFTA discussed in section 3. Recommendations are proffered in Section 5 while the paper is concluded in section 6.

2. Corruption in Africa

2.1. Definition

Corruption is a common phenomenon among nations of the world, but it is devoid of a single definition (Kurer, 2015: p. 30). In some cases, the definition given to the phenomenon by scholars reflects the perspective of the study un-

dertaken (Harrison, 2006: pp 15-16); while in others, it reflects the geographical location in which the phenomenon is being described. Therefore, while the phenomenon has different meanings among scholars, its meaning also differs among peoples within a geopolitical area (Warf, 2016: pp. 57, 67). The public-office definition is popular among scholars in the Social Sciences. Nye's definition is the foremost under this classification, but there are also other variants of Nye's. For example, the World Bank defines corruption as the abuse of public power for private gain (The World Bank Group, 2022). While to Transparency International (TI), corruption is the abuse of entrusted power for personal gain (Transparency International, 2022). A common criticism against this definition from the public-office definition is that it excludes the private sector of national economies (Senior, 2006); especially if it is considered that the private sector also contributes to the level of corruption in countries. Additionally, the present authors consider this definition inadequate because the 'personal gain' may be an act done to further national interest. As this paper highlights, although African countries seek to boost economies of its nations through complimentary services across the continent, no country is expected to act contrary to its national interest. For example, notwithstanding high expectations from participating countries, Nigeria only signed the AfCFTA after it had satisfied itself that her domestic entrepreneurs would not be affected (Mumbere, 2018), see also (Mustapha & Adetoye, 2019: pp. 44, 46).

The second categorisation of definition among social scientists is the market-centred definition by economists. Klitgaard (1988: p. 75) argues that corruption exists in the public sector because an agent that has been given both monopolistic and discretionary powers is not accountable to any officer. Although the agent is appointed by a principal, the agent merely acts to further his interests. Agents apply discretion with respect to tax administration and custom because it is possible for agents to unilaterally concede waivers or reductions to end users in consideration of a percentage on the "saving" (Goudie & Stasavage, 1998: pp.117-122). It is important to strike a delicate balance between the exercise of discretion and power considering that the power conferred on an agent enhances productivity (Carr, 2009: pp. 153-155). Again, the market centred definition is relevant as this work discusses commercial activities across borders among African nations that are plagued with systemic levels of corruption in virtually every area of the economy including the border.

In addition to the above definitions, Osoba (1996: pp. 371, 383) admits that corruption is a global phenomenon existing in different social contexts. He defines it "as anti-social behaviour conferring improper benefits contrary to legal and moral norms, and which undermines the authorities' capacity to secure the welfare of all citizens." This definition is wider in scope. It is general in nature, although the specific forms that corruption takes will be of tremendous help in understanding its impact in the society. The definition as given by Osoba (1996) raises some issues and these are enumerated below:

- Corruption is a global phenomenon
- It is an antisocial behavior and manifests differently in different social contexts
- It confers benefits which are immoral in nature
- It affects the welfare of the ALL citizens

While there is no universal definition of the phenomenon and the above definitions from the Social Science are inadequate, there is no universal legal definition of corruption (Kurer, 2015). Furthermore, drafters of statutes appreciate that the phenomenon is made up of various acts which are evolving because of the ingenuity of those involved in corrupt acts. In the light of this, some legal instruments and statutes provide a descriptive definition of the phenomenon; with reference to acts constituting corruption (Argandoña, 2007: pp. 481, 488). For example, the UNCAC defines corruption descriptively and this is considered pragmatic because of the evolving nature of the phenomenon (UNCAC).

Considering the objective of this research, the authors adopt the descriptive definition provided by the UNCAC, other regional instruments on corruption and the legislation of African nations that defined the phenomenon. When perpetrated, specific acts done or omitted to be done would constitute corruption by members of African nations when carrying on trade in line with AfCFTA.

