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Editorial: Special Issue on Business, Law, and Economics in the African Continental Free Trade Area and National Economies

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ABSTRACT

This special issue brings together a collection of 15 peer-reviewed articles originating from a conference organised by the African Society for Business Law and Economics (ASBLE), a collaborative initiative involving the University of the Western Cape, the University of the Witwatersrand, and the University of the Free State. The conference was held in Bloemfontein on 7–8 September 2023 and provided a platform for scholarly engagement on contemporary issues at the intersection of business, law, and economics in Africa. Following presentation and discussion at the conference, the selected papers underwent a rigorous double-blind peer review process, one supplemented by further internal review in accordance with the journal's quality assurance procedures. The final set of articles was accepted for publication in Law, Democracy & Development. *The contributors represent a diverse range of scholars and practitioners from across the continent, including deans, professors, lecturers, postdoctoral researchers, doctoral candidates, and legal and economic practitioners, reflecting the depth and breadth of expertise engaged in this special issue.*

Keywords: Business; law; economics, AfCFTA; national economies; regional integration; regional economic communities

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EDITORIAL

On 7–8 September 2023, the African Society on Business Law and Economics (ASBLE) hosted its inaugural conference. The Society itself, established in January 2023 as a joint initiative of the University of the Western Cape, the University of the Witwatersrand, and the University of the Free State, was created to provide a platform for researchers, practitioners, and students working at the intersection of law, business, and economics to regularly engage on contemporary issues of shared interest.

The conference was a success, with more than 40 academic papers presented. Following peer engagement and discussion, a selection of these papers was identified for further development into full-length scholarly articles.

The conference was themed "Dreams versus Reality: The Practical Implementation of the African Continental Free Trade Area (AfCFTA) and Its Protocols". Its primary objective was to examine the economic and legal implications of the AfCFTA for member states and their domestic legal systems. Contributors were also encouraged to engage broader national and regional issues situated within the fields of business, law, and economics.

The focus on the AfCFTA is particularly significant given the latter's transformative potential for trade and economic integration on the continent. The Agreement seeks to bring together 55 member states of the African Union and eight regional economic communities into a single market for goods and services, serving an estimated 1.3 billion people with a combined gross domestic product of approximately USD 3.4 trillion. The AfCFTA entered into force on 30 May 2019 following ratification by 24 member states, with trading under the Agreement commencing on 1 January 2021.

Central to its implementation are protocols on investment, intellectual property rights, competition policy, and e-commerce. While significant progress has been made, important questions remain regarding the effective implementation of the AfCFTA and whether its transformative ambitions can be fully realised. Against this backdrop, conference participants critically engaged with the AfCFTA and domestic legal frameworks from a range of interdisciplinary perspectives.

This special issue brings together the final selection of papers emerging from that conference. The special issue was edited by Tinashe Kondo (Associate Professor, Department of Mercantile and Labour Law, University of the Western Cape), Tavuyanago Simbarashe (Lecturer and Programme Director, Department of Mercantile Law, University of the Free State), and Cliff Lewis (Chief Science Officer, Human Core).

Brink examines anti-dumping and trade policy in South Africa within the framework of the World Trade Organization regime, with a specific focus on the poultry and glass industries. Awarab, in his first contribution, provides a critical assessment of human resource management in employee relations under Namibian law, focusing on the extent to which employee relations officers understand the legal framework governing their functions. In a second contribution, Awarab turns to South Africa and evaluates the

effectiveness of the Companies Act 71 of 2008 in regulating employee share-ownership schemes as a tool for socio-economic development.

Gudo analyses corporate governance regulation and performance in state-owned enterprises in South Africa and Zimbabwe. Kamga interrogates whether the AfCFTA presented a missed opportunity to advance the right to development in Africa. Kondo examines the role of competition law in promoting, protecting, and stimulating the growth of small and medium-sized enterprises in South Africa. Drawing on the Baba Ahmadou Danpullo dispute, Kouamo considers whether the AfCFTA Protocol on Investment, in terms of its scope, can be extended to existing investment disputes.

Mavedzenge explores regulatory challenges associated with the transition towards a fully digitalised, artificial intelligence-driven global economy. Munyai addresses the problem of corruption in the context of the AfCFTA. Okika and Booley examine remedies for defective goods in South African consumer law, contrasting the *actio redhibitoria* with section 56(3)(b) of the Consumer Protection Act 68 of 2008. Vinti analyses the powers of the Minister of Finance in South Africa to amend schedules to the Customs and Excise Act 91 of 1964 to impose tariffs and trade remedies.

Chimeri highlights the importance of regulatory integration in Africa through an examination of technical barriers to trade under the AfCFTA. Booley and others explore innovations in e-commerce security in the Fourth Industrial Revolution, undertaking a comparative analysis of South Africa and the United Kingdom. Lunani maps the efficiency and effectiveness of the AfCFTA dispute settlement system. Finally, Kolobe and Tavuyanago explore the issue of 'side-hustling' and the duty of good faith in the context of *Bakenrug Meat v CCMA and Others*.