



The Application of Laws Related to International Trade in Africa: Conflict and the Possibility of Unification

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ABSTRACT

This study examines the application of international trade laws in Africa, specifically focusing on the potential unification of legal frameworks to enhance trade efficiency. Utilizing a qualitative methodology, this research conducts a content analysis of existing legal frameworks and empirical data from multiple African countries. Key findings indicate that while initiatives like the African Continental Free Trade Area (AfCFTA) aim to harmonize trade laws, significant discrepancies in legal systems hinder effective implementation. The study reveals that local legal characteristics must be integrated into any unified framework to foster trade growth. Ultimately, this research underscores the necessity for coordinated legal reforms that align with both international standards and local practices to support Africa's trade development.

Keywords: Regional Legal Coordination; International Trade; Legal Framework; African Continental Free Trade Area (AfCFTA); China-Africa Trade and Investment

1. Introduction

Despite the ongoing impact of the COVID-19 pandemic on global trade, China-Africa trade has continued to grow rapidly in 2021. (Carmody, 2021) This robust development of China-Africa trade is closely linked to the enhancement of the dispute settlement mechanism and the optimization of the relevant legal framework. For international trade in goods, the United Nations Convention on Contracts for the International Sale of Goods (CISG) is a critical convention that has had a positive impact globally. However, CISG's effectiveness in Africa has been limited. For decades, the academic and practical circles have debated whether African countries should adopt CISG, without reaching a unified conclusion.

In recent years, with the establishment of the African Continental Free Trade Area (AfCFTA) and attempts to create a regional trade legal framework, the debate on CISG adoption by African countries has been reignited. (Muftau, 2023) Legal coordination appears to have become an implicit requirement for the continued trade development of African countries. Whether it is the adoption of internationally harmonized substantive norms, the implementation

of inter-regional coordinated planning, or the construction of inter-regional conflict resolution mechanisms, it is necessary to comprehensively consider existing practices and realities.

Against this backdrop, current study will employ empirical analysis, comparative analysis, and other research methods to examine the application of trade-related laws in Africa, assess the feasibility and effects of existing ideas and preliminary practices, and analyze the legal issues faced by Chinese enterprises in their trade with Africa, based on the research findings and outlook.

2. Methodology

The research adopts a qualitative exploratory design, which allows for an in-depth understanding of the complexities and nuances of legal frameworks governing international trade in Africa. (Yaseen, 2024) This design is particularly suitable given the diverse legal systems present across the continent and the need for a nuanced analysis of their implications for trade. (Yaseen & Phattanasin, 2025) Data for this study is collected from a combination of primary and secondary sources. Primary data includes Legal documents and Interviews, whereas Secondary data includes Scholarly articles and Reports from International Organizations used in this study.

The data analysis was done using content analysis, comparative analysis, and thematic analysis. Content analysis involves coding the data based on relevant categories, such as legal harmonization, dispute resolution mechanisms, and local legal adaptations. The study compares the findings from different African countries to highlight variations in legal frameworks and their impact on trade practices. Likewise, thematic analysis allows for a deeper understanding of the factors influencing the effectiveness of legal coordination in international trade.

3. Raising the Questions

3.1 Current status of African trade-related legal systems

Economic and trade development is inextricably linked to the corresponding legal regulatory framework and the guarantee of the dispute settlement mechanism. A crucial step in expanding economic and trade exchanges with foreign countries is to remove unnecessary barriers to trade development as much as possible. (Yaseen & ullah Khan, 2025) For Africa, coordinating the legal framework within the region has become an unavoidable issue in the process of expanding trade development, due to the complexity of the legal systems of African countries. In addition to civil law and common law systems, African countries' legal frameworks are also influenced by historical, political, and other factors, resulting in a mixed system and a wide range of local customary laws. Some scholars have referred to the African legal system as a "complex kaleidoscope".

