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A doctrinal analysis on enforcement mechanisms and compliance challenges in African continental free trade area: Transport services regulatory framework



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ABSTRACT

The purpose of this study was to evaluate the enforcement mechanisms and compliance challenges in Africa's Continental Trade Regime. This study employed the qualitative doctrinal and policy research design to explore the issue of the enforcement of transport services regulatory matters within the context of the African Continental Free Trade Area (AfCFTA). The study adopted a doctrinal analysis of the AfCFTA instruments with a combination of thematic policy reviews; hence, it relied exclusively on secondary qualitative data obtained from authoritative legal and institutional sources. Primary data sources and materials comprise the AfCFTA Agreement, Protocol on Trade in Services, the Dispute Settlement Protocol, and relevant annexes that govern regulatory cooperation, market access, and nontariff barriers. The data collection procedure involved a systematic desk review and thematic analysis for qualitative studies to analyse the data. The review shows four main enforcement mechanisms of the regulatory framework of transport services under the AfCFTA. These include legal obligations and notification requirements, institutional oversight by AfCFTA bodies, peer review and political accountability, and dispute settlement mechanisms are some of the most outstanding aspects of the AfCFTA Agreement. Factors including regulation fragmentation, the absence of enforcement powers, non-transparency, and restrictive market access conditions, insufficient professional standards in commonality, insecurity, and transport barriers challenges the effectiveness of enforcement mechanisms. The authors conclude that the design of the AfCFTA alone is not adequate in facilitating the opening of the transport service. The study therefore provides pragmatic measures to strengthen the institutional capacity, harmonise the regulations, and monitor compliance better. These reforms can influence the reduction of trade costs, the improvement of supply chain reliability, and the attainment of the AfCFTA's broader aim of economic integration across the continent.

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Introduction

The African Continental Free Trade Area (AfCFTA) is regarded as one of the most ambitious regional projects in today's global trade landscape (Obeng-Odoom, 2020). The AfCFTA aims to transcend structural fragmentation and the historic curse of intra-African trade by bringing together 54 African countries as a single market for goods and services (Oyebamiji, 2024). The design and implementation of the AfCFTA is to bolster intra-African trade by eradicating tariff and non-tariff barriers among African countries (Idu et al., 2025). Intracontinental trade is relevant to nurturing a strong economy in the region so as to reduce the dependency on exports from external regions. Currently, intra-African trade accounts for about 15% of total trade (Idu et al., 2025).

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The effective execution of the AfCFTA program requires a significant upgrade of its logistical environment (Belay, 2024). Bougna (2024) notes that continental integration remains a critical ingredient that must be reconciled to ensure increased intra-African trade through the successful implementation of the AfCFTA. Roads, ports, airways, waterways, and other intermodal connectors serve as crucial links for this trade, playing a vital role in boosting countries' economic growth (Bougna, 2024). The construction of a transportation network that fits the African socioeconomic environment as well as its culture is key to the effective execution of the AfCFTA strategy (Garba and Wancelous, 2023). An effective transportation network, where transportation means either moving people or commodities from one place to another, involves good roads, rail, and seaport networks. In addition, there is a need to ensure there is an effective supply chain network that makes regional trade easier so that commodities can flow with ease between African nations. According to Higgins et al. (2023), effective transport networks reduce trade costs and enhance access to markets as well as participation in value chains.

The transport services sector has been identified as a strategic sector under the AfCFTA trade in Services Protocol due to its critical role in facilitating the passage of goods, people, and services. This paper analyses the policing of AfCFTA's transport services regulatory framework. The authors conceptualize the policing of a regulatory framework as the broader activity of governance, including monitoring, enforcement, compliance, and dispute resolution. The transport services regulatory framework of AfCFTA is based on the Protocol on Trade in Services (African Union, 2019). The arrangement creates a legal basis for promoting and governing transport as a major service for Africa. The agreement deals with transport services sub-sectors. The sub-sectors include marine transport services, air transport services, road transport services, rail transport services, and other transport services (TRALAC, 2025). The system uses the four traditional modes of supply. They include cross-border supply, supply for consumption abroad, commercial presence, and natural persons. Every State Party is supposed to draw up Schedules of Specific Commitments. They depend upon commitments of market access conditions, national treatment commitments, and any exemptions (African Union, 2019). The transport services regulatory framework for AfCFTA hinges upon regulatory collaboration and harmonization. The regulation of transport services of states is supposed to harmonise licensing regulation, safety regulation, competition regulation, and digital logistics regulation to promote cross-border transport services (African Union, 2019). The regulatory aspect of this policy depends upon already established continental frameworks, for instance, for air transport services. The transport services regulatory frameworks exist within a more complex legal and institutional framework that touches upon domestic transport laws, Regional Economic Communities protocols, bilateral agreements, and International Conventions (Asiedu, 2022). Thus, the lack of simplicity of regulatory architecture naturally gives rise to concerns regarding AfCFTA's regulatory framework on transport services.

