The Role of the African Continental Free Trade Area (AfCFTA) in Driving Effective Trade Policy Title Harmonization in South Africa

Diana Wataka

Obuda University, Keleti Károly Faculty of Business and Management
dianalukela@gmail.com

Modiba Modibe Ernest

Obuda University, Keleti Károly Faculty of Business and Management
modibefreddy27@gmail.com

Zsuzsanna Deák

Obuda University, Keleti Károly Faculty of Business and Management,
deak.zsuzsanna@uni-obuda.hu

Abstract: The African Continental Free Trade Area (AfCFTA) is the world 's largest free trade area, with 54 of the 55 African Union members as signatories and an engine of Africa 's continental integration agenda. South Africa has a close association with Africa trade and its economic relationship with the continent is expanding amidst ongoing obstacles in fully using the AfCFTA's potential. This paper aims to examine the trade policy harmonization requirements prescribed by AfCFTA, their implications, assess the extent to which South Africa's current trade policy framework aligns with these obligations, recommend targeted policy interventions to overcome identified barriers and strengthen South Africa's AfCFTA harmonization. The study reveals that despite partial compliance with the AfCTA substantial harmonization, shortfalls caused by institutional fragmentation, tensions between SACU and AfCFTA and constraints in GNU governance require the establishment of dedicated AfCTA Harmonization Unit, a formal alignment protocol between the SACU and AfCTA and a time sensitive roadmap for the elimination of non-tariff barriers. The paper subsequently reaches the conclusion that the AfCTA imposes extensive harmonization obligations that have substantial implications for South Africa's trade governance framework. It also argues that the current framework in the country reflects partial but insufficient alignment which is driven by institutional fragmentation, SACU -AfCFTA tensions and GNU governance constraints. To address these barriers, a dedicated AfCTA Harmonization Unit, a formal

SACU- AfCFTA alignment protocol and a time bound non-tariff barrier elimination roadmap are necessary in systematic policy gap analysis that is absent in the existing literature.

Keywords: African Continental Free Trade Area (AfCFTA); trade policy harmonization; Intra-African trade; regional economic integration; non-tariff barriers; South Africa; trade governance; Southern African Customs Union (SACU); Government of National Unity (GNU).

1 Introduction

The African Continental Free Trade Area (AfCFTA) is the largest free trade area in the world by membership. It includes fifty-five African Union countries, creating an integrated market of 1.4 billion people with a total GDP of approximately US$3.4 trillion [1]. The AfCFTA is the most important part of the African Union's Agenda 2063. It aims to increase trade within Africa and use trade to grow the economy, industrial growth, and inclusive development [2]. South Africa, the most industrialized country in Africa, started preferential trade under the AfCFTA on January 31, 2024. It published the Southern African Customs Union (SACU) joint offer, covering 90% of the tariff book [1]. However, South Africa's trade policies do not fully comply with AfCFTA rules. The country has a gap in a separate trade policy document under the Government of National Unity (GNU) [4]. Investigations by the International Trade Administration Commission (ITAC) take an average of 28 months instead of the required six months. The SACU Tariff Board, which was set up in 2002, is still not functioning. Tariffs on intermediate goods average 20%, which decreases the competitiveness that the AfCFTA aims to improve [5]. This mix of joining the AfCFTA and not fully aligning with its rules is the research problem examined in this study. There are three groups of studies on this topic. The first group examines South Africa's success in the AfCFTA process through legal and procedural studies. The Trade Law Center (TRALAC) examines the SACU Common External Tariff reduction plan, the remaining rules for textiles, cars, and some farm products, and how ready the South African Revenue Service is to manage preferences [6], [7]. The 2023 Trade Policy Review by the World Trade Organization shows that SACU members have mostly aligned customs matters but not their sectoral policies. The SACU is encouraged to simplify its common external tariff [8]. The second group includes studies on the AfCFTA’s economic development in Southern Africa. The African Development Bank uses a model to show that AfCFTA members face problems in creating a unified policy, especially regarding non-tariff barriers, competition, and investment [9]. The World Bank's main study estimates that full implementation could increase African real income by 7% and help alleviate the poverty of 30 million people by 2035. This also suggests the need for training and support for national trade ministries [10]. Addressing this issue is important for many groups. For South African policymakers, harmonization is crucial because the economy is growing slowly only 1.1% GDP growth in 2024. Unemployment is high at 31.9%, and youth unemployment is over 44%. AfCFTA market access is one of the few ways to improve exports and push industries [13]. For the SACU and AfCFTA Secretariat, South Africa's domestic alignment is valuable for the region. South Africa is a major player in intra-Southern African Customs Union (SACU) exports and has the largest trade surplus in Africa [3]. This study examines the trade rules set by the AfCFTA and their implications for South Africa. It checks whether South Africa's current trade rules, influenced by the ITAC, SACU, and GNU, match these requirements. The study also suggests specific policy changes to address the problems that make it difficult to follow these rules. This study fills a gap in the current research and provides a plan to help South Africa fully participate in the AfCFTA.

1.1 Problem statement

The African Continental Free Trade Area (AFCFTA) is the world ′s largest free trade area by 54 of the 55 African Union members as signatories and an engine of Africa ′s continental integration agenda. South Africa has a close association with Africa trade and its economic relationship with the continent is expanding amid ongoing obstacles in fully using the AFCFTA′s potential. Despite South Africa signed AFCFTA and stated it will use the agreement as strategic trade priority. It does not have clear and consistent trade policy framework that effectively harmonize with AFCFTA′s obligations. South Africa′s trade policy misalignment with AFCFTA harmonization obligations is demonstrated by the lack of official GNU trade policy documents [1]. ITAC investigation decisions averaging 28 months instead of the mandated six-month timeline [1]. The persistent non - operational status of the SACU Tariff Board established in 2002 and intermediate duties averaging 20% compromise the competitiveness that AFCFTA harmonization aims to promote [1]. The results of this misalignment are both economic and regional domestically intermediate goods tariffs average 20% lower the competitiveness of downstream firms in the Africa markets. AFCFTA aims to facilitate openness benefit sharing among SACU member states and hinders the continental integration initiative. AFCFTA is intended to foster[1].Even though Fundira[1] thoroughly outlines the governance challenges and institutional tensions influencing South Africa′s trade policy under the GNU , the current literature has not systematically analysed the precise alignment between South Africa′s domestic trade policy framework and harmonization obligations of the AFCFTA nor has it suggested targeted interventions to rectify this identified gap a significant oversight considering the imperative of effective harmonization for South Africa ′s continental integration Agenda. This paper aims to assess the trade policy harmonization requirements established by AFCFTA and their implications for South Africa assess the alignment of South Africa′s existing trade policy framework with these obligations and propose specific policy interventions to overcome identified barriers and enhance South Africa ′s AFCFTA harmonization.

