TOWARDS DEEP AFRICAN REGIONAL INTEGRATION, "APEC" AS A COMPARATIVE MODEL FOR AFRICA?

Oudebji Mohamed

Faculty of Law and Economics, University of Marrakech-Morocco, moudebji@hotmail.com

Abstract

For more than two decades, the phenomenon of the proliferation of regional integrations has been observed in the five continents of the world, including within the African continent. Moreover, the current multilateral trade negotiations in the Doha Round of the World Trade Organization (WTO) being paralyzed, these regional integrations (or bilateral or regional trade agreements) are multiplying on a global scale because of the crisis of this Cycle multilateral trade especially, and without forgetting the acceleration of the process of economic globalization.

In fact since the 80s and 90s of the last century, at least, the phenomenon of the multiplication of the number of integrations or agreements which establish, among other things, free trade zones, customs unions and other types of preferential trade agreements.

From a strictly economic point of view, the advantage of regional integration for small countries, most of them developing countries and African countries can be very interesting. Generally by signing such agreements, developing countries in Africa - for example - hope to export more and attract more foreign capital and foreign direct investment (FDI) to integrate into the global economy, will increase their prospects for growth, employment and improve the standard of living of their populations. In addition to these advantages mentioned above, it will be added, on the basis of an OECD study, that the developing countries, in particular, conclude these regional integration agreements in order to benefit from the relative advantage easier access to markets. In addition to these objectives, these countries are also interested in these agreements in the sense that they hope, above all, to achieve greater integration in the south-south or north-south direction.

With regard to the disadvantages, but without addressing in this introduction the negative consequences resulting from the current proliferation of bilateral or regional agreements, it should be pointed out that this tendency presents, amongst other things, legal disadvantages. For the most part, the main legal problem lies in the overlapping and inconsistency of provisions on the governance of regional integration agreements, notably on the scale of African space. Hence the complex problem of fragmentation of this space, which is characterized by the existence of many African sub-regional integrations. It is on the basis of this problem, and because of the lack of progress in both the African region and the WTO, that African countries are obliged to rethink their foreign policies on the issue of Regional integration: whether it is the African continent itself or the rest of the world.

But in the absence of multilateral solutions to this phenomenon of legal overlap caused by the multiplication of these agreements, it is to the APEC model of integration of the interregional turn to find good solutions

even if it is adapted to the African socio-economic context. However, it is necessary to emphasize that the study of the specific APEC example will merely serve as a comparative model to which Africa could be guided to some extent, because there is no unique solution to ensure deep regional integration.

Finally, it is important to remember that it is the idea to think of the conclusion of a future deep African regional integration agreement based on the successful experience of APEC's inter-regional, which constitutes the basic research problem of my present article.

Keywords: Asia-Pacific Economic Cooperation (APEC), regional integrations in Africa, World Trade Organization (WTO)

1. SPECIFIC PROBLEMATIC, PLAN AND INTEREST OF THE STUDY

The specific problematic of this article is the need to negotiate a future deep regional integration agreement on the part of all African countries based largely on the APEC comparative model. Without purporting to exhaust the analysis of this problematic issue (towards a new African regional deep integration agreement, based on the APEC model) I can examine this problematic on the basis of a multidisciplinary approach and comparative methodology. Thus in addition to the introduction, in the first part of this paper, I will present a brief overview of the regional integration process in Africa and an analysis of the Tripartite Free Trade area as a first step towards an African Continental Free Trade area. Part two focuses on APEC Cooperation and Inter-regional Integration Agreement as a comparative example of how Africa could be inspired. These are the two main questions I will analyze successively in this article.

It seems that no comparative research articles in international economic development law specifically and the social sciences as a whole have so far focused on the study of this specific problematic. Hence the theoretical interest of such comparative and multidisciplinary research and which consists, mainly, in making more understandable to most academics / students, as well as to state and non-state actors, countries in the African region and of the rest of the world, its theoretical importance. This explains the practical interest of my article in view of the existence of a considerable number of integration agreements in the African continent, which is paradoxically fragmented by these agreements.