There is relatively extant literature concerning the African Continental Free Trade Area agreement, especially on the promotion of intra-trading in Africa and economic integration in Africa. Within this context, some authors have examined the legal framework of the Protocol on Trade of Services, especially concerning principles of liberalization (Simo, 2020; Mevel et al., 2023). These analyses offer valuable information on the establishment of the free trade agreement regarding the provision of its rule-making procedures and market access, but very little on its relationship regarding compliance. Other literature draws attention to the importance of transport and logistics as factors for the effectiveness of AfCFTA. Theoretical and policy studies conducted on UNECA (2022) and Majune et al (2023), supported by Nitsche et al. (2024), verify that high transport costs, border delays, or non-tariff barriers and regulatory fragmentation rank high among the challenges that lie within intra-African trade. This proves that transport inefficiencies rank high among critical factors that affect input conditions necessary to reduce welfare gains stemming from continental economic integration. Nonetheless, the available studies do not provide evidence on how AfCFTA institutions and legal frameworks help in ensuring that countries comply with commitments regarding transport factors. The findings of Oyelami and Zongo (2021) on non-tariff barriers further reinforce the role of regulatory constraints on services trade. These studies, however, do not address how such barriers are addressed through AfCFTA enforcement mechanisms, including the Dispute Settlement Mechanism or the Non-Tariff Barrier Reporting, Monitoring, and Elimination Mechanism. Thus, prior studies have treated enforcement implicitly rather than analyzed it as a central governance function. The review of the available literature clearly indicates a considerable research gap: transport services are widely appreciated as essential components in AfCFTA facilitation yet hardly investigated with a focus on the enforcement and compliance of existing legal frameworks.

This article addresses lack of clear enforcement and compliance mechanism within the AfCFTA transport services regulatory regime. In particular, by focusing on the regulation of transport services in the analysis of the enforcement of the AfCFTA, the article advances knowledge on the regulation of trade on the African continent outside the legal framework. The article seeks to analyse the enforcement framework for the regulation of transport services in the AfCFTA, the efficacy of the framework in ensuring that member states comply and the factors inhibiting the enforcement control of transport services in Africa's trade regime on the continent. The authors aim to address these issues to contribute to research and policy discourse on AfCFTA implementation.

Table 1: Summary of AfCFTA Regulatory Framework Insights

Author(s) & Year	Focus & Context	Key Findings	Limitations	Relevance to Present Study
Akinkugbe (2021)	Dispute settlement: African Continental Free Trade Area (AfCFTA)	Africa leaders to draw best practise from the existing regional economic courts experiences to inform AfCFTA-DSM that is Africa-centric.	Protocol focusses, with limited dispute settlement mechanism operationalisation realities.	Highlights dispute settlement mechanism-based on WTO model and requires adaptation to African context
Kouamo (2024)	Litigation mechanism under the AfCFTA	Best alternative to use AfCFTA-DSP to better serve the interests of African states.	Existing RECs DSM have been utilised in relation to human right violations rather than typical trading matters.	Evaluate various factors justifying the African countries low level of participation in formal trade litigation but lack private sector representation
Agu (2025)	Analysis on legal implications of AfCFTA to Africa	Potential impact of AfCFTA on intra-African economic integration and suitable development, with emphasis on the significance of trade liberalisation, rule of origin, tariff schedules, customs procedures, dispute resolution, intellectual property, and competition policy in shaping legal framework for the AfCFTA.	Harmonising of existing laws and regulations is quite complex in implementing AfCFTA and requires a robust legal structure to address several issues.	Analyse legal provisions governing the AfCFTA including the Rule of Origin, the online negotiation forum, the monitoring and elimination of no-tariff barriers, a digital payment and the African Trade Observatory.
Nwankwo & Ajibo (2020)	Potential of the AfCFTA among local realities and possible implications for the multilateral trading system.	Key continental homogeneities objectives and interest can be collectively exploited and transposed at the global level at negotiation of treaties which impinge African countries.	Infrastructure deficits, weak institutions, accountability, transparent and lack of capacity are prevalent in the region and have a huge impact on the success of the AfCFTA	Demonstrates continental potential to AfCFTA link but needs testing in AfCFTA context
Mlangeni (2025)	Non-Tariff barriers transparency and elimination through online reporting mechanisms	Emphasises on transparency and elimination of non-tariff barriers through online report mechanism and the needs to bring efficiency and speedy resolution of non-tariffs barriers for the economic development in Africa.	Policy-level focus with limited insight on how timelines indicated in the procedure for the elimination of Non-tariff barriers align with online mechanism	Provides macro-context but requires micro-level operationalisation

Table 1 presents that existing research provides valuable but fragmented insight into AfCFTA regulatory framework. Studies focusing on dispute settlements (Akinkugbe, 2021) often neglect the adaptation of the WTO-DSM to African context, while those examining litigation mechanism (Kouamo, 2024) may overlook private sector representation. This fragmentation underscores the need for harmonization approach that connects micro-level resources with macro-level institutional frameworks the gap which this paper seeks to addresses through the qualitative lens applied to enforcement mechanism and compliance challenges in Africa's continental trade regime.