These differences in legal systems directly impact the approach to resolving economic and trade disputes and the application of the law. For example, in China's top fourth trade partners in Africa - South Africa, Morocco, Angola, and Nigeria - the legal systems and dispute settlement mechanisms vary significantly. South Africa has a mixed common law jurisdiction, Morocco remains anchored in the Romano-Germanic legal tradition, Angola's legal framework is based on Portuguese law, and Nigeria's system combines British common law and local legislation. With the sharp increase in foreign investment across Africa, the scope of dispute settlement has expanded rapidly. Foreign related trade disputes in Africa have gradually shifted from foreign settlement to localized dispute settlement, with more African trade parties requiring disputes to be resolved through local courts applying local laws or African regional arbitration institutions. However, the different rules and systems involved in dispute settlement may complicate the resolution of commercial disputes. This can have a two-way impact, affecting both the foreign trade of local enterprises and foreign and local investment and trade.



3.2 Analysis of the compatibility between the existing legal framework and the development of international trade

Africa's economic growth has gradually shifted from private consumption to investment and exports, with investment accounting for more than half of the continent's growth in recent years. Moreover, the establishment of the African Continental Free Trade Area (AfCFTA) has the potential to make Africa the world's largest free trade zone. (Apiko et al., 2020) However, the differences in legal systems among African countries lead to varying approaches to dispute settlement in practice, which is not conducive to the long term growth of African trade. Although parties can exercise autonomy in choosing legal options in contracts, this is not the optimal way to resolve trade-related disputes in Africa, as it may increase litigation time and costs. Therefore, unified and coordinated legislation is necessary for African trade, and this need manifests in two keyways:

3.2.1 Integrating into the global economy and multilateral trading system

The implementation of Africa's development strategy requires increasing foreign trade, which inevitably involves engagement with foreign trade rules. African countries have vast potential markets, so they need to expand trade for further development, leading to the exploration of trade rules. Given that the coordination of trade rules promotes international exchanges, some African scholars have called for the need to effectively participate in WTO agreements and negotiations to integrate into the global economy and multilateral trading system. (Date-Bah, 2011)

3.2.2 Coordinating laws to attract trade and investment

The growth of investment and foreign trade requires the coordination of laws among African countries. Foreign direct investment (FDI) is an important factor in Africa's economic development. For example, the trade relationship between the Southern African Development Community (SADC) countries and CISG contracting parties like China involves the application of the Convention. Some SADC countries, such as Lesotho and Zambia, are also CISG parties. To coordinate the application of laws related to international goods sales contracts, relevant countries or regional organizations may adopt CISG (CHIMERI, 2023) to establish a legal framework that is harmonized with traders' needs and attract trade and investment. One of the overall goals of the AfCFTA is to formulate coordination rules between member countries and with third parties, "solving the numerous and overlapping challenges of member countries and accelerating the process of regional and continental integration". (Gervais, 2017) While African countries have different attitudes towards international conventions due to various trade-offs, the coordination of trade related legal rules in the region is essential.

4. Analysis of the application dilemma and causes of unified coordination of laws: Take CISG as an example

So far, CISG has 94 parties. (Castellani, 2009) Among them, a total of 13 parties in Africa have signed, ratified or joined, namely: Benin, Burundi, Cameroon, Congo, Egypt, Gabon, Ghana, Guinea, Lesotho, Liberia, Mauritania, Uganda and Zambia. In addition, it is worth noting that although Ethiopia and Rwanda have passed authorizing laws, CISG is not effective in these countries because it has not yet been sent to the United Nations in accordance with Articles 89 and 91 of CISG. Deposit the documents. (Lookofsky, 2022) At present, the growth of Africa's foreign trade is accompanied by the increase of the application of law to dispute settlement, and the debate on CISG is unfolding again. In order to more comprehensively analyze the potential benefits or disadvantages of CISG approval in African countries, the author summarized some considerations for supporting and denying the approval of CISG by African countries as shown in Table 1.



Factors	Supporting argument	Negative argument
Interest factors	A unified legal framework is in the interest of Africa	Uniform laws drafted by international organizations are not suitable for African's special interest and needs.
	Achieved important successes worldwide	Most developing countries have not joined
Legal factors	Removing legal barriers	Limited scope of application
	Improving the certainty of applicable law	The ambiguity of the terminology reduces the certainty of the application of the law
	Simplified, reasonable and fair	Artificial division of domestic and international sales contracts makes practical operation difficult.
Economic factors	Reduce transaction costs and promote trade development	Will not bring expected substantial benefits
Cognitive factors	No need to resort to the rules of private international law	Path dependence, different from local legal culture
	Access to a large amount of information	Lack of local awareness of CISG

Table 1: Related factors that support or deny African countries' ratification of CISG (Tsorme, 2021)

According to the above table, the various factors that support or deny the approval of CISG in African countries can be initially classified into four factors, namely, interest factors, legal factors, economic factors and cognitive factors. These factors are explained separately below.