1.2 Research questions

1. What are the trade policy harmonization requirements prescribed by AfCFTA and what are their specific implications for South Africa's domestic trade governance framework?
2. To what extent does South Africa's current trade policy framework, as shaped by ITAC, SACU, and GNU governance structures, align with AfCFTA harmonization obligations?
3. What are the key institutional, structural, and governance barriers to effective trade policy harmonization in South Africa and what targeted policy interventions are needed to strengthen AfCFTA compliance?

1.3 Aims

This paper therefore aims to examine the trade policy harmonization requirements prescribed by AfCFTA and their implications for South Africa, assess the extent to which South Africa's current trade policy framework aligns with these obligations, and recommend targeted policy interventions to overcome identified barriers and strengthen South Africa's AfCFTA harmonization.

1.4 Objectives

1. To examine the trade policy harmonization requirements prescribed by AfCFTA and their specific implications for South Africa's domestic trade governance framework.
2. To assess the extent to which South Africa's current trade policy framework, as shaped by ITAC, SACU, and GNU governance structures, aligns with AfCFTA's harmonization obligations.
3. To identify the key institutional, structural, and governance barriers to effective trade policy harmonization in South Africa and recommend targeted policy interventions to strengthen AfCFTA compliance

2 Literature Review

2.1 Regional Integration Theory

2.1.1 Neofunctionalism and Spillover Theory

Originally developed by Haas as a framework for understanding the coal and steel community in his 1958 research paper, neofunctionalism suggests that once states collaborate in one policy area, strong forces are driving them toward increasing collaboration with other related areas []. Neofunctionalism scholars' reasoning is based on two interrelated processes that create greater integration among states. The first process is that both governmental and nongovernmental actors are likely to favour supranational authorities over domestic governments when they wish to pursue their interests. Functional spillover is created when the initial goal of an integration effort cannot be completed without additional action to achieve the goals of the integration effort; this new goal for achieving integration objectives is a result of the inherent interconnectedness of various policy sectors[4].The two types of multinational actor pressure on national governments, in addition to functional pressure, are the active creation of additional intergovernmental bargains and the co-option of national government officials into these bargaining processes. These processes create additional pressures for deeper integration as multinational bureaucracies expand their authority and ability to promote deeper integration[3].Similarly, in Africa, the same factors that create spillovers and path dependence for deepening regional cooperation at the multinational level will also cause cooperation to go beyond what was initially agreed upon in the first intergovernmental agreement[5].This can be seen through South Africa's selective rejection of harmonization in industrial areas, which may give priority to developmental over spillover rationality in those sectors. Neofunctionalism provides an explanation of the structural logic to deepen regional integration via the AfCFTA. However, neofunctionalism does not explain state agency when their national sovereignty is at risk, which is better explained by intergovernmentalism, as will be discussed in the next section.

2.1.2 Intergovernmentalism and Sovereignty Constraints

Intergovernmentalism is a regional integration model developed by Stanley Hoffman as a direct critique of neofunctionalism. It states that national governments remain both the primary and decisive actors in regional integration and cooperate to the extent that their interests are advanced through cooperation[9].In this regard, intergovernmentalism disagrees with the ideology of a self-perpetuating integration process and sees regional integration as the result of rational and calculated bargaining among national governments that weigh the costs and benefits of cooperation based on their respective national interests[10].In an important way however Hoffmann also identified two types of state behaviour regarding politic including a lower politics type where states are open to delegation by state and a higher politics that is highly connected to national sovereignty and thus are very unwilling to relinquish authority[10].Intergovernmentalism differs from neofunctionalism in its view of how multinational institutions influence integration. While neofunctionalism views multinational institutions as independent forces driving integration, intergovernmentalism emphasizes that multinational institutions are merely secondary to national government decisions; therefore, states collaborate at times when they have mutually beneficial objectives[11].The emphasis of the intergovernmental approach on the role of member states as the key actors in this process is that the result is from political will and negotiation processes and not due to structural functional pressure[12].The benefits of this framework can help us understand why South Africa has selectively engaged with its obligations to harmonize with other AfCFTA members. This raises important questions about how to achieve a balance between state sovereignty and regional integration objectives. The flexibility to pursue their own legitimate policy interests provided by the flexible application allowed to member states creates an additional level of controversy, which indicates the ongoing tension around sovereignty[13].In the same way that South Africa's protectionist industrial policies in automotive manufacturing and agricultural sectors exemplify Hoffmann's low/high politics distinction, wherein Pretoria will accept tariff liberalization as low politics but seeks to protect its domestic industrial policy space as a matter of sovereign right, the fact that national differences are likely to prevail where integration logic conflicts with sovereign diversity means that integration will stall at the point at which it impacts upon high politics[3].While intergovernmentalism provides an accurate explanation of why some countries, such as South Africa, are reluctant to pursue a fully harmonized integration process when their sovereignty is threatened, it provides little normative direction on how member state developmental goals may be achieved through integration, a point that Developmental Regionalism addresses in relation to African integration. In this regard, Developmental Regionalism has framed African integration as not just an act of liberalization but as a conscious approach to structurally transforming both individual member states and the continent as a whole, which will be explored further in the following section [14].