Research and Methodology

Research Design

This study employed the qualitative doctrinal and policy research design to explore the issue of the enforcement of transport services regulatory matters within the context of the African Continental Free Trade Area (AfCFTA). The doctrinal design was especially relevant in the analysis of international trade regimes, in that it allowed for the accurate interpretation of the relevant treaties, protocols, and annexes, among others, that constitute the binding obligations and the mechanisms for enforcement (McCrudden, 2017; Hutchinson & Duncan, 2012). The design allowed the researchers to assess the design and the implementation of the transport-related obligations in the complex African governance context. Assessing both the design and implementation was significant given the fact that the AfCFTA remains a novel legal regime and the mechanisms for its enforcement have yet to mature.

In addition, the research combines policy analysis to fill the gap that exists between legal commitment and implementation outcome. Policy-focused legal studies are common in international economic law to evaluate the effectiveness of regulatory regimes, especially in situations where institutional capabilities are limited and regulatory compliance is affected negatively (Leoni, 2020; Shaffer, 2015). The combination of these designs provided a suitable framework for the study to evaluate the enforcement mechanisms and compliance challenges of the transport services regulation under the AfCFTA.

Data sources and materials

The study relied exclusively on secondary qualitative data obtained from authoritative legal and institutional sources. Primary legal sources and materials comprise the AfCFTA Agreement, Protocol on Trade in Services, the Dispute Settlement Protocol, and relevant annexes that govern regulatory cooperation, market access, and nontariff barriers. These instruments were useful as they constitute the binding legal framework within which the transport services are regulated at the continental level.

Implementation reports, policy briefs, and materials relating to the Non-Tariff Barrier Reporting, Monitoring, and Elimination Mechanism produced by the AfCFTA Secretariat contextualize both enforcement and compliance. Some of the secondary sources include peer-reviewed articles from referred journals and policy publications of reputable bodies like the United Nations Economic Commission for Africa (UNECA), the World Bank, OECD, and Afreximbank. These documents contained empirical and analytical data about transportation costs, regulatory constraints, and enforcement capabilities of the transport regulatory framework of the AfCFTA (UNECA, 2022; World Bank, 2020; OECD, 2021). Transport regimes developed through Regional Economic Communities (RECs), namely the Economic Community of West African States (ECOWAS), the Common Market for Eastern and Southern Africa (COMESA), the East Africa Community (EAC), and the Southern African Development Community (SADC), were also considered for evaluation of regulatory harmonization and fragmentation issues at multiple governance levels.

Data collection procedure

The data collection procedure involved a systematic desk review, which reflected the best practices for qualitative research in law and policy studies as advocated by Xiao and Watson (2019). The authors searched for the materials from the official websites and databases of the African Union and AfCFTA official databases, international organizations, and online platforms of journals. The authors established inclusion criteria that guided the selection of materials and studies to ensure the suitability and validity of the sources. The material or sources included in the final review had to meet the following criteria before the final inclusion;

- i. The source or material had to be focused specifically on transport services, trade facilitation, and services regulation in Africa
- ii. The material had to engage with the AfCFTA or the trade frameworks at the REC level
- iii. The material had to provide evidence related to the topic of enforcement, compliance, and regulatory implementation.

The authors emphasized contemporary literature to keep pace with the dynamic nature of AfCFTA. In addition, the authors-maintained core legal documents and influential reports for purposes of conceptual consistency. This had the double advantage of improving the analytical quality of this study as well as facilitating conceptual consistency.

Ethical consideration

While the study did not involve human participation or primary data collection, ethical considerations were observed in line with the requirements of doctrinal legal research. The ethical emphasis was placed on maintaining academic integrity, ensuring accurate interpretation of legal instruments, and responsibly utilising secondary data sources (Terry Hutchinson, 2018; Peter Mahmud Yesufu, 2009). All legal materials and Scholarly legal writings were cited appropriately to avoid plagiarism and uphold intellectual property rights. The researchers adhered to the principles of ensuring that all sources are acknowledged in accordance with accepted academic standards. To this end, no material was misrepresented or taken out of context (Committee on Publication Ethics, 2019).