4.1 The interest factor is the fundamental factor in the various argument factors

Whether it is in line with the fundamental interests of the development of African countries is the prerequisite for their consideration of whether to approve CISG. It is supported that CISG has made important achievements worldwide, easing the differences caused by differences between different legal systems and systems such as common law and civil law systems through unified application, (Chimeri & Shumba, 2025) and then concluded that this conclusion also applies to Africa. The negation argues that African countries should be cautious in considering international conventions formulated by international organizations, because African countries are less involved in the formulation of these conventions. Moreover, although only in terms of the number of States parties, CISG has a large group of contracting parties. However, there are significantly fewer developing countries that have ratified CISG than those that have not. (Lehmann, 2006) Therefore, whether it can be in line with Africa's own development interests remains to be tested.

4.2 Legal factors and economic factors are the driving factors in the various controversial factors

When a country ratifies a convention, in addition to judging whether it is in the fundamental interests of the country, there must be a reason for accession. For CISG, this motivation is mainly reflected in the cost of compatibility with the local legal system when the text is applied to the country and its trade promotion. In this regard, it is supported that CISG helps to break down legal barriers and promote the coordination and flexibility of the application of the law through a unified framework and concise and reasonable legal rules worldwide, (Fombad, 2013) and thus reduce transaction costs, to attract foreign investment and promote trade in African countries. The objection is questionable whether CISG itself can promote the uniformity of the application of the law. Because the expression of some terms is too general, it makes it difficult for arbitral tribunals and courts with different interpretative cultures and styles to interpret the convention uniformly. (Bamodu, 2023) And CISG is specially applicable to the field of international goods sales, and artificially divides domestic sales contracts and international

sales contracts. (Eiselen, 1999) At the same time, some scholars also pointed out through data analysis that CISG is only a legal tool and is not directly linked to trade, (Phattanasin et al., 2025) and whether its application can achieve the expected role in promoting trade is different in practice.

4.3 The cognitive factor is the realistic basis for whether CISG can be applied

It is supported that there is no need to resort to the rules of private international law through CISG, but can directly apply the international unified entity norms, and based on the availability of CISG-related materials, its interpretation and relevant precedents, theology, etc. can provide reference for the application of CISG. (Shumba, 2014) The opposition believes that Africa has formed a set of conventional trading models at this stage, such as trading through letters of credit, (Anyamele & GENEVIEVE, 2015) which thus avoids resorting to litigation. Moreover, surveys show that a considerable number of African countries lack understanding of CISG, so it may lack the basis for promotion in practice.

5. Prospect of the problem

The established economic and trade legal system or legal framework is a key factor in promoting trade and attracting foreign investment. In the global competition, a clear and predictable legislative framework and an efficient, effective and fair judicial system will give the region more advantages. (Oppong Pephrah, 2023) On the contrary, the uncertainty of justice will directly affect investment and even long-term economic development. (Muna, 2001) However, due to the diversity and complexity of the African legal system, unified substantive laws related to international trade, such as CISG, cannot play its due role in Africa, and face heavy resistance in approval, coordination and implementation. Specifically, the legal pattern of any specific African country reflects the interaction between two or more legal sources or systems. (Aiyedun & Ordor, 2016) On the one hand, this diversity seriously limits the role of unified substantive law. On the other hand, the expansion of multilateralism has also led to the proliferation of dispute settlement mechanisms, which has led to complex problems such as court-level, court selection, and predictability of the application of law. Therefore, the formulation of a unified substantive law is not the optimal solution.

