

AFRICAN CONTINENTAL FREE TRADE AREA (AfCFTA) UNDER FIRE: CROSS-BORDER TERRORISM, BANDITRY, AND WEAK BORDERS UNDERMINE AFRICA'S ECONOMIC INTEGRATION: SUGGESTED REFORMS.

TOMI GRACE OBAGOBYE

BL, LL.B(HONS) (University of Jos, Jos), LL.M. (Kogi State University, Anyigba), Doctoral Candidate (Nile University of Nigeria), Lecturer, Department of Corporate Law, Nigerian Law School. AICMC.

ORCID: 0009 0006 4261 7414

Email: motilayo_dunni@yahoo.com.

MIMI AYUA

Managing Partner, Wells & Pitches LP, BL, LLB(HONS)(Benue State University, Makurdi), LLM (NSUK, Nasarawa), Certified Independent Director, Doctoral Candidate (Nile University of Nigeria).

Email: ayuamimid@gmail.com.

Abstract

The African Continental Free Trade Area is one of the flagship projects of Agenda 2063. Approved at the 18th ordinary Session of the Assembly of Heads of State and Government in Addis Ababa, the agreement entered into force on 30 May 2019 and began operational trading in January 2021. AfCFTA creates a single market of over 1.3 billion people with a combined gross domestic product exceeding three trillion United States dollars, and it is projected to lift approximately thirty million people from extreme poverty by 2035 and add nearly 7% annually to continental income. However, between that formal architecture and the lived reality of African trade corridors, however, lies a fundamental barrier. From the Sahel to the Lake Chad Basin, from the Horn of Africa to the Great Lakes: cross-border terrorism, organised banditry, and the deliberate exploitation of ungoverned border spaces are eroding the foundations on which AfCFTA's promises rest. Markets that once connected communities across national lines have contracted or collapsed, and the informal commerce that sustained millions of Africans is held hostage to armed groups. This paper examined the intersection of security and trade in the AfCFTA context and posited that AfCFTA's legal and institutional framework, however sound in its commercial provisions, suffers from a structural blind spot. It treats security as an external variable rather than a prerequisite for implementation. Drawing on international trade law, comparative experiences from other free trade agreements, and evidence from affected trade corridors, this paper proposed a reform of AfCFTA's implementation architecture that places border security at the core. The paper recommended embedding security in AfCFTA's Architecture, corridor-based implementation, strengthening the African Union's Peace –Trade Nexus, among others, can improve African economic integration and realize the goals of the AfCFTA.

Keywords: AfCFTA, Cross-border terrorism, banditry, reforms, weak borders, African economic integration

1.0 INTRODUCTION: THE PROMISE AND THE PERIL

When the Agreement Establishing the African Continental Free Trade Area was signed in Kigali on 21 March 2018, forty-four African heads of state gathered in the Rwandan capital with a degree of collective optimism that is, frankly, unusual at African Union summits. It had been in negotiation since 2015. By the time it entered into force on 30 May 2019, following ratification by the required twenty-two states, Africa had formally committed itself to the largest free trade area in the world by number of participating countries.

The economic case was compelling. Intra-African trade which hovered around sixteen percent of total African exports in 2019 before declining to approximately 13.6% in 2022 and recovering modestly to 15% in 2023, remains strikingly low compared to roughly intra-regional trade in Europe at sixty-eight percent, Asia at fifty-nine percent, and North America at thirty-one percent.¹ World Bank estimates pointed to income gains of nearly 7% by 2035 with particular benefits for women and workers in the informal sector, who constitute the backbone of African cross-border commerce.²

These figures attracted understandable celebration. What they attracted rather less of was honest reckoning with the conditions under which African cross-border trade actually takes place. Africa has fifty-four countries, over three hundred languages spoken across trade routes, currencies that are frequently non-convertible, and road networks that remain among the most

¹ UNCTAD, Economic Development in Africa Report 2024: Unlocking Africa's Trade Potential (United Nations, 2025)

² R Echandi, M Maliszewska, & V Steenberg, 'Making the most of the African Continental Free Trade Area: Leveraging trade and foreign direct investment to boost growth and reduce poverty' (2022) World Bank.

underdeveloped in the world. Most critically for the purposes of this paper: its borders are simultaneously among the longest and the least effectively governed on earth.