2.2. Typology of Corruption in Africa

Corruption may be broadly classified into petty or grand corruption (Stasavage, 2008: pp. 157, 159), although some scholars have also referred to grand corruption as political corruption (Amundsen, 1999), see also (Farrales, 2005). Petty corruption occurs where it is found among the lower class of an economy in contrast with corruption among political office holders and those considered to be comfortable (Farrales, 2005). The categorisation of corruption as grand and petty is important to help in determining the scale at which corrupt acts are being perpetrated, but that is not to say that the petty corruption is not as serious as grand corruption (Jain, 2001: pp. 71, 92). When petty corruption is perpetrated at a frequency that is very high it will also have a great impact on the system like the grand corruption. This is what has given rise to the description of pervasive corruption as systemic corruption. Systemic corruption simply implies that corrupt acts are deeply entrenched in the system, whether political, or socio-economic (Adebanwi & Obadare, 2011: pp. 206-207). Systemic corruption has the capacity to prevent the political or socio-economic system from operating in the way that the system is intended to operate and to deliver the benefits that the system ought to deliver (Adebanwi & Obadare, 2011). Furthermore, Warburton (2007) discussed the impact of systemic corruption on the economy in the following words:

Systemic corruption is entrenched corruption within the public sector which results in the reduction of the quality and availability of public goods and services ... Widespread corruption is usually symptomatic of a moribund state. The institutions which are supposed to guarantee the efficient

use of scarce societal resources are inevitably incapacitated and corruption imposes a colossal tax on foreign investment which discourages the inflow of foreign capital.

In essence, a nation's situation may be considered critical in the face of systemic corruption. Such situation demands applying comprehensive anti-corruption programs if meaningful progress is to be recorded regarding combating the systemic corruption (Adebanwi & Obadare, 2011: p. 207). The petty and grand corruption typology of corruption could also be classified under the public and private corruption. In this regard, Williams (2012) explains public corruption as

that which involves public officials and is generally that which moves from a private individual to the public official responsible for taking decisions. This corruption will frequently take the form of bribes or other inducements granted to the public official to influence the exercise of his discretion.

While he describes private corruption as "... [T]hat which manifests as fraudulent practices or other uncompetitive practices, which ultimately affect government revenue and the public..." (Williams, 2012) The summary of the impact of public or private corruption is that it ultimately affects the public and government one way or the other, and the only difference is with the principal actor who initiates and carries out the corrupt act may be a public official or a private individual. Similarly, corruption may be classified under individual or institutional categories (Thompson, 2013). An agent that utilises official capacity to promote personal interest may be classified under individual corruption, but corruption may be classified where it is entrenched in an institution. Also, corruption has been classified within the context it appears. For example, judicial corruption among judicial officers and electoral corruption occurring within election related matters (Odusote, 2021).

2.3. Causes and Effects of Corruption in Africa

Irrespective of the typology adopted with reference to corruption in any country, there are several reasons why corruption exists across the globe and particularly in Africa. These reasons cut across political, economic, and social factors (Coldham, 1995: p. 115). First, it is arguable that corruption depicts the type of political leadership in a nation. For example, it is empirically proven that countries with federal systems may be more corrupt than countries with other forms of government (Treisman, 2000: pp. 399, 437). Similarly, Gerring and Thacker (2004: pp. 295, 325) found that there is lower rate of corruption among unitarian and parliamentary governments. Arguably, corruption among the low class of the economy may be due to poor salaries, but corruption among political office holders may be a product of greed considering that those in this class are beneficiaries of privileges attached to the office occupied (Wraith & Simpkins, 2010: pp. 41-42). Second, corruption impacts on the level of foreign investment whether as Foreign Direct Investment or as Foreign Portfolio Investment. It

therefore implies that, if corruption is not dealt with in Africa, investors will not have confidence in institutions and will be discouraged from investing in Africa (Lambsdorff, 2005). More so, if investors will have to pay (bribe) for any public service to be rendered to them, it will no doubt affect the returns that they will have on their investment and will act as a discouraging factor to investment within such countries.

Considering that the AfCFTA requires the participation of civil servants working in consonance with the private sector across nations in Africa, it is noteworthy that a common cause of corruption in Africa that may pose a challenge to the implementation of the AfCFTA is the payment of low wages to civil servants (Amundsen, 1999: pp. 3, 17). This is because poorly paid agents working on behalf of the governments would easily impose rents on clients (Page, 2018).