Furthermore, researchers ensured that objectivity and neutrality were strictly upheld throughout the analysis. This was essential to avoid bias, particularly when examining compliance challenges across different jurisdictions. More importantly, the interpretation of legal provisions was conducted in accordance with established principles of legal reasoning to ensure consistency and accuracy. More importantly, the interpretation of legal provisions was conducted using established principles of legal reasoning, including the literal

rule and purposive approach to ensure consistency, coherence, and accuracy in the analysis (Sullivan, 2020). At the same time, comparative insights were presented in a balanced and non-prejudicial manner (HLA Hart, 1994). Further, in adhering to ethical standards, researchers ensured that the research was undertaken with a sense of responsibility to contribute constructively to legal scholarship and policy development. To this end, the study recommendations are evidence-based and aimed at strengthening enforcement and compliance within the AfCFTA transport services framework.

Analytical Framework and Data Analysis

The study used thematic analysis for qualitative studies to analyse the data. The thematic analysis is effective in the analysis of patterns of legal texts (Braun & Clarke, 2006). Following Braun and Clarke's (2006) method, the analysis began with repeated close reading of AfCFTA texts, Secretariat texts, REC transport texts, and policy papers of UNECA, the World Bank, and OECD for information that is pertinent for enforcement and compliance. The researchers then conducted an inductive coding of the texts for repertoire of implementation and regulatory issues. The inductive coding helped the authors to extract meaning from the texts themselves, rather than predetermined coding. Subsequent coding of these relevant texts was done to combine interrelated texts to permit the derivation of broader themes through repeated comparison of texts. The outcome of the analysis was presented in themes as shown in the findings section. Triangulation of texts helped in developing robust insights for the study that can permit the determination of the overall system of enforcement in Africa's multi-tiered trade system.

Findings and Discussions

Findings

This study sought to review the enforcement mechanisms and compliance challenges of the regulatory framework of transport services under the AfCFTA. The findings have been presented under two broad objectives: enforcement mechanisms of the regulatory framework of transport services and compliance challenges of the regulatory framework of transport services.

Enforcement mechanisms of the regulatory framework of transport services

The review shows four main enforcement mechanisms of the regulatory framework of transport services under the AfCFTA. These mechanisms include legal obligations and notification requirements, institutional oversight by AfCFTA bodies, peer review and political accountability, and a dispute settlement mechanism (DSM).

Legal Obligations and Notification Requirements

The implementation of the African Continental Free Trade Agreement (AfCFTA) obligations is the responsibility of individual State Parties. The AfCFTA does not have supra-national institutions (African Union, 2019). The AU makes it a legal obligation for state parties to notify each other, through the Secretariat, of laws, regulations, procedures, and administrative rulings of general application, as well as any other commitments under an international agreement relating to any trade matter covered by the AfCFTA Agreement (African Union, 2019). The AfCFTA agreement demands that members report measures in the sector of trade in services, including transport regulations. The transparency mechanisms aim at ensuring transport regulations are monitored and do not promote discriminatory or trade-restrictive measures. Inefficient follow-through has weakened their enforceability (Erasmus, 2020).

Institutional Oversight by AfCFTA Bodies

The AfCFTA Secretary and the Council of Ministers are charged with monitoring implementation and may issue recommendations or directions (Ansong, 2019). The Council of Ministers consists of the Ministers responsible for Trade or such other ministers, authorities, or officials duly designated by the State Parties (AU, 2019). Although these structures ensure continental coordination, they do not have enforcement powers and are thus limited in their response to non-compliance in transport services. The enforcement and accountability depend on the commitment of the member state to align their law instruments with the regional recommendations.

Peer Review and Political Accountability

The AfCFTA regime in the African context employs the mechanism of peer review and political accountability to promote the liberalization of transportation services (AU, 2019). This mechanism is premised on the obligation of the organs of the AfCFTA to hold frequent meetings and report on the measures in place on trade services. This approach ensures that the regulatory measures of member states are subjected to scrutiny on a continental platform [African Peer Review Mechanism (APRM), 2022]. However, this mechanism may not be effective because transport services are politically sensitive and closely align with the country's security, the generation of income, and control of the administration. In these cases, the issue of reputation may not take the centre stage of discussion, as member states may be much more concerned about their domestic affairs. Thus, the deterrent effect or the oversight responsibility of peers to scrutinize the transport regulation of member states may have a minor deterrent effect.

Many law enforcement officials especially in the Trans-kalahari corridor operates in silos, each state seeks to promote delivery under its mandate ASCBOR, (2021). Both states have less trust in each other's law enforcement which results in lack of cooperation, coordination and unity.