It is those weak, porous, and in many corridors actively contested borders that provide the staging ground for the security crisis now threatening to unravel AfCFTA before it has had any meaningful chance to deliver. The Sahel region alone experienced a more than five-fold increase in violent incidents attributable to Islamist armed groups between 2016 and 2023.³ The Lake Chad Basin remains a theatre for Boko Haram and its Islamic State West Africa Province offshoot, movements whose operational geography straddles the borders of Nigeria, Niger, Chad, and Cameroon, four countries that together account for a significant portion of AfCFTA's projected intra-regional trade gains. In East Africa, Al-Shabaab continues to destabilise Somali territory and project violence into Kenya and Ethiopia. Across these corridors, the human cost is incalculable. The economic cost is enormous and growing.

The central argument of this paper is that AfCFTA's current legal and institutional architecture operates on an implicit assumption that the security environment is either neutral or manageable through standard market mechanisms. That assumption is wrong, and its wrongness has specific legal and policy consequences demanding urgent scholarly attention. The paper situates AfCFTA within African regional integration and international trade law and maps the security landscape: the actors, corridors, and mechanisms through which insecurity undermines trade. The work also examines the legal framework, identifies its structural security blind spot and draws comparative lessons from other free trade agreements.

³ Armed Conflict Location & Event Data Project (ACLED). (2024, January 17). *Conflict Watchlist 2024 | The Sahel: A Deadly New Era in the Decades-long Conflict*.

2.0 AfCFTA IN CONTEXT: ARCHITECTURE, AMBITION, AND LEGAL FRAMEWORK

2.1. The Agreement's Commercial Architecture

AfCFTA is not a single instrument but a framework agreement supported by protocols on trade in goods, services, investment, intellectual property rights, competition policy, and digital trade. The Protocol on Trade in Goods, the agreement's commercial centrepiece, requires member states to eliminate tariffs on ninety percent of goods on defined timelines, with sensitive and excluded products receiving special treatment. The Agreement entered into force on 30 May 2019; the Protocol on Trade in Goods began its operational phase on 1 January 2021, following a six-month delay caused by the COVID-19 pandemic. The baseline tariff elimination schedule runs over five years for developing countries and ten years for least developed countries, measured from that commencement date.⁴

The institutional structure comprises the Assembly of Heads of State and Government as the supreme decision-making body, the Council of Ministers, the Committee of Senior Trade Officials, and the AfCFTA Secretariat, established in Accra. The dispute settlement mechanism under Article 20 follows a model broadly consistent with the WTO's Dispute Settlement Understanding, modified for the African context: it privileges consultation and negotiation before adjudication.

⁴ Agreement Establishing the African Continental Free Trade Area (AfCFTA), Annex 1 on Schedules of Tariff Concessions; Annex 2 on Tariff Concessions for Least Developed Countries. See also AfCFTA Secretariat, 'Operational Guidance on Tariff Liberalisation Schedules' (2020).

Tariff schedules have been a source of ongoing negotiation since the agreement's entry into force, and the slow progress on market access commitments is itself telling. Countries uncertain about their capacity to manage cross-border flows are reluctant to commit to liberalisation timelines they cannot guarantee. Security is part of that uncertainty, though it is rarely named as such in the official record.

2.2. The Legal Foundation: WTO Law and African Integration

AfCFTA operates within the framework of international trade law as established by the WTO Agreement, to which all African Union member states except Eritrea are party. Article XXIV of the General Agreement on Tariffs and Trade 1994 and Article V of the General Agreement on Trade in Services provide the legal basis for free trade agreements, permitting derogation from the Most Favoured Nation principle under defined conditions.⁵ AfCFTA's architects designed the agreement to satisfy these requirements: it covers substantially all trade, the transition period is of defined duration, and it does not raise barriers to third-party trade.

Within Africa, AfCFTA coexists with a constellation of regional economic communities, including ECOWAS, SADC, EAC, COMESA, and the AMU. The relationship between AfCFTA and these RECs is governed by the principle of variable geometry, and existing REC obligations take precedence where they offer more favourable trade conditions. This provision has created interpretive difficulties in practice.

What is conspicuously absent from this architecture is any provision treating peace and security as a precondition for, or an integral component of, economic integration. AfCFTA contains no

⁵ General Agreement on Tariffs and Trade 1994 (GATT), Article XXIV; General Agreement on Trade in Services (GATS), Article V. See also Understanding on the Interpretation of Article XXIV of the GATT 1994.

equivalent of the EU's Common Foreign and Security Policy, no mechanism for coordinating responses to security threats that disrupt trade, and no framework for suspending obligations where security conditions make performance impossible. The agreement contains a General Exceptions clause modelled on GATT Article XX and a Security Exceptions clause modelled on GATT Article XXI,⁶ but these are defensive provisions. They allow member states to derogate from their obligations on security grounds. They don't create any positive obligation to address security threats that undermine the agreement's operation. That distinction matters enormously.