2. PART I: THE MULTIPLICATION OF REGIONAL INTEGRATIONS IN AFRICA AND THE FUTURE AFRICAN CONTINENTAL FREE TRADE AREA

The global phenomenon of regional integration is not new to the African region. The first attempts of regional integration in Africa date back to the 1960s and 1970s of the last century. But in reality it was towards the beginning of the 1990s that African regional integrations grew in number following the signing on 3 June 1991 at the Summit of Heads of States and Government of the Member States the Organization of African Unity (OAU), the Abuja Treaty establishing the African Economic Community19. An important characteristic of the establishment of an African Economic Community is that it constitutes an innovative and ambitious project20. Moreover, the signing in Abuja (Nigeria) of the Treaty establishing the African Economic Community and the entry into force of the Treaty on 12 May 1994 enables Africa to integrate into the world trading system as governed by the WTO agreements since their signature in April 1994 in Marrakesh.

In the section that follows, I will discuss the phenomenon of multiplication of sub regional integrations which, in addition, is the distinctive characteristic of African "regionalism".

2.1. Section I: The phenomenon of multiplication of sub- regional integration in Africa

It is extremely important to recall that African regionalism, born of the Abuja Treaty, takes into account existing integrations by recognizing just 8 African sub-regional integrations. These are the integrations that follow. The Arab Maghreb Union (AMU), the Community of Sahelo-Saharan States (CEN-SAD), the Economic Community of West African States (ECOWAS/CEDEAO), the Common Market of Eastern and Southern Africa (COMESA), Economic Community of Central African States (CAEEAC), Southern African Development Community (SADC), Intergovernmental Authority on Development (IGAD), East African Community (EAC).

At present, Africa has the largest number of sub-regional integrations. Moreover African countries are

consequently grouped together in nearly 300 regional or sub-regional intergovernmental integration agreements. It would seem, then if I am not mistaken, that there are many African sub-regional integrations - notably - in economic form: that is, superficial integration agreements, but there are not however Integration in depth. It is not a matter of making a comprehensive analysis of all the existing sub-regional integrations in Africa, but it is enough to briefly review the two experiences of ECOWAS (CEDEAO in French) and COMESA.

2.1.1. The Economic Community of West African States (ECOWAS/CEDEAO)

Established on 28 May 1975 by a treaty signed in Lagos by 15 West African countries and based in Abuja, 22 this sub-regional grouping brings together, at the same time, Francophone countries (eg Benin and Senegal) and Anglophones (eg Ghana And Nigeria). ECOWAS (CEDEAO) is created to function as a common market to establish, ultimately, an economic union on the basis of economic free exchange generally and free trade especially.

From an in-depth reading of Article 3 of this Treaty - as revised -24 establishing ECOWAS (CEDEAO), it can be deduced that its main objective is to promote cooperation and integration in the economic, social and cultural fields In order to achieve economic union by integrating the economies of its member states: "with a view to raising the standard of living of its peoples ... and contributing to the progress and development of the African continent".

As regards the obligations contained in the treaty, they take the form of general commitments. In this regard, article 5, paragraph 1 (generically entitled *General Undertaking*) provides that: "Member States shall undertake to create conditions conducive to the attainment of the objectives of the Community; In particular to take all necessary measures to harmonize their strategies and policies". The question which may arise in relation to this obligation under paragraph 1 of the above-mentioned Article is: what is the true legal value of such an obligation? I can say, with all due respect, that these are not obligations of results, but obligations of means. That is, it is the ECOWAS (CEDEAO) countries themselves which are obliged to adopt means or measures within the framework of their national policies in order to apply, inter alia, the obligation laid down in Paragraph 1 of article 5. Consequently, the guarantee of the possible fulfillment of legal obligations is subject only to the sovereign will of the States in question, but not to a regulatory and supranational structure which should ensure its enforcement, application. In the light of this legal situation, it is generally (from a strictly legal point of view) the fact that the discipline of international economic law of development (IELD) is not obligatory and for this reason we can understand that IELD is not a hard law but constitute a soft law. Thus, because the law of regional integration is a component of this specialty (IELD) of the social sciences, and moreover is influenced, mainly, by economic, political and legal variables.