The causes and the effects of this phenomenon across the world are interwoven (Herzfeld & Weiss, 2003: pp. 621-622). Just like the effects of corruption are diverse because corruption has both positive and negative effects. On the positive side, corruption ensures that the payment of bribes by businessmen, who invariably are the highest bidders, results in enhancing a country's economy (Mauro, 1995: pp. 681-682), see also (Pierre-Guillaume & Sekkat, 2005: pp. 69-70). Furthermore, corruption is a source of employment for those who are beneficiaries of nepotism (Bayley, 1966: pp. 719, 727). Notwithstanding these benefits, corruption is also harmful in some ways. First, Herzfeld and Weiss found that corruption affects the effectiveness of the rule of law (Herzfeld & Weiss, 2003). This is relevant to our discussion in view of the cross-border business transactions the AfCFTA seeks to encourage. Influencing the judicial process may also be seen as a "cost" in business transactions (Pierre-Guillaume & Sekkat, 2005). Secondly, considering that AfCFTA is an agreement between nations across Africa who are at various stages of development, corruption may affect the smaller African countries than the bigger ones. As Tanzi and Davoodi found, corruption impacts more negatively on smaller enterprises than the larger ones (Tanzi & Davoodi, 2000: pp. 1, 10). This is because larger corporations have the means of cushioning transactional costs that the smaller enterprises may not be able to (Tanzi & Davoodi, 2000).

It is established that economic development and levels of corruption in nations are interconnected (La Porta et al., 1999). A country's economic development is also partly affected by the country's quality of governance (La Porta et al., 1999). For example, La Porta et al. (1999) found that rich nations have better governments than poor ones. Furthermore, the 2020 Ibrahim Index on African Governance (IIAG) found the quality of governance among African nations to have declined within the year of review among a significant number of African nations (MO Ibrahim Foundation, 2000). This is significant considering that anti-corruption is one of the sub-categories under the security and rule of law category of the index (MO Ibrahim Foundation, 2000). It is also significant that there is a correlation between poverty, underdevelopment, and corruption

among African nations (Mbaku, 1994). The effects of corruption on African nations raise the concern for the effective implementation of the AfCFTA in the light of challenging governance, economic and political issues among African nations.

It is noteworthy that corrupt practices have become systemic because of the connivance of some officers in positions of authority. For example, human trafficking cannot be widespread without the connivance of the Immigration, smuggling will not be rampant without the connivance of the Custom Service, and money laundering will not be the order of the day without the connivance of Financial Institutions (Page, 2018). Therefore, it is our argument that if these leakages are not blocked and the acts of corruption occasioned by these leakages checked, then the freedom of trade and exchange provided under the AfCFTA will be exploited as an avenue to perpetuate the acts of corruption on a larger scale across the African continent.

3. The African Continental Free Trade Area

Against the background of the above discussion on corruption in Africa, it is remarkable that the African Continental Free Trade Area (CFTA) was conceived as the remedy to the challenges African countries were experiencing regarding economic and regional integration (Jibrilla, 2018: pp. 164-165). In essence, the concept of the CFTA was designed to address the developmental challenges of countries within the continent (Jibrilla, 2018). The CFTA was established by African leaders at the 18th Ordinary Assembly of the Heads of State and governments of the African Union at its meeting held in Addis Ababa, Ethiopia between 29-30 January 2012 (AfCFTA, 2019: Preamble no. 3). The adoption, and further ratification of the AfCFTA in May 2019 was therefore the logical step towards actualising the decision reached in Addis Ababa, Ethiopia in 2012 (AfCFTA, 2019). The CFTA was regarded as a continuation of the integration efforts initiated by the conceived by the Organisation for African Unity (OAU), the predecessor body of the African Union (OAU, 1991).