3.0 THE SECURITY LANDSCAPE: ACTORS, CORRIDORS, AND MECHANISMS OF DISRUPTION

3.1. The Taxonomy of Insecurity

Three broad categories of armed actors affect African trade corridors, and they differ in motivation, structure, and the specific mechanisms through which they disrupt commerce. Cross-border terrorist organisations operate with explicit political and ideological agendas. Criminal networks engage in banditry, kidnapping, and extortion along trade routes. State actors and state-affiliated militias generate collateral disruption through their conflicts with each other or with non-state groups.

These categories are not mutually exclusive. The most destabilising actors in Africa's trade corridors are hybrids: organisations that began with political motivations but have developed criminal economic models that actively require the maintenance of disorder. Boko Haram and its

⁶ Agreement Establishing the AfCFTA, Article 29 (Security Exceptions). The provision reads, in relevant part: 'Nothing in this Agreement shall prevent a State Party from taking measures that it considers necessary for the protection of its essential security interests...'

ISWAP offshoot exemplify this. They are simultaneously ideological insurgencies and criminal enterprises whose revenue depends on disrupting legitimate trade, imposing informal taxation on traders, and controlling smuggling networks that the failure of formal trade facilitation has made essential. In other words, AfCFTA's success is, from their perspective, a direct threat to their business model.

3.2. The Sahel Corridor: A Case Study in Compound Insecurity

The Sahel belt, stretching across Mauritania, Mali, Burkina Faso, Niger, Chad, and parts of northern Nigeria, has become the most acute convergence point of terrorism, banditry, and border weakness in the AfCFTA geography.⁷ The G5 Sahel Joint Force, established in 2017 precisely to address cross-border insecurity, has struggled to translate political will into operational effectiveness. Chronic underfunding, coordination failures, and the departure of key external partners have left it effective in press releases rather than on the ground.

The trade consequences are concrete. The Dakar-Bamako corridor, historically one of West Africa's most important trade routes connecting Senegalese ports to the landlocked economies of Mali, Burkina Faso, and Niger, has seen dramatic increases in transit costs since 2019. ECOWAS data indicate that transporting goods along conflict-affected corridors now costs between thirty and seventy percent more, depending on the route and commodity.⁸ Insurance premiums for road cargo have risen correspondingly, making formal trade economically unviable for the small and medium enterprises that AfCFTA is most intended to benefit.

⁷ Gerald Krieger, 'Challenges in Mali, the Importance of Legitimate Governance in Combatting Terrorism and Violent Extremism' [2022] *Journal of Strategic Security* vol 15 (3) 22-38.

⁸ ECOWAS Commission, 'Trade Facilitation and Transport in the ECOWAS Region: Impact of Conflict on Transit Costs' (Working Paper, 2022). The thirty to seventy percent cost increase estimate is based on surveys of transporters and traders along the Dakar-Bamako and Abidjan-Ouagadougou corridors between 2019 and 2022.

Beyond the cost increase, Sahel insecurity has produced what trade economists call trade route substitution: the displacement of commerce from formal, monitored corridors to informal, ungoverned routes where armed groups extract rents and customs authorities can't function. This guts the revenue benefits that governments were promised through AfCFTA implementation. Dutiable goods move through channels where no duty is collected, no trade data is recorded, and no phyto-sanitary or standards compliance is possible. AfCFTA's promise of eliminating non-tariff barriers becomes theoretical when traders can't safely access the border posts where those barriers would otherwise be administered.⁹

3.3 The Lake Chad Basin: Terrorism and the Fragmentation of Regional Markets

The Boko Haram insurgency began in Maiduguri in Nigeria's Borno State in 2009 and expanded dramatically after 2011, fundamentally re-organising the political economy of the Lake Chad Basin.¹⁰ Lake Chad itself, a body of water that has shrunk by ninety percent since the 1960s due to climate change, had historically served as a commons supporting the livelihoods of some forty million people across four countries. The cross-border commerce of the basin, encompassing fish, agricultural produce, livestock, and manufactured goods, was informal, culturally embedded, and economically essential.