To return to these obligations of means, these can constitute an obstacle to the proper functioning of the ECOWAS (CEDEAO) Treaty. Moreover, the asymmetries or inequalities in development between the countries of this group have influenced the application of another type of obligation. This is the case for the differentiated application of certain obligations which are not explicitly mentioned in the integration treaty. Thus, for example, the obligations of tariff rate reductions vary according to the three (3) groups of countries that have been determined according to their level of development.

This descriptive presentation of the differentiated application of the legal commitments of the three (3) different countries forming the sub-regional integration would be insufficient if it is not supplemented by a brief and critical analysis grid. In this sense, the right of sub regional integration as reflected in the ECOWAS (CEDEAO) Treaty, in particular, has resolved in a clear way the problem posed by the underdevelopment of certain ECOWAS African countries which are situated At different levels of development. Thus, in order to create formal legal equality between all these countries because of their real situation of unequal development (or difference in their level of development), the drafters of the ECOWAS (CEDEAO) Treaty have managed to obtain a Differentiated and more favorable treatment of the obligations assumed by these three groups of countries 27.

For example, UNCTAD studies of regional integration in the late 1990s indicated that the effective or actual implementation of the treaty provisions only began in 1990. In my view , It appears that the late operation of this agreement is due to the slowness of the procedure for its late ratification by at least 9 signatory States, a number which is moreover explicitly required by Article 89.

Finally, without going into the ECOWAS (CEDEAO) case, I will return briefly to the case in Section II, where we will analyze the tripartite merger agreement of October 2008 between COMESA, EAC and SADC . Agreement aimed at strengthening cooperation and harmonization between these three African sub-regional integrations.

2.1.2. Common Market for Eastern and Southern Africa (COMESA)

COMESA (Common Market for Eastern and Southern Africa) was established by the signing of its treaty in november 1993 by nineteen countries (their population exceeds 389 million).

Under Article 4 (*Specific Undertakings*), COMESA's priority objective is to become a Common Market. But before achieving this final common market objective, COMESA, since the entry into force of its treaty in December 1994, operates in the form of custom union which is its first step to go further towards the ultimate stage of Economic integration in the form of a common market.

This traditional approach to economic integration therefore involves a process of evolutionary integration that will allow the transition from custom union and free trade areas to a common market covering the whole territory of COMESA member countries.

COMESA and ECOWAS are among the main African regional integration agreements or treaties that deal with free trade in goods and services and the promotion of domestic and foreign investment32. For example, in relation to investment, the Treaty establishing COMESA enshrines its Chapter 26 on the promotion and protection of investments. In short, this chapter contains a broad definition of investment as well as general provisions on expropriation, compensation, remittances and fair and equitable treatment of private investors, both domestic and foreign.

However, the attractiveness of investment in general and FDI in particular, is very low, both at COMESA level and for other African sub-regional integrations such as ECOWAS. According to UNCTAD, studies of these African sub-regional integrations generally attribute their relative inefficiency to the attractiveness of FDI to three factors. Given the narrow framework of my study, I will discuss here the following factor (but without minimizing the importance of the other two elements). The factor in question is that the treatment of investment issues by these African integrations, including COMESA or ECOWAS, is inadequate. Despite the legal competence of ECOWAS as an example on these issues addressed in part in its Chapter 26 above, its treaty provisions and terminology are very vague. Consequently, this poses the legal problem of their interpretation and, consequently, their difficult application in reality.

Lastly, on the basis of the same UNCTAD study dated 2012, it should be noted that a survey of “regional economic integration organizations has shown that, in the order of priorities, investment came after peace and security, the free movement of people, goods, capital and services, agriculture, and infrastructure and energy".