Dispute Settlement Mechanism (DSM)

The AfCFTA Dispute Settlement Mechanism (DSM) is the most formal and legally binding enforcement tool in Africa's continental trade regime (Akinkugbe 2021). The DSM provides a rules-based process through which Member States may challenge transport-related regulations that breach AfCFTA commitments under the Protocol on Trade in Services (Salawu and Salawudeen, 2025). Drawing from this World Trade Organization (WTO) system, the DSM possesses legal certainty through consultations, panel proceedings, appellate review, and compliance monitoring (Salawu and Salawudeen, 2025). The DSM serves as a powerful instrument for disciplining discriminatory or restrictive regulations impeding the transport sector. Yet large asymmetries in capacities among Member States mean that the effective participant still must be one with specialized legal and financial resources, especially since transport is generally highly technical. Political elements also limit the application of the DSM. This is because transportation regulation intertwines with state sovereignty, security, and financial gain, thereby further discouraging contentious litigation in favour of political compromise. Moreover, the evidentiary complexities of transportation services, in which financial, security, and administrative considerations intersect, further contribute to litigation risks (Akinkugbe 2021). Therefore, although the DSM has the greatest binding enforcement strength in the AfCFTA framework, the strength of the DSM in the regulation of transportation services is implicit, pending improvement in capability, obligation, and predisposition to the use of the dispute resolution on the continent.

Challenges to the implementation of transport regulations

The review classified the compliance challenges into five categories: regulatory fragmentation, weak enforcement institutions, restrictive and opaque market access, lack of harmonized professional standards, and physical and security barriers.

Regulatory fragmentation

The entrenched regulatory fragmentation is a major challenge that hampers the implementation of transport regulations on the continent (Eke, 2025). Although the AfCFTA Protocol regarding the Trade of Services recognizes the transport sector as one of the top priorities. The road and transport sector accounts for over 80% of the flow of goods and passengers throughout Africa, African Development Bank, (2023). However, the AfCFTA does not have comprehensive provisions for transport services in the principal agreement [International Road Transport Union (IRU), 2025]. This omission creates a significant policy gap. This makes the overlapping trade regimes from Regional Economic Communities (RECs) such as ECOWAS, EAC, and SADC have regulatory power. Each block has its own protocols on transport services, which leads to a complicated and expensive regulatory environment (ACIOE Associates, 2025). The Protocol on Transport Communication and Meteorology instrument adopted by SADC remains unevenly implemented across the member states (Banda, 2021). The Southern African Customs Union (SACU) has as well experienced implementations issues with lack of unified permits standard or permits accreditations system in its member states Ramkolowan, (2017). The regulatory fragmentation results in many different and contradictory standards for vehicles, axle loads, and regimes of roadworthiness inspections. This chaotic legal situation not only increases compliance costs but also results in long delays at borders. These factors together discourage operators from participating in cross-border trade. This hinders the free movement of goods, which is one of the main objectives of the AfCFTA.

Weak enforcement institutions

There are weak enforcement structures that could potentially affect the effectiveness of the AfCFTA transport services regulatory framework (Aikor et al., 2025). The major legal service, Dispute Settlement Mechanism (DSM) of the AfCFTA, is barely used to address complex disputes that may arise along the way of international trade. Besides that, member states and stakeholders do not utilize the online Non-Tariff Barrier reporting system to identify places of Non-Tariff Barriers to trade as well as transport services effectively (Mohun, 2023). Also, the DSM is slow in solving disputes and lacks enforcement procedures to enforce a binding ruling in those countries that are found to be non-compliant (Aikor et al., 2025). This implies that none of the available institutions actually affects the protectionist policies, as they continue to excel because of an ineffective rule-of-origin-based trading system.

Trading with the AfCFTA has been impeded to reach its expectations due to prolonged negotiations on the Rule of Origins which assist to determine whether goods qualify to get preferential treatment of the free trade in the region (Kibiru & Onyango, 2020). Member states need to domesticate, comply with and enforced agreed instrument in order to realise the aspiration of the agreement.

Restrictive and opaque market access

Restrictive and secretive regimes of market access impede the achievement of uniform transport services. Outdated regimes, such as the Transit and Inter-State Road Transit (TIE) Convention and bi-national quota permits of entry of foreign transporters in a national market, restrict the number of such foreign transporters (Law Africa, 2025). The awarding of such limited permits in countries with tour de role systems at the border posts and vulnerable to corruption and cronyism threatens market competition and poses a barrier to entry (Chibira, 2021). Such market operations therefore create market distortion, leading to market failure in the AfCFTA sector of transporting goods, which is contrary to the AfCFTA objective of liberalized services.