Since 2011, that economy has been systematically disrupted. Boko Haram and ISWAP established taxation systems at numerous crossing points, charging traders for passage in a manner that mirrors a customs authority, but without any of the public goods that customs

⁹ Inocent Moyo, 'The African Continental Free Trade Area and informal cross border trade: implications on socio-economic development in Africa' [2023] *Journal of Contemporary African Studies* 41(4) 408-419.

¹⁰ D V Dan-Azumi, 'Countering Boko Haram insurgency in Northeastern Nigeria: Indigenous knowledge as an incentive for rethinking approaches to counterterrorism in Africa' [2025] *Behavioral Sciences of Terrorism and Political Aggression*, 1–20.

authorities are supposed to provide, and with the ever-present threat of violence for those who refuse. Traders who can't afford the informal levies, or who attract attention as kidnapping targets, have progressively withdrawn from cross-border commerce. The Nigerian-Cameroonian border, one of AfCFTA's potentially most productive trade corridors connecting Nigeria's manufacturing base with Central African markets, has been significantly depressed as a result.¹¹

The Multinational Joint Task Force, comprising troops from Nigeria, Niger, Chad, Cameroon, and Benin, has achieved tactical successes against Boko Haram and ISWAP but has not achieved the sustained territorial control needed to restore trader confidence. Each contributing country's forces tend to prioritise operations within their own territory, and cross-border pursuit is governed by complex protocols that armed groups have learned to exploit. The structural misalignment between the geography of the threat and the geography of the response mirrors precisely the structural misalignment between AfCFTA's ambitions and its security blind spot.

3.4 East Africa and the Horn: Al-Shabaab and the Disruption of Emerging Markets

Kenya, Ethiopia, Tanzania, Rwanda, and Uganda are among AfCFTA's most commercially dynamic economies and have made the most progress in implementing the agreement's early trade facilitation provisions. The East African Community provides a relatively advanced integration platform from which AfCFTA implementation can build. But the persistent threat of Al-Shabaab in Somalia, and the organisation's demonstrated capacity to project violence into Kenya, creates a security overhang that bears directly on trade.¹² The Westgate Mall attack of

¹¹ A T Pepeah, R E Eyo, Infrastructure, Informality and Trade Costs Under the AfCFTA: A Gravity Model Analysis of The Cameroon-Nigeria Corridor [2026] European Journal of Economic and Financial Research 10 (3)146-170.

¹² Dimitrios Takos, The Influence of Al-Shabaab in East Africa and Its Implications for Regional Stability

2013 and the Garissa University attack of 2015 were the most visible episodes; the more continuous cross-border incursions in Kenya's northeastern counties are the more economically relevant ones.

The Lamu Port-South Sudan-Ethiopia Transport corridor, one of Africa's most ambitious infrastructure projects, passes through precisely the territory most affected by Al-Shabaab activity. Construction delays, security incidents, and insurance complications have added significant costs and timeline uncertainties to a project conceived as an enabler of regional trade integration.¹³

Ethiopia's internal conflicts, particularly the Tigray conflict of 2020 to 2022 and ongoing instability in Oromia and Amhara, demonstrated the dependency between domestic peace and international trade commitments. During the Tigray conflict, Ethiopia's capacity to implement its AfCFTA commitments was severely constrained. Supply chains, border infrastructure, and administrative capacity were subordinated to conflict management, creating de facto non-tariff barriers that no trade facilitation agreement could address.

3.5 West Africa: The ECOWAS Free Movement Protocol and Its Security Paradox

ECOWAS has long operated the most advanced free movement protocol on the continent, theoretically permitting citizens of its fifteen member states to travel, reside, and work across the sub-region without visas. In practice, the same border porosity that facilitates the movement of

<<https://kedisa.gr/en/the-influence-of-al-shabaab-in-east-africa-and-its-implications-for-regional-stability/>> accessed 14 August, 2026.

¹³ Lamu Port-South Sudan-Ethiopia Transport (LAPSSET) Corridor Development Authority, 'Annual Progress Report 2022' (Government of Kenya, 2023). Security-related delays and cost implications are addressed in Chapter 4 of the Report.

legitimate traders also facilitates the movement of armed groups, weapons, and trafficking networks. Scholars of African border studies have called this the security paradox, and it's apt.¹⁴

This paradox is not an argument against free movement. It's an argument that managing open borders requires active border governance capacity, the ability to distinguish between legitimate and harmful cross-border movement that most West African states currently lack. The military coups in Mali in 2020 and 2021, Burkina Faso in 2022, and Niger in 2023 have all been accompanied by those countries withdrawing from ECOWAS's democratic governance frameworks.¹⁵ Mali and Burkina Faso invited Russian private military actors whose operations have generated significant civilian protection concerns. And the political fragmentation of the Sahel states from ECOWAS's governance architecture has direct implications for AfCFTA's implementation. The agreement depends on functioning governance institutions to administer trade facilitation measures. Where those institutions are compromised, the agreement's commercial provisions operate in a void.