2.2. Section II: The Tripartite Free Trade Area, the first step towards a future Continental Free Trade Area (CFTA) integrating all African countries

According to the many recent studies of regional and multilateral economic organizations, regional integration is an essential means of helping the entire African continent to diversify its exports, enhance its long-term competitiveness in world markets, employment for its young population. The awareness of the socio-economic importance of regional integration for African economies had already attracted the attention of African leaders who wanted to revitalize the process of regional integration through the institution of an African Economic Community grouping all the States of the continent. This ambition formulated by the African leaders to try to create this Community, was translated in a conventional legal text through the signature of the famous treaty of **Abuja** mentioned previously in the previous section.

Thus, for the first time, an Economic Community will be gradually created and which will unite in the future all the countries belonging to the same continental or regional space. Under **article 6** (*Modalities for the establishment of the Community*) of the Treaty of Abuja of 1991, the Community will therefore be implemented in six successive stages over a transitional period of **34 years** from 1994, **1994** year of entry into force of the treaty in question. Under paragraph 5 of the same Article, the transitional period may not exceed 40 years. The African Economic Community should thus be fully legal and institutionalized during the year 2035. However, if one refers to WTO law on regional integration- or rather the "**regional trade agreements**" according to the terminology used by this organization- the 40-year deadline for the completion of the African economic integration project seems too long compared to the 10 years envisaged by the *Understanding Agreement* on the Interpretation of **article XXIV** of the GATT 1994.

Moreover, given the fragmentation of the African region into 54 states, most of which are classified as least developed countries (LDCs), I assume that this is a project which is theoretically very interesting interest But the practical application of which necessarily implies a transfer of sovereignty from the great majority of African countries. For this project of an African Economic Community is not considered as a federation of

African countries, but merely as an international institution of integration. As evidence, in accordance with Article 1 (c) entitled (*Definitions*), the African Economic Community is defined as an integral organ of the Organization of African Union (AU). This status appears to deprive it of all legal personality.

After what has been hitherto explained on the African Economic Community, there is no question here of analyzing, even cursively, the various legal aspects of this Economic Community. For the most part, it should be pointed out that, in order to implement the Abuja Treaty's desire to establish pan-African integration, the African Union decided to suspend until further notice the recognition of any new sub-region, with the exception of 8: AMU, CEN-SAD, COMESA, CAE, CAEEAC, ECOWAS, IGAD and SADC. This decision can be explained by the idea of both avoiding the continual conclusion of continent-wide sub-regional integration agreements and addressing, in particular, the systemic problem of excessive fragmentation of territory which has a negative impact on the challenges facing the continent, such as political stability, climate, food security and human development40. In light of these considerations, an interesting initiative was launched in October 2008, specifically the tripartite merger agreement between COMESA, EAC and SADC. Agreement aimed at strengthening cooperation and harmonization between these three sub-regional integrations. This merger or consolidation agreement is all the more interesting because it provides for the creation of a future free trade area between these three sub-regional entities, which is why negotiations have been initiated between them in the middle of 2011.

With regard to the "draft agreement establishing the tripartite free trade area", the three sub-regional groupings are committed to establishing a single investment area and to adopting policies and strategies that encourage: foreign direct investment, reduce trade costs in the region and create a favorable climate for the development of private sector enterprises. This initiative of great importance to the populations of these 27 countries could benefit from a comparative advantage, namely the total number of this population which is equivalent to 530 million inhabitants41 for a total gross domestic product (GDP) of 630 billion US dollar, Accounting for more than 50% of Africa's economic output42. In addition, this initiative has really rekindled the interest of African leaders and leaders in the prospect of a larger continental free-trade area, which will include all states in the future without exception.