2.1.3 Developmental Regionalism in the African Context

Developmental Regionalism suggests that regional integration in Africa should be an active tool for structurally transforming economies to promote industrialization and equitable economic growth. Therefore, it is the most contextual theory available to assess the implications of the AfCFTA's harmonization obligations on South Africa [15].In its seminal report on developmental regionalism (UNCTAD) makes clear that achieving regional integration by developing intergovernmental cooperation among member states in many sectors beyond trade includes foreign direct investment. Research and Development, as well as all necessary policy actions, are required to accelerate industrial development within the region and provide regional infrastructure[16].The Developmental Regionalism approach is designed to help African Union member states achieve mutually beneficial trade among themselves and to encourage and develop their own industrial development capabilities and upgrade the quality of regional value chains to enable Transformative Industrialization[17].This approach could be applied to the AfCFTA. Ismail suggests that if the African Union Member States adopt the Developmental Regionalism approach, they will establish a virtuous cycle of fair trade, Transformative industrial development, cross-border investments and democratic governance through the continent [18]. For the past decade, Africa's economic policies have consistently focused on productive restructuring and industrialization. Policymakers have repeatedly emphasized the importance of regionalism as a means of supporting production using economies of scale, regional production networks, and larger markets for African producers [19]. The above framework is highly applicable to South Africa's involvement in the AfCFTA harmonization efforts. South Africa's National Development Plan (NDP) 2030 clearly ties trade policy to the goals of domestic industrialization, job creation, and equitable economic development. These objectives cannot be accomplished solely via tariff liberalization. Number of countries on the continent have developed their own national development plans which advocate targeted state intervention to promote their domestic industrial base. This has created tension between national developmental objectives and regional integration responsibilities [19]. In contrast, developmental regionalism addresses this tension not by disengaging from liberalization but rather by requiring that harmonization obligations are both designed and implemented to allow member states to maintain the necessary policy flexibility to pursue industrial development. As such, there is a significant opportunity for developmental regionalism to create a self-reinforcing cycle of regional trade integration, transformative industrialization, cross-border infrastructure development, democratic governance, equity, and good governance, thereby allowing the AfCFTA to become a seminal moment in Africa's transition towards becoming a prosperous and integrated continent[15].Therefore, for South Africa, compliance with AfCFTA harmonization obligations should not be viewed solely as a requirement for liberalizing its trade policies, but also as a developmental strategy aligned with the NDP goals of structural transformation and industrialization. To achieve effective harmonization within a developmental regionalist paradigm that seeks to balance liberalizing trade with national development via industrial policies, it becomes essential to analyze the specific institutional architecture of the African Continental Free Trade Area (AfCFTA), its institutional framework, protocol on goods, protocol on services, and Harmonization Mechanism.

2.2 AfCFTA's Architecture

2.2.1 Origins, Objectives and Institutional Framework

The roots of the African Continental Free Trade Agreement (AfCFTA) are in the African Union's Agenda 2063 long-term developmental strategy. This represents the most comprehensive representation of Pan-Africanism in terms of an economically integrated Africa, as well as the development of a multi-layered institutional structure intended to enable the harmonization of trade policies among all 55 members of the African Union[1],[20].Agenda 2063 is the overall plan for achieving an integrated, sustainable, and inclusive model of development in Africa, as well as the practical expression of the Pan Africanist drive for unity, independence, freedom, progress, and shared prosperity, as envisioned by Pan Africanism and the African Renaissance[20].The African Continental Free Trade Area(AfCFTA), agreed upon at the 18th ordinary session of the Assembly of Heads of State and Government held in January 2012, was signed on March 21, 2018, in Kigali, Rwanda. The Agreement entered into force on May 30, 2019, while trade commenced within the AfCFTA framework from 1st January 2021[1].Its primary goals are to create a single market for both goods and services to increase the goals of continental economic integration, establish a basis for the creation of a Continental Customs Union, and promote sustainable and inclusive social and economic development, gender equity, and transformation of the state[1]. Institutionally, the Agreement provides that the four bodies created pursuant to Part III of the AfCFTA Agreement will be the African Union Assembly, the Council of Ministers, the Committee of Senior Trade Officials, and the Secretariat. The above four bodies were established by the Articles of the Agreement [21]. There are three levels of institutions, each with different roles, that work together to implement the harmonization mandate outlined in the AfCFTA. The Assembly has the final say and will make decisions on the interpretation of the AfCFTA Agreement based on recommendations from the Council of Ministers. All decisions made by the Assembly require a consensus [1]. The Council of Ministers ensures that the terms of the Agreement are implemented effectively and enforced. They also oversee all committees and other organizations created under the Agreement. The Council of Ministers can issue orders and review reports submitted by the Secretariat [22]. The Committee of Senior Trade Officials is comprised of Permanent or Principal Secretaries appointed by each member state. Their role is included in each member state. Their role includes executing the decisions of the Council of Ministers and offering technical support regarding all aspects of the Agreement's protocols [22]. The AfCFTA Secretariat, which was formally launched at an event held in Accra, Ghana, on August 17, 2020, is the first and only permanent AfCFTA institution. The Secretariat's main functions include facilitating the implementation process by calling meetings, monitoring and evaluating progress toward achieving the objectives of the Agreement, and providing technical support to member states[22].Therefore, South Africa's engagement with these institutions provides the primary means through which South Africa negotiates its obligation to achieve harmony, interprets what that entails, and contests how that may be achieved. The institutional framework for the AfCFTA establishes a system to administer the obligation to achieve convergence; however, it is the two principal legal documents that contain the specific obligations, thus providing the basis for what would be required of South African trade policies for achieving such obligations, which are analyzed in the next section [1].