4.0 THE LEGAL BLINDSPOT: HOW AFCFTA'S FRAMEWORK FAILS

THE SECURITY TEST

4.1. The Silence on Security as a Structural Deficiency

¹⁴ Adekeye Adebajo, and Christopher Landsberg, (eds), 'South Africa in Africa: The Post-Apartheid Era' (University of KwaZulu-Natal Press, 2007); Pádraig Carmody, *The New Scramble for Africa* (Polity Press, 2011). The concept of the ECOWAS security paradox is developed in William Reno, *Warfare in Independent Africa* (Cambridge University Press, 2011).

¹⁵ Niger, Mali, Burkina Faso announce withdrawal from ECOWAS

<<https://www.aljazeera.com/news/2024/1/28/niger-mali-burkina-faso-announce-withdrawal-from-ecowas>> accessed 14 August 2026.

AfCFTA Article 29, the Security Exceptions provision, provides that nothing in the Agreement shall prevent a Member State from taking measures it considers necessary for the protection of its essential security interests. The provision is modeled on GATT Article XXI and corresponding WTO jurisprudence, including the panel and Appellate Body decisions in DS512 (Russia Traffic in Transit) and DS591 (Saudi Arabia Intellectual Property Rights).

The WTO jurisprudence on security exceptions, particularly following the Russia Traffic in Transit panel decision of 2019, established that security exception clauses are not entirely self-judging: courts and panels retain jurisdiction to determine whether the invoking state is acting in good faith and within the clause's terms. The traditional view that GATT Article XXI was wholly self-judging has now been authoritatively rejected.¹⁶

But neither the WTO framework nor the AfCFTA Agreement addresses the converse problem: what happens when a member state can't perform its trade liberalisation obligations not because it has chosen to prioritise security, but because the security environment makes performance objectively impossible? The trader who can't reach the border post because the road is controlled by armed bandits isn't invoking a security exception. She simply can't trade. The customs official who can't staff a border post because the surrounding territory is contested by insurgents isn't making a policy choice. He's responding to an objective incapacity. The legal framework provides no language for either of those realities.

This is not a technical lacuna. It reflects a fundamental conceptual limitation. AfCFTA was designed primarily by trade lawyers and economists operating within an intellectual framework that treats peace as the default condition and conflict as the exception. For much of Africa, and

¹⁶ WTO Appellate Body Report, Russia – Measures Concerning Traffic in Transit (DS512), adopted 26 April 2019. The panel's finding that Article XXI is not entirely self-judging represents the most authoritative interpretation of GATT security exceptions to date.

specifically for the corridors and communities that AfCFTA most needs to reach, that framework is inverted. Conflict and insecurity are persistent features of the governance landscape, not temporary deviations from a norm of stability. Designing a trade agreement that ignores this isn't merely impractical. It's unjust, because it promises benefits to populations who cannot access them while holding them formally to obligations they cannot perform.

4.2 The Implementation Gap and the Confidence Deficit

The legal blindspot on security feeds directly into what trade economists call the implementation gap: the widening distance between AfCFTA's formal commitments and actual trade behaviour on the continent. Despite the agreement's entry into force, intra-African trade as a proportion of total African trade had not improved significantly by 2023. The COVID-19 pandemic, slow submission of tariff offers, and inadequate trade facilitation infrastructure all played a part. But the security environment is an independent and significant contributing factor, operating through confidence depression: traders, investors, and importers who can't be confident that goods will move safely along agreed corridors won't make the investment commitments necessary to expand intra-African trade, regardless of what the tariff schedules say.