More importantly, this tripartite agreement between the three sub-regional integrations has indeed played a catalytic role. For example, at an African Union summit in January 2012, the Heads of State and Government adopted an action plan to restart economic exchanges between African countries, on the basis of the close economic ties that already exist between COMESA, EAC and SADC. In short, in order to further stimulate intra-African trade, the 2012 African Union summit decided to set 2017 as the deadline for the creation of a Continental Free Trade Area (CFTA) with the aim of to integrate all African economies into a single market, taking into account the benefits they could derive from them. However, if we look at the statistics on intra-African trade, we see that trade is estimated to be between 10% and 12% of the continent's total exports, which ranks Africa far behind other continents. On the other hand, according to 2009 data, trade with North American countries accounted for almost 48% of the total, compared with 72% for Europe and 52% for Asia43. In addition, if we take the position of the two sub-regional African organizations which have been briefly examined in the previous section, we observe, for example, that the share of intra-African trade in total imports of goods is 5% for COMESA and 10% for ECOWAS. But for comparison, this share is more than 20% for ASEAN, approximately 35% for NAFTA / NAFTA and more than 60% for the EU.

In short, the opportunities offered by inter-African trade in goods especially are not really exploited. The same can be said for trade in services that could lead to exports and improve access by consumers and private or public enterprises to cheaper and more diverse services than those currently available. But what is still serious is Africa's share, which is the smallest, accounting for about 2,5% of the total percentage of world trade. More than any other continent, "Africa needs to integrate sub-regional markets, promote sustainable development and build the capacity and competitiveness required to participate as it should ..." to globalization. Nevertheless, it should be emphasized that the African region now appears to be the last major market to conquer because of its strategic natural and human resources, not to mention its growth rate of around 6% in this period of global economic slowdown.

In conclusion, the central idea that results from the presentation of these data is that African states trade little if compared to other countries in the rest of the world. However, in spite of the progress made, especially in lowering certain tariff and non-tariff barriers for trade in certain intra-African goods and services, the main objectives that would likely be pursued by the "draft agreement establishing the tripartite free-trade area" seem to relate only to commercial dimensions. In other words, this approach as advocated by the future Tripartite Free Trade Area (COMESA, EAC and SADC) is not profound because it does not cover areas such as environmental protection, intellectual property, the fight against corruption, and countless other areas and

issues. Finally, this classical sub-regional African approach, which will probably re-emerge within the framework of the new African (CFTA), is diametrically opposed to those used for regional and inter-regional integration agreements such as Asia-Pacific Economic Cooperation (APEC).

In the second part of the present article, I shall try to light the originality of the model of cooperation agreement / integration of the forum inter-regional approach of APEC as a comparative example to which Africa could be inspired to some extent with a view to establishing in this year 2017 the future continental free trade area which will: integrate all African countries without exception. And apparently APEC's current experience, due to its flexibility in particular, is the deep and advanced laboratory (including that of the EU and ASEAN) in institutional forms of cooperation, namely regional integration.

3. PART II: APEC AS A COMPARATIVE MODEL FOR AFRICA

The purpose of this second part is, firstly, to present APEC's historical, legal and economic aspects, and, secondly, to analyze APEC as a new, flexible and deep integration approach.

3.1. Section I: Presentation of the Historical, Legal and Economic Aspects of APEC

If the APEC (Asia-Pacific Economic Cooperation) is to be developed historically, we must go back to 1986 precisely. It was during this year that the then Australian Prime Minister proposed the idea of establishing an Asia-Pacific Cooperation Conference, thereby imposing its legal character by becoming a free trade area (FTA) in the sub-region of South-East Asia. This idea of creating APEC is truly the result of a previous initiative by the Australian Prime Minister who in 1982 proposed the establishment of a framework or forum for mutual consultation on economic issues in the large Asia-Pacific space. Moreover, Japan, the leading Asian economic power in that period, had accepted this proposal; and the same country had encouraged other Asian ASEAN member states to participate in this initiative. But the formal establishment of APEC took place in 1989 following its first meeting, which brought together the Ministers of Foreign Affairs and Trade of twelve countries[1].