Lack of harmonized professional standards

The lack of harmonized professional standards affects the safety, reliability, and professionalism of the transport services on the continent (Nsengimana, 2021). There is no harmonized professional standard in place for the safety, reliability, and professionalism

of the transport services on the continent (Tamakloe, 2024). There is no continent-wide definition and competency standards for a "professional transport operator, and as a result, fair competition and services are not easily ensured (Tamakloe, 2024). Other than the basic driver's license, there is no harmonization of the driver certification, training, and behaviour among the member states.

Physical and security barriers

Physical and security barriers further challenge the implementation of the transportation framework with the AfCFTA. There are enormous infrastructure gaps in road, port, and railway networks, with a projected annual investment gap that surpasses \$100 billion (Devex Partnerships, 2024). Consequently, there are inefficient border formalities, customs clearance delays, and substandard transport corridors (Oyebamiji, 2024). Further, political instability and security risks along major trade corridors in Africa form a critical structure that hampers an efficient transportation offer within the AfCFTA framework. Strategic trade routes like the Abidjan-Lagos route in West Africa, the Dakar-Bamako route through Sahel countries, and the North Corridor that connects Port Mombasa in Kenya to Uganda, Rwanda, and South Sudan experience occasional and systematic attacks by armed gangs, illegal checkpoints, and armed rebels on these routes. The United Nations Economic Commission of Africa (UNECA) and the World Bank reports show that security risks on these routes lead to route disruptions, convoys, loss of cargo, and reliance on private security services along those routes (UNECA, 2022; The World Bank, 2020). In conflict-affected areas, such as the Sahel region and northern Nigeria, carriers may be forced to take longer, less secure routes, which is one way to hedge the risk and increase transit times (OECD, 2021). These security-related issues and others, such as bribery on both state and non-state checkpoints, have increased the cost of trade within the continent by as much as 30 - 40 per cent compared to routes that do not experience security challenges (UNECA, 2022; World Bank, 2020).

Industrialisation and infrastructure development remains a concern for effective implementation of the AfCFTA in the SADC area. SADC has recorded inadequate infrastructure which increases the cost of doing business within the continent and makes it unattractive to international investors (Raston, 2022). It is quite cheaper and easier to fly to any other part of the world than within Africa such as South Africa to Brazil, than from Zambia to Angola. Raston (2022) stated that lack of proper railway, air and maritime infrastructure makes it extremely expensive in terms of money and time, which further affects access to markets with unpredictable transport and logistic services, especially for landlocked countries.

Discussions

The findings revealed that the compliance mechanisms of the transport regulatory framework under the AfCFTA are a mixture of legal, institutional, political, and adjudicatory mechanisms. Legal obligations and notification requirements are the primary components of the enforcement process of the AfCFTA transport services framework. Consequently, the Member States must adjust their respective national measures in accordance with the AfCFTA commitments and inform the relevant authorities about the changes in regulations that influence the trade in services. These obligations, in theory, increase the level of transparency and make it possible to monitor compliance. The differences in the implementation of the regulations by the member states undermine the effectiveness of notification requirements. Available studies indicate that different variables, such as state incentives, type of regimes, strategic thinking, and psychological perception, affect compliance with international laws (Lutmar and Carneiro, 2018; Simmons, 2000). International law, unlike domestic law, is based on voluntary compliance, and no higher enforcement power can compel compliance (Bothe et al., 2020). The main compliance tools included norm internalization, reputation considerations, sanctions, conditional benefits, and procedural frameworks tailored to individual issue areas (Bothe et al., 2020). Significantly, Stradella et al. (2021) states that with globalization, a hybrid form of regulations is associated with complying with regulations regularly.

The oversight role of institutions of the AfCFTA Council of Ministers, Committee of Senior Trade Officials, and AfCFTA Secretariat is of prime importance, but plays a supervisory role that is non-enforcement in character. Oversight institutions are essential within the AfCFTA deal regarding its monitoring and oversight of systemic barriers, including non-tariff measures on transportation matters. The results, however, point to the fact that the control imposed by institutions is still limited due to the absence of power to enforce and the need for cooperation from the Member States. This situation corroborates the observations in the literature that continental institutions are more facilitators than regulators and have a limited capability of compelling compliance. For example, Martinsen et al. (2022) noted that the level of oversight in the European Union is fundamentally limited by the absence of stronger enforcement powers and the overriding requirement of cooperation between Member States. There is a fundamental implementation and enforcement dilemma in that the implementation of policies is left in the hands of the member states. Saurer et al. (2011) continue to detail the fact that international institutions cannot act as autonomous regulators. However, they have networked institutional relations and relate to the administrative bodies on various levels. In the transport sector, where enforcement is often reliant on domestic agencies that are operating at borders and along corridors, this limitation seriously reduces the impact of institutional oversight. The findings of this study underscore the relevance of the assertion by Scholten and Ottow (2014) that a minimum degree of institutional centralization is required in order to facilitate and ensure equal enforcement of international regulations. Although it remains very much dependent on the capacities of individual countries within this union, willing and able to cooperate. The implication of this weakness within this system is a lack of strong oversight within the AfCFTA.