This confidence deficit hits small and medium enterprises hardest. Large multinationals operating in Africa have the resources to absorb security-related costs through private security, route diversification, and insurance, and the market power to pass those costs on to consumers. Small traders don't have those buffers. For them, insecurity isn't a cost to be managed but a barrier that effectively excludes them from the agreement's benefits altogether. The gendered dimension of this deserves emphasis. The small cross-border traders who dominate informal commerce in West, Central, and East Africa are disproportionately women, and the security risks

they face, including robbery, sexual violence, and harassment at checkpoints staffed by armed actors of various descriptions, are compounded by gender-specific vulnerabilities. AfCFTA's gender chapter, adopted in 2023, has acknowledged this in principle but hasn't addressed it in practice.¹⁷

4.3 Border Governance as Trade Facilitation

One of AfCFTA's central trade facilitation objectives is the harmonisation and simplification of customs procedures, drawing from the WTO's Trade Facilitation Agreement of 2013 and the World Customs Organization's Revised Kyoto Convention. The contemplated reforms, risk-based inspection systems, single windows for trade documentation, coordinated border management, and electronic pre-arrival processing, are all technically sound.

But they all presuppose a functioning customs authority. Where customs officials have been displaced, killed, or rendered inoperative by conflict, as has occurred at numerous border posts across the Sahel, the Lake Chad Basin, and parts of East Africa, the trade facilitation provisions of AfCFTA become inapplicable. Not as a matter of legal interpretation. As a matter of operational reality. AfCFTA's silence on minimum conditions of border governance functionality is not merely an academic concern. It has direct consequences for implementation on the ground.

¹⁷ AfCFTA Secretariat, 'Protocol on Women and Youth in Trade' (2023). The Protocol acknowledges gender-differentiated impacts of cross-border trade insecurity but does not specify enforcement mechanisms.

5.0 COMPARATIVE PERSPECTIVES: SECURITY AND TRADE IN OTHER REGIONAL FRAMEWORKS

5.1 The European Union: Security as an Integration Prerequisite

The EU comparison is instructive not because the EU model is replicable in Africa but because it illustrates what happens when integration architects take security seriously from the outset. The EU's foundational premise, articulated in the Schuman Declaration of 1950 and institutionalised in the European Coal and Steel Community, was explicitly political: integrating European markets was conceived primarily as a mechanism for making war between European states impossible by making their economies interdependent. Security wasn't an afterthought to economic integration.¹⁸ It was the original justification.

That foundational logic produced institutional consequences that remain relevant today. The EU's Common Foreign and Security Policy, however imperfect, provides a framework through which member states coordinate security responses to threats affecting collective interests, including trade. The EU Border and Coast Guard Agency provides supranational capacity for managing external borders consistently with Schengen's internal free movement principles. And the EU's enlargement conditionality, the requirement that candidate members meet standards of democratic governance, rule of law, and stability before accession, functions as a form of security pre-screening that AfCFTA entirely lacks.

¹⁸ Schuman Declaration, May 1950 < <https://epthinktank.eu/2025/05/08/schuman-declaration-may-1950/>> accessed 14 August 2026.

5.2. ASEAN and the Non-Interference Principle

The Association of Southeast Asian Nations (ASEAN) represents a different and in some ways more comparable model, operating among countries at very different levels of development with divergent political systems. The so-called ASEAN Way, prioritising state sovereignty over collective security intervention, has both advantages and limitations that are instructive for the AfCFTA context.¹⁹

The advantage is that it has permitted economic integration to proceed among states that could not otherwise agree on collective security governance. The ASEAN Free Trade Area and subsequently the ASEAN Economic Community achieved meaningful trade integration among states with histories of mutual suspicion and significant internal security challenges. The limitation is that non-interference prevented ASEAN from developing effective responses to security threats that transcend individual member states. The Rohingya crisis showed this clearly: collective action is difficult when the ASEAN Way prohibits the peer pressure that would otherwise incentivize compliance.

For AfCFTA, the ASEAN comparison suggests that non-interference need not be an absolute barrier to security-trade integration. But it creates a ceiling above which security cooperation can't easily rise without political will that, frankly, doesn't exist at the required scale.

¹⁹ Thanawat Pimoljinda, Sunee Hongwiset, Slamet Rosyadi, 'The ASEAN Way in the Changing Global Economic Environment' (2022)

<https://www.researchgate.net/publication/358042140_The_ASEAN_Way_in_the_Changing_Global_Economic_Environment/link/620deed7eb735c508ada14a6/download?_tp=eyJjb250ZXh0Ijp7ImZpcnN0UGFnZSI6InB1YmxpY2F0aW9uIiwicGFnZSI6InB1YmxpY2F0aW9uIn19> accessed 12 August 2026.