2.2.2 Protocols on Trade in Goods and Services

Two main legal instruments of the AfCFTA Protocol on Trade in Goods and the Protocol on Trade in Services define the scope of AfCFTA ′s trade integration agenda, as we agenda as well as outline the core liberalization obligations State Members have a legal obligation to fulfil [1]. The Protocol on Trade in Goods obligates all State Parties to gradually reduce tariffs imposed on imports of goods originating from any other State Party by eliminating them according to their Schedules of Tariff Concessions and prohibits imposing any new import tariffs or additional charges having an equal effect to such tariffs on originating goods [1]. The agreed tariff liberalization modalities structure tariff concessions into three categories: 90% of non-sensitive tariff lines will be liberalized within a five-year time frame for non-least developed country members,7% designated as sensitive tariffs which have longer transitional periods, and no more than 3% of tariff lines can be transitional lines and excluded from tariff liberalization based upon limited criteria such as food security, national security, tax revenues, livelihood, and industrialization[22]. The Protocol on Trade in Services extends to all government measures adopted or maintained by State Party Members that affect trade in services. State Party Members are required to continually open their markets to trade in services under the principle of reciprocity, equity balance, and mutual benefits, thereby removing barriers to trade in services [1]. To pursue this objective, member states are obligated to negotiate trade liberalizations in five key service areas in successive rounds. However, there is no specific time limit for achieving substantial liberalization of services trade as defined in the Agreement since the Protocol does not provide either a definition of what would constitute a substantial level of liberalization or a binding timetable for achieving it [22]. The Goods Protocol and the Services Protocol have significant differences in terms of their implementation. These differences also have serious implications for South Africa’s compliance obligations. While the Goods Protocol only deals with trade in goods and does not include services, the Services Protocol covers all service sector purchases and international civil aviation [2]. Global services liberalization uses the appositive list method to open markets. Each country lists the areas in which it is willing to open its markets including exceptions for national treatment market access by type of mode of supply namely cross border delivery, consumption outside of the State Paty establishment in the territory of another state Party and temporary entry into the territory of another State Party and temporary entry into the territory of another state Party by Individuals[26]The positive list method used to achieve liberalization in services liberalizes services at pace that depends upon the State Parties willingness to make commitments to liberalize an issue that intergovernmentalism suggest will occur slowly due to reluctance to make commitments on sensitive sectors such financial services, telecommunication and professional services. In addition, through February 2024, the agreed-upon Rules of Origin account for 92.3 percent of all tariff lines; thus, there remain pending negotiations with respect to textile clothing, automobiles, and other sectors of critical importance to South Africa ′s industrial base [22]. Because of these negotiating asymmetries, South Africa is likely to face greater pressure for harmonization in the area of the greatest protection of its industrial policies. The effectiveness of the scope and commitments made by both agreements is ultimately contingent on how these agreements are implemented, namely through the harmonized Tariff schedules of the United States and Canada, the Rules of origin that define eligible products for preference treatment, the tariff liberalization schedule that binds participating countries to progressively eliminate tariffs over an asset period of time, and the Framework Agreement on Non-Tariff Barriers, which identifies trade at the border that will be addressed.

2.2.3 Harmonization Mechanisms-Rules of Origin, Tariffs, and Non-Tariff Barriers

Harmonization under the AfCFTA will be facilitated by a legal structure with the potential for enforcement, which will occur primarily in three ways: tariff reduction and removal, creation and implementation of common rules of origin, and formal processes to eliminate non-trade barriers. Each of these mechanisms sets out specific enforceable legal obligations for all state parties involved in the agreement. The combined effect of these binding commitments defines the size of the gap in terms of policy that exists relative to how South Africa's trade policy currently operates.

Rules of origin (ROO) specify which goods are regarded as originating from a member state and are hence eligible for preferential tariff treatment under the Agreement. As of February 2024, the agreed-upon rules of origin covered 92.3% of all tariff lines, indicating significant progress toward the entire negotiating target. However, the rules of origin for the textile, automobile, and clothing sectors, which form South Africa's largest industrial and export profile, are not yet finalized, greatly affecting South Africa's compliance as exporters are uncertain whether their products would qualify for AfCFTA benefits, and the absence of regulatory clarity by local policymakers hinders industrial policy connection with continental commitments.

Trade liberalization requires member states to eliminate import duties on goods originating from other State Parties in accordance with their particular Tariff Concession Schedules, while also banning the imposition of any additional tariffs or similar charges on such commodities. This provides three tiers of classification: 90% of non-sensitive tariff lines must be fully liberalized within five years for non-LDC members, such as South Africa; up to 7% of tariff lines are designated as sensitive and attract longer transition periods; and no more than 3% of tariff lines may be excluded from liberalization completely, subject to strict justification on the grounds of food security, national security, and revenue. Member states are obligated to gradually abolish import levies on goods originating from other State Parties in accordance with their particular Tariff Concession Schedules and abolish additional tariffs or similar charges on such commodities.

Beyond tariffs, the AfCFTA establishes a formal framework for identifying and eliminating non-tariff barriers that restrict trade flows. These include bureaucratic customs procedures, import license requirements, technical standards, sanitary and phytosanitary laws, and administrative delays. The Agreement's NTB Framework, established in Annex 5 of the Protocol on Trade in Goods, imposes obligatory requirements on member states to report, monitor, and abolish obstacles via defined institutional channels**.**

2.3 Existing Work on Harmonization in Africa

2.3.1 Harmonization Mechanisms-Rules of Origin, Tariffs, and Non-Tariff Barriers

The establishment of Regional Economic Communities (RECs) provided an understanding of the issues of AfCFTA implementation. These include the Economic Community of West African States (ECOWAS), the East African Community (EAC), and the Common Market for Eastern and Southern Africa (COMESA), which serve as experience referral points useful for South Africa in terms of understanding the issues of AfCFTA implementation. However, (RECs) over recent decades has led to an inevitable entanglement of different rules and standards greatly affecting South Africa's implementation on compliance .**[15]**.ECOWAS was created in 1975 under the Treaty of Lagos with the primary goal of abolishing all tariffs and trade obstacles between its 15 member nations and establishing a customs union with unified fiscal and regulatory frameworks. EAC is the most insightful comparative scenario for AfCFTA as its transition from a free trade area to a customs union in 2005 and then to a Common Market in 2010. The EAC is the oldest customs union and the most integrated regional economic community. COMESA 's harmonization adds a relevant layer of comparative insight for South Africa, as its membership overlaps significantly with both SADC and AfCFTA. The COMESA Free Trade Area, operating since 2000, encompasses 21 member states and has achieved considerable tariff reductions. However, harmonization efforts have been continuously hindered.