It is noteworthy that trade has been a unifying factor on the African continent over the past several generations. Thus, when the OAU was created, one of its key objectives was economic integration of the African Continent (United Nations, 2016). This led to the creation of Regional Economic Communities within the continent with the aim that they should later be transformed into Regional Free Trade Areas and subsequently the Regional Free Trade areas can be consolidated into Continental Free Trade Areas (United Nations, 2016).

By Article 3 of the AfCFTA Agreement, the general benefits of the Agreement include the creation of a single market in the continent for trade in goods and services, liberalized markets, free movement of capital and people, a continental customs union, inclusive socio-economic development including gender equity, enhanced competitiveness, industrial development through diversification and regional value chain creation particularly in the agricultural sector (AfCFTA,

Article 3(a)-(g)). To derive the full benefits that the agreement carries, the continent will have a common customs service, Bank and possibly currency. The above provision is supported and consolidated by other provision of the agreement and particularly, article 4 of the agreement spells this out in clearer terms (AfCFTA, Article 4).

The benefits of the agreement to the continent will no doubt have a global impact, because as far as negotiations on economic and other related matters are concerned, the continent will become a single negotiation bloc like that of the G20 (G20, 2019), the EU (EU, 2019), and the BRICS (Obeng-Odoom, 2020: pp. 167, 174). This will provide the continent the platform to speak with one voice on economic matters or other policy issues having impact on the economy of the continent one way or the other. Also, it will give the continent leverage based on its size, population, resources, and voting strength when global decisions are to be made. In addition, the cooperation on the continent on economic issues will help the continent develop from within by the cooperation of the state parties with one another and could further reduce Africa's dependence on the west. Finally on this point, at least for the purpose of this work, article 3(g) of the Agreement provides as follows; "...[P]romote industrial development through diversification and regional value chain development, agricultural development and food security...". We are thus looking at an Africa that is about to become truly industrialized, converting its natural resources into finished products that could be exported to other countries for use and consumption instead of having a continuation of the present situation where, for a number of African countries, its natural resources are exploited and exported for processing and then returned to the continent as finished products. Hence, the resources found on the African continent have been described more as a curse than as a blessing (Millar & Reitseveld, 2019). The expectation is that the implementation of the AfCFTA Agreement will expedite the reversal of this trend. This is a matter for time to decide. In the meantime, it is important to discuss Africa's approach to the international and regional conventions on corruption.

4. The Way Forward in the Fight against Corruption

This section intends to evaluate the fight against corruption in Africa generally and specifically through the instrumentality of United Nations Convention Against Corruption (UNCAC) and the African Union Convention on Preventing and Combating Corruption (AUCPCC). This is imperative because this paper argues that the degree to which corruption is contained in Africa will determine the degree to which the African economy will thrive. In other words, if Africa refuses to combat corruption, its aspirations towards economic development and sustenance will remain illusory. This submission stems from the multi-dimensional effects of corruption as discussed above. Therefore, the success of the AfCFTA depends to a large extent on the success recorded in the fight against corruption on the continent. It is our argument that failure in fighting

corruption on the continent only spells doom on the implementation of the Af-CFTA and the realization of the economic benefits envisaged to flow from the implementation of the agreement will only be a mirage.

Leading international and regional instruments on corruption to which African nations are signatories to—the United Nations Convention against Corruption (UNCAC), the Africa Union Convention on Preventing and Combating Corruption (AUCPCC), the Southern African Development Community Anti-Corruption Protocol (SADCAC Protocol), and the Ecowas Protocol on the Fight Against Corruption (*African Protocol, 2001*), to mention a few, recommend that state parties may adopt any, or all of recommended approaches in combating corruption. These are prevention, criminalisation, asset recovery, international cooperation, and public awareness (UNCAC, Art. 2 (2)), see also (*African Union, 2003: Article 4 and 5*). The approaches are meant to be complementary with no one approach superior to the other. However, one may yield better results than the other. For example, *Odusote (2021)* found that investigating and prosecuting corruption in Nigeria, being an aspect of criminalisation was not effective in Nigeria due to several institutional factors which are hinged on the absence of political will on the part of the leaders and the nonchalance of the citizens towards corruption.