5.3 The Colombia Free Trade Agreement Experience

Colombia's experience with free trade agreements, including the US-Colombia Trade Promotion Agreement of 2012 and the EU-Colombia-Peru agreement, offers a third relevant comparison. Not because it's a regional integration framework in the AfCFTA sense, but because it shows what trade liberalisation in the context of active internal armed conflict actually requires. Colombia's experience demonstrates that it is possible, but that it demands deliberate and sustained attention to the differential effects of liberalisation on conflict-affected communities.²⁰

The Colombian peace process, culminating in the 2016 Peace Agreement between the government and the FARC, incorporated trade and rural development provisions for a specific reason: negotiators on both sides understood that the economic marginalisation of conflict-affected rural communities had been a structural driver of conflict. Trade-led development could be part of a durable peace strategy. That bi-directional logic, treating security as a precondition for trade and trade as a component of security, is largely absent from AfCFTA's institutional design. It deserves explicit incorporation.

6. TOWARDS A RECONCEPTUALISED FRAMEWORK: PROPOSALS FOR REFORM

²⁰ Juan José Echavarría and Lawrence Sherrer, 'Trade Policy and the Colombian Peace Process' (Inter-American Development Bank Working Paper, 2018). See also Felipe Botero, and Juan Diego Prieto, 'Armed Conflict and Free Trade: The Colombian Experience' [2019] 22 Latin American Politics and Society 45.

6.1 Embedding Security in the AfCFTA Architecture

The most fundamental reform needed is conceptual before it is legal or institutional. AfCFTA's implementation must be reconceived as a peace and security project as well as a trade project. This is not rhetorical positioning. It requires integrating security considerations into the agreement's implementation monitoring, developing institutional linkages between the AfCFTA Secretariat and the African Union Peace and Security Council, and building jurisprudence capable of addressing security-trade intersections in a nuanced manner.

Concretely, this means amending the AfCFTA Agreement to include a Protocol on Trade and Security. Such a protocol would complement the existing instruments by: establishing minimum standards of border governance functionality as a condition for the full application of trade facilitation obligations; creating a Trade Security Committee comprising representatives of the AfCFTA Secretariat, the AU Peace and Security Council, and relevant RECs; establishing a Security Exception Review Procedure distinguishing between states invoking security exceptions as a policy choice and those genuinely incapacitated by conditions beyond their control; and creating a Trade Corridor Security Fund, financed through a portion of the tariff revenues generated by AfCFTA implementation, to support border governance and corridor security infrastructure in affected regions. (Whether the last of these would survive contact with member states' finance ministries is another question, but it deserves to be put on the table.)

6.2. Corridor-Based Implementation: A Phased, Security-Sensitive Approach

In the near term, AfCFTA's implementation should adopt a corridor-based approach that distinguishes between trade corridors on the basis of their security environment. Rather than

applying uniform implementation timelines across the continent, the AfCFTA Secretariat, working with member states and RECs, should develop Security-Differentiated Implementation Schedules allowing more rapid liberalisation in stable corridors while creating modified obligations and enhanced support mechanisms for insecurity-affected ones.

This isn't a novel concept in international trade law. The WTO's Special and Differential Treatment provisions, and AfCFTA's own provisions for least developed countries, already recognise that uniform obligations applied to unequal circumstances produce inequitable outcomes. Extending that logic to security-differentiated circumstances is legally coherent and practically necessary. And a corridor-based approach creates a positive incentive structure: governments that improve security conditions in their corridors can accelerate their liberalisation timelines. That connects peace-building investment directly to trade benefit in a way that pure commercial scheduling does not.

6.3. Strengthening the African Union's Peace-Trade Nexus

The African Union operates two largely separate institutional architectures: the peace and security architecture, centered on the Peace and Security Council, the Continental Early Warning System, and the African Standby Force; and the trade and economic integration architecture, centred on AfCFTA and the RECs. These two architectures rarely communicate in any structured way. Security deterioration affecting trade is not systematically flagged within the trade implementation system. Trade-related economic grievances contributing to conflict are not incorporated into conflict early warning analyses. The gap between them is not just inefficient. It's dangerous.

Bridging it requires more than a memorandum of understanding between the AfCFTA Secretariat and the AU Commission's Peace and Security Department. It requires a joint monitoring platform, perhaps a Trade-Security Early Warning System, collecting and synthesising data on security incidents affecting trade corridors, trader confidence levels, border post functionality, and armed group activity in ways that can inform both trade facilitation decisions and conflict prevention responses.