The originality of APEC (which brings together the countries that share the Pacific shore) on the “geo-strategic” level lies in the fact that it is an inter-regional or intercontinental grouping insofar as its 21 member countries belong to almost 4 continents are respectively North America and South America, Asia, Oceania and also since the accession of Russia in 1998 - Europe. Hence the other particular feature which gives this intercontinental ensemble originality that clearly distinguishes it from other regional integrations existing on a world scale.

Especially as some of these countries are participating in other integrations such as NAFTA, ASEAN+3 and MERCOSUR. APEC's heterogeneity manifests itself mainly in the economic development of its members. This is why it is not surprising that Japan, China, the United States of America, Australia, Russia are joining forces with countries in South-East Asia that are developing countries, emerging, transitional, and less developed countries, as well as some small Pacific countries such as Papua New Guinea.

Regarding the legal aspect or structure of APEC, this grouping is not based on any legal instrument; in other words, that institution is not the result of any agreement or treaty that could give it a legal basis. As a result, APEC can be defined as an economic cooperation organization with a flexible organizational structure: namely a voluntary and consensual decision-making process. It is this particular organizational structure which seems to explain the fact that the conclusions by its member countries of treaties or agreements that take into account the heterogeneity and diversity of their level of economic development. On the other hand, the Inter-regional Economic Cooperation Forum preserves the delicate question of the sovereignty of States in the sense that it does not impose binding legal obligations on its members in the various fields which, within the scope of APEC's competence. The choice of this flexible and less restrictive method of co-operation by this organization made it possible to integrate into its a wide range of areas that will be discussed in Section II of this paper.

In terms of international trade and investment and to a lesser extent demographic, it is extremely important to present a few figures here in order to better understand APEC's commercial importance in the global economy. In fact, APEC has been the locomotive of global economic growth for more than a decade. In addition, this grouping seems to be ahead of other sub-regional, regional and inter-regional integration as examples: ASEAN **+** 3, the EU and the inter-regional integration agreement (signed on 15 October 2008

[1] In 1989, the participating countries were: Australia, Brunei Darussalam, Canada, Indonesia, Japan, Republic of Korea, Malaysia, New Zealand, The Philippines, Singapore, Thailand and the United States of America; The three China (People's Republic of China, Hong Kong and Taiwan) will join APEC in 1991.

between the EU and the EU-Caribbean countries: and is known as the EU-CARIFORUM Economic Partnership Agreement).

And to begin with the importance of the APEC demographic dimension at the global level, its entire population represents 40% of the world's population according to a recent study by the Secretariat of the United Nations Conference on the Trade and Development (UNCTAD)[2]. Furthermore, according to the same study, what could attract more attention is the fact that the 21 countries that are members of APEC accounted for 56% of the world's gross domestic product (GDP) in 2011.

This is what leads me to present at the moment some figures which clearly show the major role of trade and investment in the specific case of the economies of the APEC countries. This is what justifies the growing interest of some of its members for the liberalization of economic exchanges. And here I am thinking of the United States of America. For one thing is certain, this country fiercely defends “theoretically” - from the end of the Second World War and until now - the economic philosophy of free-trade. Therefore, as the world's leading economic power and main member of APEC, it is normal for the United States that economic cooperation is not in itself the final objective of this grouping, but an element of the overall process of global regional integration. However, according to the old American vision, this process would therefore involve strengthening economic and financial relations by means of both trade liberalization and investment flows among APEC countries.

To return to the old trend of foreign direct investment (FDI) flows, particularly in the context of APEC, particularly in the context of APEC, in general, for 2012, it is very important to note that, at the global level, these flows have Recorded a further decline (after 2011) in 2012 in a globally weak economic global economic situation. This is also evident from UNCTAD's "World Investment Report 2012", which was published in June 2013. Yet what is both innovative and surprising in the context of a fragile global economy still affected by the impact of the 2008-2009 crises is the low attractiveness of developed countries for FDI for the first time in the history of international economic relations. Conversely, for the first time, developing countries have attracted or imported 52% of the global volume of FDI. But what about the percentage of APEC countries relative to the global volume of this type of investment, in particular? Referring to the aforementioned UNCTAD report of 2012 to identify the APEC-specific percentage, I find that the drafters of this voluminous report failed to explicitly state the proportion of this interregional grouping. Finally, alongside this trend of FDI in the inter-regional space in question, that of trade in goods and services is not negligible. By pursuing a voluntary and consensual policy of liberalization of trade in goods and services, APEC is - as I have already pointed out - the engine of global economic growth, especially after the Asian financial crisis of 1997.