2.3.2 Challenges of Trade Policy Harmonization in Developing Country Contexts

Existing research on the AfCFTA preparedness of South Africa highlights the lack of integration across procedural, governance, and sectoral analyses into a systematic assessment of whether South Africa's domestic trade governance architecture is institutionally capable of meeting its AfCFTA harmonization obligations. Fundira 's governance analysis documents the institutional tensions and political economy constraints shaping South Africa's trade policy under the GNU [1]. Fundira identifies fragmentation between ITAC, DTIC, and SACU governance structures as the central institutional barrier to coherent trade policy and records how GNU coalition dynamics have complicated the formulation of a unified AfCFTA trade policy position. This represents the most granular existing analysis of South Africa's

AfCFTA governance constraints, but it does not systematically map those constraints against specific harmonization obligations in the AfCFTA Protocols and Annexes.

The policy gap analysis of AfCFTA engagement in South Africa has been examined through the perspectives of procedural milestones (TRALAC), governance constraints (Fundira), and macroeconomic trade impacts (Stack, ERSA) but no article has attempted the systematic policy gap analysis that would map the current trade governance framework in South Africa, which is institutional performance of ITAC, structural tension of SACU with AfCFTA, the GNU's policy coherence constraints has not implemented the prescriptions of AfCFTA success set forth by the World Bank itself, including the combination of the Agreement with a complementary agenda of training and institutional support of national trade ministries to South Africa.

2.3.3 South Africa's AfCFTA Readiness

Existing research on the AfCFTA preparedness of South Africa highlights the lack of integration across procedural, governance, and sectoral analyses into a systematic assessment of whether South Africa's domestic trade governance architecture is institutionally capable of meeting its AfCFTA harmonization obligations. Fundira 's governance analysis documents the institutional tensions and political economy constraints shaping South Africa's trade policy under the GNU [1]. Fundira identifies fragmentation between ITAC, DTIC, and SACU governance structures as the central institutional barrier to coherent trade policy and records how GNU coalition dynamics have complicated the formulation of a unified AfCFTA trade policy position. This represents the most granular existing analysis of South Africa's AfCFTA governance constraints, but it does not systematically map those constraints against specific harmonization obligations in the AfCFTA Protocols and Annexes.

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3 Methodology

3.1 Research Philosophy and Approach

This study is based on an interpretivist research theory, which claims that social and policy phenomena are best understood by their meanings and the elements within them rather than through objective measurement or quantification [15]. The term interpretivism is chosen here because the research topic, South Africa's policy mismatch with AfCFTA harmonization responsibilities, has been fixed in institutional meaning, legal interpretation, and governance based on low numerical indicators [15]. This philosophical attitude recognizes that the researcher is obliged to consider the intersubjective social processes of the worlds they examine, making interpretation a methodological strength rather than a restriction. Schwartz-Shea and Yanow differentiate interpretive research from positivist approaches based on ontological and epistemological presuppositions, claiming that whereas positivist research assumes an objective social world that can be known through detached observation, interpretive research holds that social realities are intersubjectively constructed and only accessible through interpretation [15]. The interpretivist philosophy is suitable for this study because the primary research objects of the AfCFTA Agreement, its Protocols and Annexes, ITAC investigation records, SACU governance tools, and GNU policy positions are textual and juridical remains that are significant for their institutional meaning and legal effect rather than their statistical frequency [15]. According to Schwartz-Shea and Yanow, analysing documentary sources, whether historical or current, moves on interpretive text-treatment procedures, since policy tools operate as text substitutes that require interpretation to render their institutional meaning accessible [15]. Schwartz-Shea and Yanow maintain that interpretive research is especially well suited to recorded and documentary work, pointing out that researchers working with policy texts, legal tools, and institutional records engage in a type of meaning-focused inquiry that prioritizes local, situated knowledge over generalizable universal laws [15].Schwartz-Shea and Yanow maintain that interpretive research is especially well-suited to recorded and documentary work, stating that researchers working with policy texts, legal tools, and institutional records engage in a type of meaning-focused inquiry that prioritizes local, situated knowledge over generalizable universal laws [15].

3.2 Research Design

This study uses a descriptive and analytical research design, with document analysis serving as the primary data collection method and policy gap analysis serving as the main analytical tool for analysing the alignment between South Africa's most recent trade policy framework and the harmonization obligations of the AfCFTA [16]. While the analytical size methodically asks relevant questions about the shortage between the two, identifying specific areas of mismatch, their institutional causes, and the policy actions required to address them, the descriptive size of the design introduces what AfCFTA requires and what South Africa's current framework provides [16]. Bowen defines document analysis as an organized approach for revisiting and assessing documents, including physical and soft forms, in which data is studied and analysed to determine meaning, gain understanding, and produce empirical knowledge [16]. This definition directly determines the analytical process used in this study, in which the AfCFTA Agreement, its Protocols and Annexes, ITAC investigation records, SACU governance tools, DTIC policy documents, and Government of National Unity (GNU) trade policy positions are organized for review, coding, and interpretation to introduce both what AfCFTA requires and how South Africa's existing framework responds to those requirements [16]. Bowen adds that document analysis is particularly suited to studies designed within an interpretive model, considering that documents may be the only necessary data source for research that seeks to draw meaning from institutional and policy texts rather than measure observable phenomena [16]. The policy gap analysis method was used as the analytical framework through which the findings indicated by document analysis were structured and interpreted. It functions by mapping the AfCFTA's harmonization requirements on one side, specifically its tariff relaxation schedules, rules of origin thresholds, and non-tariff barrier elimination obligations, and South Africa's current trade policy framework on the other, before systematically analysing the nature and extent. This approach is consistent with Bowen's argument that document analysis produces data excerpts, passages, and coded categories, which are then organized into important themes and case examples through content and thematic analysis, allowing the researcher to transition from fresh documentary evidence to structured analytical findings [16]. Bowen describes five specific functions that documents serve in qualitative research that are directly suited to the design of this research: providing background and historical conditions, suggesting questions that need to be asked, supplying supplementary research data, tracking policy change and development over time, and ensuring or supporting the findings [16]. However, the effectiveness of document and policy gap analyses as research design tools is directly dependent on the quality, truth, and comprehensiveness of the documents selected for analysis. Bowen cautions that researchers must determine not only the existence and accessibility but also the truth and usefulness of particular documents, taking into account the original purpose of each document, the nature in which it was produced, and directed to which. Thus, it is vital to provide an orderly description of the primary and secondary documentation sources on which this study depends, the criteria by which they were selected, and the way they were investigated, which is the purpose of the following section on data sources.