6.4. Reforming Security Exception Jurisprudence

AfCFTA's dispute settlement mechanism needs a more sophisticated jurisprudence on security exceptions than the WTO has managed to develop. The WTO's binary framing, in which a state is either invoking a valid exception or it isn't, is inadequate for the AfCFTA context. The relevant question is often not whether a state is invoking a security exception but whether and how the agreement's obligations can be meaningfully applied in a severely degraded security environment.

A more sophisticated jurisprudence would recognise a category of force majeure security conditions: circumstances in which security conditions have objectively rendered performance of trade obligations temporarily impossible. The legal consequences would be graduated, not simply the wholesale suspension of obligations, but structured engagement between the affected state, the Secretariat, and fellow member states, aimed at identifying what can still be performed, what requires temporary suspension, and what support is needed to restore conditions for full performance. The International Law Commission's Articles on State Responsibility offer

analytical tools here, particularly the provisions on force majeure and necessity, though adapting them to the trade law context requires careful work.²¹

6.5. Engaging Informal Trade Networks

Any re-conceptualised framework must grapple honestly with the role of informal trade networks in Africa's trade reality. A significant portion of intra-African trade, estimates range from thirty to fifty percent depending on the region and methodology flows through informal channels outside the formal AfCFTA framework.²² These networks aren't simply tolerated tax evasion. They are the primary mechanism through which millions of Africans meet their food security, livelihood, and consumption needs, particularly in border areas where formal market infrastructure doesn't exist.

AfCFTA's architects know this. The agreement's trade facilitation provisions are partly designed to bring informal trade progressively into the formal economy. But the security environment is pushing in precisely the opposite direction: making formal border crossing more dangerous and less reliable, pushing trade into informal channels with no protocol compliance, no standards harmonisation, and no data capture. Addressing this requires engagement not only with governments and formal sector actors but with the organisations that actually manage and sustain informal cross-border trade, traders' associations, market women's groups, informal sector

²¹ International Law Commission, Articles on Responsibility of States for Internationally Wrongful Acts (2001), Articles 23 (Force Majeure) and 25 (Necessity). GAOR 56th Session Supp 10, UN Doc A/56/10.

²² African Development Bank, 'African Economic Outlook 2022: Financing Africa's Recovery and Transformation' (AfDB, 2022). The thirty to fifty percent range reflects the consensus in the literature. See also Nora Lustig and others, 'Measuring Informal Trade in Africa' (WIDER Working Paper, 2021).

federations. These organisations have knowledge of local security dynamics, trusted relationships with border communities, and practical mechanisms for managing risk that formal institutions lack. AfCFTA's implementation framework should create structured consultation mechanisms for these actors. Not as an afterthought.

7.0 CONCLUSION

AfCFTA is not merely an economic agreement. It is a statement about what Africa believes it can be, an argument against the pessimism that has too often reduced a continent of extraordinary human and natural wealth to a landscape of aid dependence and missed potential. AfCFTA's architects deserve recognition for the ambition and political courage that brought it into existence. The agreement is real. Its Secretariat is functional. Its potential, properly realised, is genuinely transformative.

But potential unrealised is aspiration. And aspiration unanswered by honest assessment of obstacles is ultimately a disservice to the populations it's meant to serve. The security threats documented in this paper are not peripheral to AfCFTA's implementation. They are central to it. They affect the corridors, the communities, the traders, and the border posts through which AfCFTA's benefits must flow. They can't be addressed by the agreement as currently conceived, because the agreement as currently conceived doesn't see them.

This paper has argued for a re-conceptualisation, not an abandonment, of AfCFTA's approach. It has proposed specific legal reforms, institutional innovations, and implementation strategies that would embed security consciousness into the agreement's architecture without abandoning its liberalisation ambitions. It has drawn on comparative experience to show that the peace-trade

nexus is not a novel idea but a tested one, and that free trade areas in other parts of the world have navigated the intersection of commerce and conflict more intelligently than AfCFTA currently does.

These reforms won't be easy. They require political-will in circumstances where political will is in short supply. They require institutional innovation in bureaucracies that resist it. And they require new thinking about the relationship between security and trade in a field that has historically treated these as separate domains. But they are not impossible, and the cost of refusing them is already being paid; in lost trade, in lives disrupted, in communities that AfCFTA promised to reach and has not reached.

Africa's economic integration can't wait for perfect conditions. But it can't proceed as though the conditions that exist don't matter. AfCFTA must become an agreement that is as serious about the realities of African governance as it is about the ambitions of African commerce.