In this case, in order to ensure the uniformity and certainty of the application of the law to a certain extent, the construction of regional organizations or dispute settlement mechanisms under the inter-regional coordination framework can provide support for the above purposes. Based on the current situation of inter-regional rule coordination in Africa, the author believes that the construction of the legal framework related to African trade at this stage mainly focuses on two aspects, namely, the inter-regional local coordination model and the inter-regional overall coordination model. The difference between the whole and the part here mainly lies in the differences between the parties to the dispute. The former focuses on coordinating institutional differences between countries, while the latter focuses on disputes between private subjects. In fact, legal coordination at the local level has a relatively mature development model, but there are still some problems that have yet to be optimized in practice. At the same time, with the construction and development of the overall framework, there are interactions and potential conflicts between rules or systems at the local level. Therefore, the following will focus on the analysis and evaluation of the coordination model of the two levels.

5.1 Inter-regional local coordination mode: Take OHADA as an example

The Organization for the Harmonization of Business Law in Africa (OHADA) was signed on October 17, 1993 (The Treaty on the Harmonization of Business Law in Africa, revised on October 17, 2008. (Monsenepwo Mwakwaye, 2022) The organization currently has 17 contracting parties, which aims to deal with it. Legal and judicial instability (insecurity) in the State party. Decades of development have made it an important tool for inter-regional local



legal coordination and created a legal space suitable for economic and trade development. The Uniform Act on Arbitration can be taken as the entry point for the specific measures and achievements of OHADA in coordinating the development of laws in the field of economy and trade. The Uniform Arbitration Act, which came into force in 1999, reflects the general rules of arbitration and can be applied to any arbitration in a member country where the arbitral tribunal is located, or to parties outside those countries that may wish to conduct arbitration under the Act. (Beauchard & Kodo, 2011) The bill has achieved certain results in coordinating the arbitration mechanism within OHADA member countries, but it has also exposed its limitations over time. For example, the bill does not involve provisions on mediation or rules on rapid arbitration procedures. However, it is valuable that the Arbitration Uniform Act was specifically modified in response to the above defects in 2017, thus improving its flexibility and attractiveness in dispute settlement. (de Gramont et al., n.d.) Specifically, first of all, from the scope, the Arbitration Unification Act extends dispute resolution to investment disputes; (Elrod, 2016) Secondly, the Arbitration Unification Act coordinates its potential conflicts with the mediation rules and stipulates that if the agreement requires both parties to follow the preliminary stage of dispute resolution before any arbitration, arbitration the court shall, at the request of one of the parties, examine whether the condition has been met and authorize the completion of the preliminary stage as appropriate. If this initial stage has not been initiated, the arbitral tribunal shall suspend the proceedings for a period of time it deems appropriate. (Reymond-Eniaeva, 2019)

Although the above amendments make up for the shortcomings stipulated in the original bill, the content of the rules needs to be further clarified in practice to better apply to the judicial practice of the state party. For example, some scholars pointed out that for investment disputes, it is necessary to further clarify substantive arguments (such as investment related definitions) and procedures (such as transparency rules) to develop and consolidate the trend of submitting investment disputes to arbitration in accordance with the Act. At the same time, since OHADA is mainly a member of the civil law system, its impact on common law countries is unknown. In addition, with the outbreak of COVID-19, a broader settlement model (such as online dispute settlement rules) has been introduced in inter-regional coordination to reduce the negative impact of the inability to conduct offline arbitration as quickly as possible through time.

As mentioned above, OHADA's inter-regional coordination organization plays an important role in the process of inter-regional legal coordination and has achieved remarkable results. However, this conclusion is based on a "local" perspective, and there are many such inter-regional coordination models in Africa. Looking at it from the perspective of the whole Africa, the disadvantages of this local coordination model are becoming increasingly obvious: there are great differences in the coordination models or legal documents between inter-regional organizations, and the phenomenon of individual countries being members of multiple regional coordinating organizations at the same time, which leads to a broader level of trade or dispute resolution. The incongruity of the law (as shown in Figure 1). (Kuhlmann & Agutu, 2019) In other words, regional integration in Africa is achieved through a series of legal instruments formulated and implemented in a non-linear and overlapping manner. This phenomenon has even triggered a new round of legal uncertainty to some extent. Therefore, in practice, it is necessary to further coordinate the economic and trade rules of African countries and the corresponding dispute settlement framework from a broader perspective, and the African Continental Free Trade Area has emerged. Figure 1 given below represents the Overlap of members of the African Regional Economic Community.