It is significant that these international/regional treaties on corruption came into force at various times within the last 18 years, but African nations' commitment to any of these documents is not comparable to that shown by OECD and OAS nations (*Odusote, 2021*). It could be argued that African Nations ought to show greater commitment to the AUCPCC than the UNCAC because it was intended that the AUCPCC should prevail over other similar documents (*African Union, 2003: Article 21*). Unfortunately, this argument is unsustainable because African nations have yet not shown commitment to the AUCPCC. For example, currently, only 44 nations have ratified/acceded to the document. One reason why this is so is the absence of political will for an effective fight against corruption on the part of African leaders (*Argandoña, 2007*).

There is no universal definition of the phrase political will due to its complexity (*Kpundeh, 1997*) see also (*Post et al., 2010: pp. 653, 659*); but the phrase refers to the demonstrable acts of political leaders in the fight against corruption (*Abdulai, 2009: pp. 387, 390*). Furthermore, *Brinkerhoff (1999: pp. 3-5)* identified five indicators of political will. The indicators include the genuineness of the initiative, the depth of the analysis before the initiative was introduced, the extent of support garnered for the initiative and the continuity of the initiative (*Brinkerhoff, 1999*). Consequently, a country cannot pass the test of political will if one of the indicators is missing as the presence or otherwise of political will is measured by positive steps taken by any government in its fight against corruption (*Brinkerhoff, 1999*). *Brinkerhoff (1999)* further admits that political will exists within environmental factors that may affect its full operation. While this may be true, these authors argue that the prevailing environmental factors would have been identified at the stage when the extent of corruption and the type of

initiative to be adopted is being discussed. Where this was not done, the non-effectiveness of the initiative is inevitable. A proper analysis of the context of corruption within a country and the workability of the initiative to be introduced explains why anti-corruption measures cannot be the same across the nations. Each country should adopt measures that are unique to it. In the light of findings suggesting that political will is absent among African leaders in pursuing anti-corruption initiatives (Brinkerhoff, 1999) and (Abdulai, 2009), it is worrisome if the hope of improved economies of these nations is achievable. This is because political will has been identified as a crucial factor needed for a successful fight against corruption (Alexander, 2007: pp. 29, 34).

The absence of political will of leaders of African countries in combatting corruption can be seen from the action or inaction taken in domesticating regional and sub-regional conventions on corruption, for example, the African Union Convention. It would have been more comforting to see the same enthusiasm displayed towards the AfCFTA displayed towards these regional and international instruments. Furthermore, the adoption of AfCFTA provided an opportunity for African leaders to renew its commitment to AC strategies in the continent. Interestingly, while AfCFTA incorporated the provisions of Protocols on trade in goods etc into it (AfCFTA, Article 8), no such corresponding provision exists regarding incorporating AC strategies into the agreement. It is conceded that the non-domestication of these Conventions may be obviated where a country has legislation that conveys the essence of these Conventions. Nigeria for example has the Corrupt practices and other related offences Act 2000 (CPORO Act) and the Economic and Financial Crimes Commission (establishment) Act 2004. These legislations represent a part of Nigeria's legal framework for combating corruption. The UNODC (2011) also appear to be satisfied with this arrangement and may have tacitly overlooked the non-domestication of the UNCAC.

Another reason is the absence of effective monitoring or enforcement provisions in the UNCAC and the AUCPCC (Webb, 2005: pp. 191, 221) and (Olaniyan, 2004). A stringent mechanism for monitoring or enforcement of the provisions of these international or regional instruments on corruption could have been a catalyst for compliance with the provisions of these instruments by African nations. Unfortunately, this is not the case. For the UNCAC (Article 63(4)(e)-(g)), the Conference of State Parties (CoSP) is saddled with the responsibility of enforcing the implementation of the instrument. In furtherance of this responsibility, the CoSP in 2010 adopted its mechanism for effective enforcement. The CoSP conducts periodic and phased reviews on countries on level of implementation of the provisions of the UNCAC. For example, there are two Country Review Reports on Nigeria till date. A shortcoming of this review mechanism is that the reviewed country must agree to the report before it is published.