3.3 Data Sources

This study presents two sides of documentary sources, primary and secondary, chosen based on their relevance to the research objectives, institutional authority, and capacity to provide rich valuable evidence of both the AfCFTA's harmonization requirements and South Africa's existing trade policy framework [17]. This approach is consistent with Malati's precedent in AfCFTA scholarship, where the AfCFTA procedure on Trade in Goods was used as the primary source document, with its correctness and reliability established based on its publication on a reputable official platform, and secondary literature used to provide the nature of the analysis [17]. The primary sources used in this study are the AfCFTA Agreement text and its Protocols on Trade in Goods and Trade in Services [1], DTIC trade policy documents and position papers, SARS customs and tariff frameworks, ITAC examination reports and tariff change recommendations, the SACU Agreement and its governance tools, and relevant parliamentary committee records on trade policy. Malati similarly structured his number one source selection around the nine Annexes of the AfCFTA Procedure on Trade in Goods as the entire sample population, documenting their source location, data type, and sampling technique in an open and replicable manner, introducing a methodological standard for AfCFTA documentary research that this study employs. [17]. Secondary sources supplement the primary documentary base and include analytical reports and assessments produced by TRALAC, UNCTAD, the World Bank, and the African Development Bank, as well as peer-reviewed journal articles on AfCFTA implementation, regional integration theory, and South Africa's trade policy readiness, in line with Malatji's use of secondary literature to understand and interpret findings drawn from primary AfCFTA documents [17]. The first source was prioritized because it contains the actual legal texts and institutional records whose meaning, scope, and effect are the subject of the research question. They are not representations of the AfCFTA's responsibilities or South Africa's framework but rather the obligations and framework themselves, making them necessary for a credible policy gap analysis. Malatji explicitly confirms this rationale, stating that the credibility and reliability of primary AfCFTA documents are established by their publication on reputable official government platforms and that qualitative content analysis of these documents yields empirically rooted findings about what the Agreement requires and what gaps remain [17]. Secondary sources were selected based on the standards held in their institutions and the analytical depth of TRALAC reports for their specialized focus on AfCFTA implementation in Southern Africa, World Bank and UNCTAD assessments for their organized analysis of AfCFTA compliance challenges, and peer-reviewed journals for their theoretical and empirical contributions to the regional integration literature [17]. Malatji states that the dependence on textual content analysis of primary source documents is a recognized gap, acknowledging that the incorporation of additional documentary research techniques, such as discourse analysis or thematic analysis, could result in a more precise outcome. This is precisely why this study supports its primary source analysis with secondary analytical sources from the TRALAC, UNCTAD, and the World Bank [17]. The primary and secondary sources mentioned above contain new documentary material for this study; however, their analytical value is fully realized only when a structured framework governs how they are read, coded, and interpreted to produce findings that are organized, transparent, and responsive to the three research objectives [17].

3.4 Analytical Framework

The analytical framework combines thematic and policy gap analyses in a two-stage process. First, thematic analysis categorizes documentary evidence into major themes in the AfCFTA legal architecture and South Africa's trade governance model: tariff harmonization, rules of origin, non-tariff barrier (NTB) removal, institutional coordination, and SACU-AfCFTA interface. In the second stage, policy analysis cross-maps the identified themes to create a structured report on where South Africa's framework meets AfCFTA obligations and the policies that must be implemented to address the gap. This combined approach enables the study to move from raw documentary evidence to structured analytical findings that are directly responsive to each of the three research objectives

4 Findings

4.1 AfCFTA Trade Policy Harmonization Requirements and Their Implications for South Africa

A review of the AfCFTA Agreement and its Protocols reveals a fully harmonized and binding formulation of four areas that impact South Africa's trade governance architecture. In the field of tariff liberalization, South Africa, as a non-LDC member, is required to fully liberalize 90% of its tariff lines within five years of the start of trade (beginning in January 2021). A further 7% of sensitive tariff lines enjoy longer liberalization periods, and a maximum of 3% may be reserved from liberalization for strictly justified reasons [22]. The current South African tariff schedule, including intermediate goods tariffs averaging 20% in manufacturing-adjacent industries, exhibits considerable non-compliance with the five-year liberalization obligation for a large part of its industrial tariff schedules [1]. In terms of rules of origin, the AfCFTA mandates South Africa to adopt the agreed product-specific rules to determine preference eligibility, with 92.3% of tariff lines currently benefiting from the agreed rules of origin (as of February 2024) [22]. The remaining 7.7%–predominantly textiles, clothing, and motor vehicles - is a compliance gap that is of particular concern for South Africa, given the industrial and export potential in these sectors. The lack of finalized rules of origin introduces regulatory uncertainty that restricts the flow of South African goods with AfCFTA preference in continental markets.