Figure 1: Overlap of members of the African Regional Economic Community

5.2 Inter-regional local coordination mode: Take AfCFTA as an example

The signing of the agreement establishing the African Continental Free Trade Area, AfCFTA is the overall level of Africa. Coordinate an important measure for economic and trade development. As of January 2022, 41 of the 54 signatories have deposited the ratification of the AfCFTA agreement. Because the member countries of the agreement are composed entirely of African countries, the agreement can more accurately reflect the development needs of African countries out of the desire for mutual benefit and further regional integration. (Khumalo, 2020) In terms of advantages, AfCFTA is obviously attractive to African countries that seek legal uniformity to promote economic development. AfCFTA transforms the previous defensive trade mode into a positive tool, aiming to enhance Africa's trading position in the global market by strengthening Africa's common voice and policy space in global trade negotiations. (Union, 2020b) AfCFTA may also improve economies of scale, and establish a comprehensive market based on a common legal framework, (Mene, 2019) providing a blueprint for inclusive and sustainable development of the African continent. More importantly, compared with other inter-regional trade agreements, one of the prominent features of AfCFTA is the emphasis on the principles of "variable geometry", "flexibility" and "differential treatment", which gives the contracting parties a transitional period, (Wolfrum et al., 2008) and allows the contracting parties to according to their advantages. Advances and capabilities to make commitments and advance their trade agendas in a step by step manner. (Hanzhi, 2021)

In terms of disadvantages, the core challenge facing AfCFTA is how to coordinate or break through the "new conflict" brought about by the existing multi-dimensional inter-regional local coordination model. As mentioned above, an important goal of the AfCFTA agreement is to "solve the numerous and overlapping challenges of member countries and accelerate the process of regional and continental integration". (Union, 2020a) Although the agreement has been explored at the level of achieving the goal, it also shows obvious limitations. First of all, the dispute settlement mechanism under the AfCFTA agreement is limited to the parties. (Gathii, 2019) For disputes between private subjects, the parties cannot invoke the agreement. Therefore, the failure to establish a unified or coordinated pan-African legal conflict system will cause private subjects to continue to resort to the existing complex rules of commercial disputes. Secondly, the existing dispute settlement rules of AfCFTA are less attractive than the existing inter-regional local coordination rules. Because only those African countries that currently trade with each other at the most favoured nation rate will use the new free trade area (preferences) established by the African Free Trade Area once they start operating and the countries concerned are parties. Other AfCFTA states parties will continue to trade at a higher level of liberalization established in the free trade agreement of the regional economic community and other regional trade arrangements. That is to say, a considerable number of states parties may

continue to conduct trade under the economic and trade rules formulated by the regional coordinating organizations in which they participate, such as the above mentioned economic and trade rules under the OHADA framework. It can be seen that although AfCFTA has broad development prospects, its challenges cannot be ignored. Combined with the existing point of view, the overall coordination of the internal legal mechanism in Africa is the focus of the follow up of AfCFTA. To promote the realization of intra-African trade goals, it needs to rely on unified rules related to the economic and trade field. For example, some scholars believe that more energy needs to be devoted to the construction of pan-African legal conflict mechanisms in the fields of business and trade. Therefore, in practice, it is necessary to resort to the existing regional (such as REC related rules) (Akinkugbe, 2020) or international (such as WTO related rules) double experience. In addition, it can also be considered by member states when formulating their own laws by formulating model laws or guidelines. Or establish a judicial body at the regional level, (Brown, 2020) to provide institutional framework support for economic and trade development.

6. Trade Related Laws

The United Nations Convention on Contracts for the International Sale of Goods (CISG) serves as a crucial legal framework to facilitate international trade by providing a uniform set of rules governing contracts for the sale of goods. (Akaddaf, 2001) China has been a signatory of the CISG since 1988 and has integrated its principles into domestic laws, promoting a stable legal environment for international trade. (Liu & Ren, 2017) African countries show varied levels of engagement with the CISG, reflecting a lack of uniformity in the adoption and application of trade laws across the continent.

6.1 Adoption of trade agreements

China's proactive stance is evident through its extensive cooperation in international trade. The adoption of the CISG reflects a strategic choice to align with global trade norms, facilitating smoother transactions. South Africa: A full signatory of the CISG, South Africa has incorporated its principles into the South African Law of Contract, promoting confidence in international trade. Nigeria and Kenya: Despite being significant players in the African economy, neither Nigeria nor Kenya has ratified the CISG, relying on domestic laws that may diverge from international standards, leading to potential legal ambiguities.