Under the AUCPCC (Article 22), an Advisory Board has the responsibility for

the follow-up mechanisms of the instrument. While the body ensures domestication of the convention by members (AUCPCC, Article, 22(5)(a), (h)), there is no penalty on members for non-compliance with the provisions of the Convention (Olaniyan, 2004).

Consequently, it appears that both the UNCAC and the AUCPCC lack the impetus for the implementation of each of them due to the absence of effective or monitoring mechanisms. The existing impetus if any, is external to these documents and is through the presence of political will of African leaders. That is, the presence of political will of African governments is a *sine qua non* to implementing the provision of these instruments (Argandoña, 2007); and indeed, is critical to how successful the fight against corruption will be.

How best can this be achieved considering that a quicker route to effective actualisation of the AfCFTA goals is through successful AC policies? One factor that may assist leaders in Africa to exhibit the political will to fight corruption is transparency and the genuineness of the electoral process (Osinakachukwu, Jawan & Redzuan, 2011: pp. 128, 135). This is because ensuring that the electoral process is both free and fair provides legitimacy for any government not only to be accepted but to also combat corruption (Osinakachukwu, Jawan, & Redzuan, 2011). Addressing corruption at the electoral process would also compel citizens to exercise their franchise advisedly (Osinakachukwu, Jawan, & Redzuan, 2011). For example, citizens would vote for leaders with the political will needed to aggressively combat corruption. This would invariably contribute to reducing corruption indices and economic growth across the continent. It is also assumed that any leader emerging from this process would possess the innate resolve to combat corruption (Alemika, 2004: p. 12).

5. Recommendations

As argued by Mbaku (2010: pp. 35, 41), the economic growth desired by African leaders for the continent is hinged on the successful implementation of laws and institutional framework by each African nation to individually combat corruption. This paper recommends a revision of the AfCFTA agreement by including at least, the AUCPCC into the agreement. This is like the incorporation of Protocols on trade etc (AfCFTA, Article 3). This step will signal the beginning of the display of the needed political will by African leaders.

Similarly, the AfCFTA ought to demand that State Parties should make combating corruption in its country top priority; and they should provide evidence of overt acts taken in that regard. This may also compel African leaders to take a second look at the enforcement mechanisms in the AUCPCC, ECOWAS Protocol and other regional anti-corruption treaties binding on African countries.

In addition, this paper considers it necessary to particularise (codify) acts that constitute corruption across the African borders. This eliminates the cultural biases that already exist regarding some acts constituting corruption. If adopted, African leaders will be seen to be *ad idem* regarding the continent preparedness

to combat corruption.

6. Conclusion

This paper cautions that while the objectives of the AfCFTA are noble, the effectiveness of the agreement is doubtful because Africa has neglected to combat corruption. That is, the systemic nature of corruption in Africa will hinder the success of the AfCFTA. This study was conducted from a doctrinal perspective, which may be considered a limitation of this study. However, an empirical approach was not adopted because answering the question of the study could be achieved with the approach adopted.

Notwithstanding the limitation of this study, this paper argues that success is obvious and a country that is successful in its fight against corruption will have the results reflected in all spheres of its national life. Corruption would not be tolerated in the country. Furthermore, the rating of African nations on world indices would be fair. Corruption is the outlet through which Africans undermine Africa as the political will and the machinery to combat corruption are missing. The excitement attached to the commencement of the provisions of AfCFTA may be short lived because the endemic nature of corruption across Africa will endanger the smooth operation of the objectives of the agreement. This paper therefore suggested the incorporation of the provisions of AUCPCC into the AfCFTA. If put in place, it is hoped that the desired economic growth across Africa would be realised sooner, leaving African leaders with the regret of not combating corruption earlier.

It is noted that conducting a comparative study on attempts made by each African country's attempt at fighting corruption can be challenging (Abdulai, 2009: pp. 387, 389) but it is hoped that an empirical study may be undertaken in the future to assess the extent of corruption on the administration of criminal justice in implementing the provisions of the AfCFTA. This would also necessitate determining the channels available for enforcing provisions of the AfCFTA and the occurrence of corrupt acts.

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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