The NTB elimination mechanism under Annex 5 requires South Africa to engage in the AfCFTA NTB reporting mechanism, conduct investigations into NTBs within the agreed timelines, and adopt corrective measures if they are confirmed [1]. A review of the available records reveals that South Africa's engagement with the NTB reporting mechanism has been sporadic, and that the institutional capacity of the Department of Trade, Industry and Competition (DTIC) and the International Trade Administration Commission (ITAC) to identify, investigate, and eliminate NTBs impacting continental trade is not yet fully developed in line with the Agreement. The AfCFTA Annex on Customs Cooperation obligations, which requires customs harmonization, includes the adoption of harmonized customs procedures, the establishment of single-window systems, and the provision of mutual administrative assistance in the customs field. The SARS customs administration in South Africa is technologically advanced by continental standards but has systems that are not yet integrated with the AfCFTA customs cooperation regime. Interface problems increase the transaction costs of intra-AfCFTA trade.

4.2 South Africa's Trade Policy Framework and Its Alignment with AfCFTA Obligations

A policy gap analysis of South Africa's existing trade governance framework relative to the AfCFTA obligations suggests a mixed picture of alignment, with some formal procedural compliance and other substantive non-compliance that fails South Africa to fulfil its obligations to harmonize its trade framework.

The areas of Partial Alignment include ratification of the AfCFTA Agreement and provision of Phase 1 tariff concession schedules to the AfCFTA Secretariat, the procedural minimum requirements for continental engagement [24]. Second, South Africa engages in AfCFTA Secretariat processes, such as the Council of Ministers and Committee of Senior Trade Officials meetings, which allow participation in ongoing negotiations on rules of origin, services liberalization commitments, and NTB resolution processes [1]. Third, SARS's sophisticated customs administration provides a better starting point for later customs harmonization than most AfCFTA member states, minimizing the amount of technical effort required for procedural alignment when the political decision to align is made. The existence of critical gaps in the-AfCFTA Architectural Incompatibility, ITAC Procedural Misalignment, GNU Harmonization Plan, and Rules of Origin cause tension between South Africa and AfCTA, inhibiting market penetration.

4.3 Barriers to Effective Trade Policy Harmonization in South Africa

The following barriers to AfCFTA harmonization in South Africa were identified from document analysis:

Institutional fragmentation exists where South African trade policy requires the coordination of the responsibilities of multiple departments and entities (DTIC: industrial policy and trade strategy; SARS: customs and tariff management; ITAC: trade remedies and tariff investigations; the SACU Secretariat: coordinating the CET) to ensure that they act in concert to achieve the common goal of AfCFTA compliance [1]. This results in inconsistent messages, bureaucratic duplication, and policy gaps in which AfCFTA obligations are absent from the mandate of these entities, without a single entity responsible for ensuring AfCFTA compliance.

The SACU-AfCFTA structural gap in which SACU's legal structure was created as South Africa's main regional trade obligation for the operation of a customs union between five southern African countries. The AfCFTA introduces a different scale and governance structure: 54 states, a continental secretariat, and a tariff liberalization timetable that may be inconsistent with SACU's CET.

GNU governance constraints cause coalition governance of the GNU as they pose two forms of constraint on AfCFTA harmonization. First, there are policy coherence constraints stemming from the need to align the coalition partners’ industrial policy preferences (the DA's free trade ideology, the ANC's industrial policy protectionism, and the IFP's constituency-based concerns) to produce a coherent AfCFTA harmonization policy. Second, the GNU’s focus on coalition governance stabilization, energy crisis management, and short-term economic challenges creates cost constraints, drawing political resources away from the long-term commitment needed for AfCFTA harmonization.

5 Discussion

5.1 The Scope and Significance of AfCFTA Harmonization Requirements for South Africa

Harmonization obligations are more complex than the management structures underpinning South Africa’s pre-AfCFTA trade policy regime. From the neofunctionalism perspective, the AfCFTA tariff, rules of origin, and NTB obligations create functional spillover pressure for further harmonization in customs administration, industrial policy, and investment policy beyond the obligation of early liberalization.

5.2 Interpreting the Alignment Gap — Implications for South Africa's Continental Competitiveness

Limited structurally inadequate alignment has two implications for South Africa's continental competitiveness. In the short run, procedural gaps - the ITAC investigation backlog, NTB reporting deficiency, and absence of SACU-AfCFTA interface mechanisms–create transaction costs for South African exporters and importers trading under the AfCFTA, reducing the AfCFTA price competitiveness advantages that preferences are supposed to confer. In the medium to long term, the structural gaps, especially the SACU-AfCFTA architectural incompatibility and the absence of a GNU harmonization strategy, generate systemic uncertainty that dissuades the manufacturing investment and industrial upgrading needed for South Africa to harness the AfCFTA's expected economic benefits. The Developmental Regionalism framework offers a normatively appropriate interpretative framework for this gap. South Africa's industrial policy instincts (protection of automobiles, textiles, and agribusiness as means to create jobs, build technology, and transform the economy) are valid developmental objectives that are compatible with a Developmental Regionalism approach to the AfCFTA. However, the effect of South Africa's approach to protecting industries from competition without industrial policy investment limits competitiveness and integration into continental value chains. A Developmental Regionalism approach ensures that provisions are tied to industrial upgrading performance indicators while ensuring that institutional frameworks are in line with AfCFTA obligations to take advantage of the scale benefits of continental market integration.

5.3 Understanding the Barriers — Political Economy and Institutional Explanations

Three barriers, including institutional fragmentation, prevent the institutional coordination needed to resolve the SACU-AfCFTA tensions because no institutional actor has the mandate and authority to negotiate with the DTIC, ITAC, SARS, and SACU. Governance constraints under the GNU prevent the political mandate to coordinate such an institutional response because the political attention required to resolve trade policy problems diverts attention from more urgent GNU governance concerns. The SACU-AfCFTA structural problem exists because institutional fragmentation and governance constraints prevent the ongoing, technically demanding engagement needed to resolve it.