6.2 Legal Framework and Implementation

China's Contract Law (1999) provides a structured approach to contracts, aligning closely with the CISG. This alignment helps businesses navigate international contracts seamlessly. (Wan & Guo, 2024) South Africa: Possesses a comprehensive legal framework, with specific provisions in the Sale of Goods Act. The country's judiciary generally respects international law. Nigeria: Lacks uniformity in its legal framework. The Sale of Goods Act is in place but significant discrepancies between local practices and international norms can create challenges. Kenya: Has laws governing trade but suffers from inconsistent application and enforcement, often leading to disputes that undermine international confidence.

6.3 Judicial attitudes and enforcement

Chinese courts have increasingly recognized and applied the CISG, reflecting an understanding of international legal standards. Recent cases show a growing willingness to uphold contractual commitments based on CISG principles. South Africa: Courts are generally favorable towards applying international laws, including the CISG, and promote fair trade practices. Nigeria: Courts often face criticism for delays and inconsistencies. Judicial interpretations can vary greatly, leading to unpredictable outcomes in trade disputes. Kenya: While there is an openness to international law, enforcement remains a challenge, with cases being prolonged and rulings not consistently upheld.



6.4 Dispute resolution mechanisms

China supports arbitration as a means of settling trade disputes, with institutions like the China International Economic and Trade Arbitration Commission (CIETAC) providing robust frameworks for international arbitration. (Li, 2020) South Africa: Houses several arbitration bodies, such as the Arbitration Foundation of Southern Africa (AFSA), promoting a culture of dispute resolution in line with international standards. (Bangura, n.d.) Nigeria: Although Nigeria has arbitration mechanisms in place, practical challenges such as courts' reluctance to enforce foreign judgments can deter foreign investors. (Usman et al., 2025) Kenya: Kenya has made strides in establishing arbitration frameworks, such as the Nairobi Centre for International Arbitration, yet systemic issues like inefficiency in the judicial system remain problematic. (Mwangi, 2017)

6.5 Integration into global trade

Through initiatives such as the Belt and Road Initiative, China has positioned itself as a leader in global commerce, using its legal frameworks to strengthen trade partnerships worldwide. (Song et al., 2018) African Continental Free Trade Area (AfCFTA): This initiative aims to enhance intra-African trade, but differing approaches to international trade laws among member states can complicate the realization of this goal. Countries like South Africa are leveraging their CISG membership to bolster trade relations with other nations, while non-signatory countries face more barriers in establishing credibility in trade negotiations. The comparative analysis highlights that China's strategic and cohesive application of trade-related laws, exemplified by its relationship with the CISG, provides a stable environment for international commerce. In contrast, African countries exhibit a fragmented approach, characterized by diverse levels of engagement and varying legal frameworks. This inconsistency poses challenges to trade integration within Africa and with global markets. Addressing these disparities through harmonizing legal frameworks, enhancing enforcement mechanisms, and improving dispute resolution systems is essential for Africa to fully harness its trade potential in a globalized economy. (Nyirongo, 2023)

7. Discussion

7.1 The potential impact of the application of laws related to African trade on trade between China and Africa

The formulation of relevant rules in the field of economy and trade and the construction of corresponding dispute settlement mechanisms will directly affect the development of foreign trade, investment, etc., as will China-Africa economic and trade exchanges. The diversified and complex dispute settlement mechanism has caused certain resistance to China-Africa economic and trade exchanges, but the development of AfCFTA may improve this situation and bring new opportunities for the development of China-Africa trade.

On the overall level, the development of AfCFTA is expected to further enhance the sustainability of China-Africa trade, and it is expected to carry out more extensive and in-depth cooperation in the digital economy, infrastructure, financial services and other fields. However, correspondingly, the extensive unification of the region has also put pressure on China's cooperation with African countries or sub-regional organizations. In practice, the complex balance of interests based on AfCFTA may seriously affect the negotiation process, and then have a certain adverse impact on the development of China-Africa trade.