Peer review and political accountability provide a mechanism of ‘soft enforcement’ within the AfCFTA framework. By means of reporting, review meetings, and ministerial involvement, Member States are exposed to political accountability regarding their level of implementation efforts in respect of transport-related commitments. Thus, although these processes and mechanisms offer the potency of norm dissemination and eventual convergence, their efficacy is clearly dependent upon political will and related reputation incentives. The results have clearly highlighted a lack of efficacy within peer review processes, especially within politically sensitive domains such as limitations to market access and corridor security, where the dominance of domestic and sovereignty issues applies. This is in alignment with approaches asserting the inadequacy of political accountability within the enforcement of soft law within Regional Trade Agreements (RTAs) (Shaffer, 2015). The Dispute Settlement Mechanism (DSM) is the most formalized and binding mechanism for the enforcement of the AfCFTA. Theoretically, the DSM ensures an organized platform through which transport regulatory disputes can be resolved through the mechanism of adjudication. However, the results have indicated that the DSM could be grossly underused, especially within the context of sector-specific matters such as transportation services. The high costs associated with the mechanism, diplomatic considerations, and the capacity constraint against the Member States have been some reasons why the mechanism may not be resorted to for the initiation of disputes. The same holds for other trade agreements such as the World Trade Organization, where Least Developed Countries (LDCs) have been cautious to resort to the formal mechanism for the resolution of disputes (Busch et al., 2009). The result has been that the DSM still does not serve as an effective deterrent within the transport sector.

These results indicate a scaled but softer enforcement pattern of AfCFTA enforcement within the transportation services sector, where the prevalence of judicial or political means eclipses more coercive approaches. The findings revealed that several factors challenge the implementation of transport regulation under the AfCFTA. These factors are legal, institutional, market-related, or security-related and tied to the AfCFTA agreement. To begin with, regulatory fragmentation is a major barrier to the effective implementation of transport regulations under the AfCFTA. Even though the AfCFTA aims at making a harmonized continental market, the transport services are still subjected to a mix of national laws and REC-level instruments that are sometimes very different in terms of coverage and application. Hoekman and Kosteci (2009) indicated that the diversity of regulations serves as a major impediment to trade and service liberalization in developing countries. Kox and Lejour (2005) found that the policy difference across nations negatively affects bilateral trade in services, with simulation results indicating that recognition has the potential to boost trade in commercial services by 30-60% between European Union (EU) member states. Karmakar et al. (2007) further substantiated this by arguing that regulatory hindrances such as visa requirements, quotas, discriminatory criteria, and qualification criteria impede development and transportation in developing countries, such as those found in Africa. The diversities in regulations deter developing countries from exploiting their comparative advantages with respect to labour-intensive services. The evidence shows that regulatory diversity is not merely a conceptual issue but a tangible barrier to the enforcement of transport regulation under the AfCFTA. Concerning the African scenario, the situation is worsened by the fact that overlapping REC memberships, coupled with pre-AfCFTA transport regimes, have muddled the authority and efficacy of AfCFTA protocols. The persistence in the differences in various factors, including the weight capacity, licensing, and technology, among others, proves that the AfCFTA commitments have not eradicated the rooted principles at the national level. This gives rise to the efficacy of the Agreement’s capabilities to perform the role of a continental regulatory framework.

The evidence that the enforcement agencies lack the capacity points out the major drawback of the agreement regarding the ability to implement the commitments made by the states. This study agrees with Shaffer (2015) and the World Bank (2020) in that it suggests technical incompetence, insufficient funds, and poor communication with other agencies as the main factors responsible for the weak monitoring of compliance in the transport industry. Thenga and colleagues (2021) have argued that police entities of Southern African countries work in isolation. Law enforcement entities operate without the objective of systematizing data or cooperating, based on the existence of cynicism among the various law enforcement entities. According to Quarshie and Martin-Odoom (2012), there is an important role for stakeholder collaboration or coordination for combating cross-national offenses such as cybercrime. Katumba et al. (2022) also pointed out that although African countries have law enforcement cooperation, there is a lack of sustainability, as well as law enforcement agencies being disgruntled with their tasks in Africa. In the same vein, the current research reveals that while enforcement is robust in terms of the AfCFTA framework, procedures such as the Dispute Settlement Mechanism and the NTB Reporting, Monitoring, and Elimination Mechanism still rely heavily on the national institutions that have been assigned the duty of implementing the accord for their strength.