In conclusion, it must be noted that the operation of this initially economic whole has allowed, after more than 20 years of existence, the creation of wealth to a certain extent and the improvement of the welfare of its population thanks in particular to pragmatism and realism that characterize the internal and international policies of its member states, especially the Asian regional integration countries ASEAN + 3[3]. As a result, the relative success of the new regionalism is better understood through, among other things, the APEC example, which is indeed a new flexible and deep approach of integration and cooperation.

3.2. Section II: APEC a new approach to flexible and deep integration

APEC is an economic cooperation organization, as its name suggests, and it operates on the basis of a flexible program of work. Thus the adoption of this flexible working method, in accordance with paragraph 8 of the November 1994 Bogor Declaration, made it possible to integrate a wide range of areas in the organization's work program. This working method on the basis of which this deep integration approach of APEC is organized is certainly the result of the flexibility of its organizational structure since this forum is recognized as a consensual intercontinental integration. This consensual tendency is based on the principle of consensus which directs, at a high point, the functioning of this forum since the 2000s at least. I refer to an APEC report (dated 2005, in a column entitled "*A consensus-based and non-binding Forum*") indicated that: **«** *One of APEC's strengths is that is a flexible forum in which decisions are consensus-based and non-*

[2] UNCTAD/ CNUCED, **Intégration régionale et investissement direct étranger dans les pays en développement et en transition**, (cette étude est sous la cote : TD/B/C.II/MEM.4/2), 3 décembre 2012, p.18.

[3] Plusieurs observateurs et analystes affirment que sans l'ASEAN, et ses autres nouveaux pays membres, l'APEC n'existerait pas. C'est grâce, principalement, à l'influence de ces pays de l'ASEAN que l'APEC est devenue une organisation souple et moins rigide. D'où sa nature respectivement **:** volontariste, consensuelle et peu contraignante **(**ou peu légalisée**)**.

binding, APEC must remain focused on its institutional strengths and comparative advantage in promoting policy development aimed at openness, transparency, and improved regulatory practices **»**[4]. As such, consensus is a particular aspect of regionalism - or if not inter-regionalism - as embodied in APEC; and as mentioned above, it is an organization of economic cooperation that operates in a flexible way.

Concerning the APEC approach to dispute settlement (or sanctions), this approach is reluctant to adopt the classical and rigid method of jurisdictionalization prevailing in the context of the WTO dispute settlement system and also in the context of the EU. The search for a fair balance legal solution that satisfies the interests at stake while respecting the situation of each party so that no one is totally losing. Let me turn to a parenthesis to remind you that in international economic law of development especially, the notion of sanction is very different from the idea of settlement of disputes as recommended by public international law. The question of who has violated the rule of law is less important in the law of international economic relations. This is why international economic development law does not have a contentious or contentious vision of these relations, but rather it is interested in the continuity of the spirit of cooperation and integration between its various actors or partners. This may explain, in general, that some methods of resolving disputes such as judicial settlement are not used for the settlement of economic disputes. However, recourse in the context of this multidisciplinary (international economic law of development) can be seen in compromise solutions. Solutions that favor the frequent use of negotiation, mediation, conciliation and arbitration procedures: in order to avoid victors and losers, as I mentioned before, on the basis of a mechanism of voluntarism and consensual decision-making.