At the local level, in view of the fact that the existing AfCFTA dispute settlement mechanism does not include private subjects, and there has not been a broader level of economic and trade coordination rules in practice, Chinese enterprises still need to do adequate preliminary research when trading with Africa to prevent possible risks. Specifically, the legal system and specific legal rules of the country where the trade party is located can be investigated in detail in advance,



including the legal environment, departmental legal rules in specific fields, precautions for arbitration recognition and enforcement, etc..., to maximize the prevention of possible future risks.

China's approach to applying trade-related laws, such as the United Nations Convention on Contracts for the International Sale of Goods (CISG), reflects a commitment to integrating into the global trading system while balancing domestic priorities. The CISG is designed to provide a uniform framework for international commercial transactions, and China is a signatory, which highlights its openness to international norms in trade.

7.2 Findings

The findings of this study reveal significant insights into the complexities of applying international trade laws in Africa, particularly in the context of the African Continental Free Trade Area (AfCFTA) and the United Nations Convention on Contracts for the International Sale of Goods (CISG). The research highlights that Africa's diverse legal systems comprising civil law, common law, and customary law—pose substantial challenges to the harmonization of trade laws. This observation aligns with previous studies, such as those by Fombad (2013) and Muna (2001), which emphasize that the complexity of Africa's legal landscape complicates the effective implementation of unified trade laws. The “kaleidoscope” of legal traditions in Africa, as described by some scholars, directly impacts the ability to adopt international conventions uniformly (Shumba, 2015). The study finds that the adoption of the CISG remains limited among African nations, with only a handful of countries ratifying the convention. This supports the findings of Tsorme (2021), who noted that many African countries express reservations about adopting international legal frameworks due to concerns over their applicability to local contexts. The barriers to CISG adoption include a lack of awareness and understanding of its provisions, as well as fears that it may not adequately address the unique legal and economic realities faced by African nations.

The establishment of the AfCFTA is seen as a pivotal step towards enhancing trade integration across the continent. However, as indicated in the findings, the AfCFTA's objectives may conflict with existing sub-regional legal frameworks, creating a complex legal environment for businesses. This finding corroborates the work of Mene (2020), who argues that while the AfCFTA aims to streamline trade regulations, the overlapping legal systems can lead to confusion and legal uncertainty for traders. The research underscores the necessity for legal frameworks that integrate local legal characteristics while striving for harmonization. This aligns with the perspectives of Date-Bah (2011) and Kuhlmann & Agutu (2020), who advocate for the customization of international legal instruments to better fit the African context. Such adaptations are crucial to ensure that trade laws are not only uniform but also relevant and practical for local stakeholders.

7.3 Implications for future research

The study's findings suggest several areas for future research. First, further empirical studies could explore the perceptions of local businesses regarding the applicability of international trade laws, particularly the CISG and AfCFTA. Understanding these perspectives may illuminate barriers to adoption and compliance. Additionally, comparative studies examining the experiences of African countries that have successfully harmonized their trade laws could provide valuable insights and best practices for other nations. While the harmonization of international trade laws in Africa presents significant challenges, the ongoing efforts through frameworks like the AfCFTA offer a pathway towards greater integration. However, for these efforts to be successful, it is essential to consider the diverse legal traditions and local contexts that characterize the continent. This study contributes to the growing body of literature on African trade law by highlighting the critical need for coordinated legal reforms that align



international standards with local practices, ultimately fostering a more conducive environment for trade and investment.

8. Conclusion

The diversity and complexity of the African legal system determine the lack of suitable soil for a unified substantive law in the field of economy and trade on the African continent. Therefore, a regional harmonized system has been widely adopted in practice to reduce the risk of uncertainty in various countries at the legal and judicial levels. The process of regional coordination has also evolved from the initial partial coordination to the current exploration of overall coordination, in order to better serve Africa's internal and external trade through economic and trade coordination rules and corresponding dispute settlement methods, and enhance Africa's international competitiveness in the field of economy and trade. However, the existing local frameworks in Africa are difficult to fully coordinate in the short term, so how to coordinate will be the focus and focus of the follow-up development of the AfCFTA. For China-Africa trade, the establishment of AfCFTA provides a better environment and development prospects for China-Africa trade, but the existing legal framework still requires Chinese enterprises to do preliminary research when trading with Africa to prevent possible legal risks.

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