Neofunctionalism predicts that barriers will be undermined as the functional logic of integration, leading to a demand for institutional reforms in the long run, but not sufficient as a policy prescription for resolving South Africa's harmonization dilemmas. The intergovernmentalism insight that the resolution of barriers demands political will at the highest level of government is correct but fails to specify the institutional mechanisms for translating political will into policy. Developmental Regionalism's emphasis on preserving policy flexibility in the face of harmonization offers a normative hypothesis underpinning institutional policy recommendations

Conclusions

This study shows that the AfCFTA has uncompromising rules in four areas. These are responsible for reducing tariffs (90% of items within five years for countries like South Africa, 7% are sensitive, and a maximum of 3% are excluded), specific rules for products (covering 92.3% of tariff items by February 2024), removing non-tariff barriers under Annex 5, and standardizing customs rules. These rules have legal and practical implications for how South Africa manages trade. They also create more pressure to change more than just tariffs, affecting customs, industrial and investment policies. This means that South Africa must change its entire trade management to adhere to AfCFTA rules, not just focus on relaxing tariffs. The study further shows that the policy gap analysis shows that there is still a misalignment in South Africa. South Africa has agreed to the Agreement, sent Phase 1 tariff schedules, and uses an improved SARS customs system. However, there are still some problems. Tariffs on intermediate goods average 20%. ITAC investigations take approximately 28 months, whereas they should take six months. NTB reporting is irregular in the country. The rules of origin for textiles, clothing, and automobiles have not been finalized. The SACU Tariff Board has not been active since 2002. These problems cause short-term costs for South African exporters and create long-term uncertainties. This uncertainty affects investments in manufacturing and South Africa’s business standing in Africa. The other point that the study identifies is based on the three main problems that were found in different parts of the government (DTIC, SARS, ITAC, and the SACU Secretariat) not working together, no one is leading and not following AfCFTA rules. The SACU customs union's rules are not in line with the AfCFTA's schedule for reducing trade barriers and government problems due to different political party views on trade and other urgent problems. To address these issues, this study suggests creating a special AfCFTA Harmonization Unit, making a formal plan to align SACU and AfCFTA rules and setting a timeline to remove trade barriers (time bound non-tariff barrier elimination roadmap) that will overcome institutional fragmentation, GNU government constraints and SACU- AfCFTA governance constraints necessary in systematic policy gap analysis. These steps should support South Africa’s market continental integration, economic competitiveness, regional development and open up industrial growth goals.

Overall, the study contributes to AfCFTA and economic development literature by filling in the gaps in the methodology and providing a unified analytical integrated framework as evidence of the system combining alignment gaps, institutional causes and proposed targeted solutions. The three-pillar institutional reform agenda-AfCFTA Harmonization Unit, the SACU-AfCFTA alignment protocol and the non-tariff barrier elimination roadmap - recommends actionable policy solutions that are directly responsive to the compliance gaps identified, filling a gap in the existing literature that has recognized but failed to systematically address these deficiencies. The study contributes to systematic policy gap analysis that clearly outlines South Africa's domestic trade governance system against specific harmonization obligations in context of AfCFTA protocols and Annexes that previous studies and dimensions like Fundira, World Bank & ESRA and TRALAC examined in isolation.

Theoretically, the study contributes to the application of Development Regionalism as an analytical framework for interpreting AfCFTA compliance as a regionally integrated policy process, laying the groundwork for an institutional architecture that incorporates policy flexibility into the process. The combination of the thematic document analysis and policy gap analysis methodically provide a replicable framework for evaluation in domestic alignment across government contexts by other AfCFTA country member states and researchers.

Limitations

Although the study had its strengths, several limitations were identified. The study analyzed the macro-institutional level of governance structure state bodies like such as DTIC, ITAC, SARS and the SACU Secretariat and not captured the micro-level the private sector like compliance costs incurred by the individual South African exporters and importers and constraints faced by individual SMEs firms that are real determinants of AfCFTA utilization.

The primary geographical focus of South Africa as the major AfCFTA member state, most industrialized and the biggest intra-SACU trading partner limited the comparative analysis of implementation of harmonisation across the other AfCFTA member economies and this limited the broad applicability of its institutional results. Moreover, the study heavily relied on the quality, availability and transparency of official policy documents and institutional records which limited the analysis where restricted unavailable data and document access to GNU inter-ministerial deliberations and SACU Tariff Board proceedings was needed. The study limited the quantification of the economic implications of the compliance deficit identified including the macroeconomic consequences on South Africa's export performance, GDP growth and job creation in a South Africa-AfCFTA even though it is clearly diagnosed. Although these limitations are to be considered, they do not negate the overall contribution made by the study. On the contrary, they point out the areas that could be improved in future research studies.

Future Research

Future research ought to use quantitative and econometric modelling to quantify the economic costs of South Africa's institutional lag including the lost export revenues faced by exporters because of the backlog of cases in the ITAC investigation process, the trade diversion consequences of unresolved rules of origin in the textile and automotive industries and the welfare losses from the ongoing presence of non-tariff barriers. This will form a basis for gravity model specifications and computable general equilibrium frameworks that will allow the shift from institutional data to the policy urgency that this study has identified.

The inclusion of firm-level survey research on South African exporters will greatly capture the micro-level evidence on private sector awareness on the AfCFTA preferences, their actual utilization rates and practical barriers encountered at the point of trade supplementing the macro-institutional analysis.

The Expansion of the geographical coverage to represent a bigger group of Sub-Saharan African countries with similar economic structure and patterns of development to South Africa like Kenya, Egypt and Nigeria will provide sound assessment of the barriers as either country-specific or a structural issue in the

AfCFTA implementation architecture. This will call for collaboration among various countries, policy makers, researchers and organizations to formulate an integrated unified framework for compliance and reporting purposes. A more representative and larger sample would also facilitate comparative information across various development paths, institutional settings and policy environments in the region allowing for learnings and policy interventions.

The use of longitudinal research tracking South Africa's evolution in GNU trade policy through successive electoral and coalition cycles would provide useful insight in identification of whether the governance constraints identified are transient or structurally embedded. This will allow future research study be aggregated with more comprehensive and multi-layered understanding of the dynamics of harmonization of AfCFTA and reinforcement of the empirical foundation on which evidence-based continental trade policy reform will be strengthened.

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