Another striking feature of this forum, which is in close relation with the basic problem of my research article, is the deepening of its legal competence, while at the same time preserving the freedom of action or policy space of APEC's member countries. Currently, APEC's legal system covers a wide range of normative standards. These include investment, competition, public procurement, transparency, deregulation, social norms, human rights, professional mobility, human capacity building, transparency, the fight against corruption, Environment, energy cooperation, civil society, promotion of academic and scientific research of excellence, and without counting several other fields and questions. What is very important to highlight in the light of the specific problematic question raised in this article is the fact that APEC is part of this new approach to cooperation and deep integration, whose content cover new areas. In other words, the areas or issues addressed within this inter-regional forum go beyond those covered by the WTO. I can reasonably assume that it is easier to conclude deep integration agreements (*deeper integration*) at the regional level but not at the multilateral level. Indeed, as the experience of the WTO shows, since the signing of the Marrakesh Accords in 1994, no other multilateral trade agreement has since been concluded between the member states of this body in the complex Doha negotiations launched in November 2001. However, this difficulty does not fully apply at regional level because negotiations between regional partners, which are often fewer, lead to the adoption of regional integration agreements.

This being said, let us return now to the problematic question which is of great interest to us in the context of this study, namely the deepening and widening of the principle of free trade to a very broad normative grouping on the part of the intercontinental grouping of APEC. There are obviously many areas or subjects, other than those dealt with by the WTO, which are addressed by this grouping in particular and, in general, by other regional integrations both North-South and South-South. In this respect, how can we not be interested in the fact by APEC's legal system, even though it is not very obligatory, regulates not only the topics covered by the WTO, such as agriculture, services, Intellectual property rights, TRIMS, rules of origin, technical barriers to trade, but also other areas or issues that are not covered by the WTO legal system[5]. Among these issues are those mentioned in the preceding paragraph, which are, as a reminder, the following: investment, competition, human rights, professional mobility, fight against corruption, environmental protection, and Energy cooperation, promotion of academic and scientific research. In parallel with these new issues, APEC is competent to deal with many WTO-type issues such as tariff and non-tariff barriers, services, agriculture, sanitary and phytosanitary measures and dispute settlement. In short, the APEC legal system applies to a broad set of normative standards covering a long list of topics and areas. For this reason, this normative standard is, for all practical purposes, of considerable effectiveness. This is reflected in the declarations and behavior of the member countries, as confirmed by the evaluations carried out by the expert groups of this organization[6].

[4] APEC, **Key APEC Documents 2005**, p.30, online at **:** www.apec.org.
[5] D'où l'utilisation de l'appellation **«**OMC**-**Plus **»** pour qualifier le nouveau régionalisme comme celui, par exemple, de l'APEC, de l'ASEAN**+3 etc**… .
[6] **APEC News Realease**, issued by APEC Business Advisory Council (ABAC) July 11, 2013 **:** www.abaconline.org

4. CONCLUSIONS AND RECOMMENDATIONS

Two important conclusions emerge from this article. First, regional integration has been a strategic objective for Africa for several decades. However, this integration is not an end in itself; it is only one of the essential instruments for achieving the objective of sustainable development in Africa. Therefore, it should be seen as a first step towards creating an environment that facilitates both the attractiveness of sustainable FDI and the competitiveness of exports of non-commodity goods and services, without forgetting that it is a factor generating employment. Second, Africa is the region with the largest number of sub-regional integrations, unlike other regions of the world. Hence the problem of fragmentation of this region, which undermines the effectiveness of African regionalism and severely handicaps the sustainable development of our continent, but knowing that it (sustainable development), is first of all a local and national affair. In the light of this problem, there is a better understanding of the obligation to create a future CFTA, which is currently based on the tripartite agreement of 2008, even less complete, and probably drawing from the experience of the APEC: but without falling into the "trap of transposition or mimicry".

Finally, I will conclude with two recommendations. The first is the idea that the prospect of this future agreement on CFTA must necessarily include in the negotiating phase new actors in the international economic law of African development, namely the non-governmental organizations of African civil society. The second recommendation is that the successful operation of any integration process largely depends on the commitment of member countries to implement agreements or treaties, resolutions, protocols and projects. For, however, I note that there is a gap between all these texts and the concrete achievements.

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