In addition to the limited institutional capacity and poor coordination, the findings further revealed that cross-border transport services remain hampered by restrictive and opaque conditions of market access despite AfCFTA commitments to progressive liberalisation. Many jurisdictions continue to rely on discretionary permit allocation, quota restrictions, and non-transparent administrative practices that effectively shield domestic transport markets from competition. Likewise, the nontariff barriers of services may even prove as trade restrictive as tariffs (Zongo and Oyelami, 2021). Based on the use of the opaque form of market-access measures, the lack of discipline for the AfCFTA within the transport sector is revealed. This points to a structural weakness in the AfCFTA's enforcement model, which operates a system of cooperation and dialogue rather than binding sanctions. The lack of harmonized professional and operational standards makes the problem of compliance even more challenging for transport service providers. Professional and operational standards, such as certification and safety within the transport sector, may prove harmful to cross-border transport services.

This finding supports existing knowledge, particularly in services regulation, which argues that mutual recognition and harmonized standards and regulations are necessary for the success of services integration (Hoekman & Mattoo, 2011). From the perspective of transport service providers, the lack of harmonized regulations in the transport sector, as seen in the AfCFTA, seems less effective in addressing long-established national divergences in the transport sector. Lastly, physical and security barriers also appear more binding in terms of being beyond the conventional remit of trade regulation but have a big impact on the enforcement process. Insecurity within the major transport routes like Abidjan-Lagos, Dakar-Bamako, and the transport routes within the Northern Corridor significantly disturbs the supply chain and the cost of transport. Prior researchers have observed the impact of insecurity on transportation routes in West Africa. Purokayo et al. (2015) noted that the insurgencies and crises in transportation infrastructure result in crucial supply shortages in the regional economy. Abdulkadir and Aishat (2024) reported that insecurity in road transport caused 64%-armed robberies on traders who travel by road in West Africa, and 85.6% of traders also felt scared while traveling. Further, the observed insecurity on West African routes resulted in 79.2% decrease in the availability of produce and a major increase in transport costs (Abdulkadir and Aishat, 2024). Christ and Ferrantino (2009) observed that there is substantial uncertainty along transportation routes in Sub-Saharan Africa, and this affects logistics and trading efficiency. This therefore shows that the issue of insecurity along transport routes is not a local problem but a systemic problem that hinders the integration of the economies within the region. The emergence of insecurity causes the practical scope of regulatory bodies to enforce compliance and apply regulations in the affected areas. This scenario underscores a major disadvantage of the AfCFTA scheme. The employment of legal measures cannot by itself guarantee the successful administration of transport services in areas where the control of the state over land and infrastructure is contested.

These findings imply that the challenges of AfCFTA with the enforcement of transport regulations go beyond technical into the structural and political. The AfCFTA agreement is predominantly cooperative rather than binding. This discussion contributes to AfCFTA scholarship by shifting the attention from rulemaking and the commitments on market access toward the governance conditions needed for enforcement and compliance. It underlines the fact that the success of AfCFTA for transport services rests not only on legal design but also on the capacity of institutions for policing regulatory commitments across diverse and often fragile political and security environments.

Conclusion

This study evaluated the enforcement mechanisms and compliance challenges in Africa's continental trade regime. The review shows four main enforcement mechanisms of the regulatory framework of transport services under the AfCFTA. These mechanisms include legal obligations and notification requirements, institutional oversight by AfCFTA bodies, peer review and political accountability, and a dispute settlement mechanism (DSM). The findings further show that a range of structural, institutional, and contextual factors undermine the impact of these compliance mechanisms. Enforcement challenges such as regulatory disunity, absence or weakness of national enforcement entities, restrictive and secrecy-laden criteria of market access, absence of common professional standards, and infrastructural and security hurdles on major transport routes limit and prevent, in practice, the implementation of the Agreement's transport facilitation provisions. The study shows that the mechanisms of enforcement point out that the legal bindings, the processes of notification, the oversight by AfCFTA institutions, the peer reviews, as well as the DSMs function in a complementary but rather uneven manner. The enforcement mechanisms create conditions for the required transparency, coordination, and legal redress. However, these remain highly sensitive to the level of institutional capacity, the political will and security conditions in the countries concerned.

From a policy perspective, it is necessary to adopt a multi-faceted approach for the enforcement of transport regulations under AfCFTA. The first step in this process is enabling proper regulatory alignment between the Member States and Regional Economic Communities (RECs). This would help in reducing fragmentation and increasing the predictability of regulations for transport operators. The study further recommends the strengthening of the national and continental enforcement agencies through innovative training, provision of resources, and establishment of coordination mechanisms. In addition, the study recommends AfCFTA ensure the DSM and NTB reporting systems are fully functional, especially for SMEs and operators who encounter difficulties in compliance. Lastly, it is important to deal with insecurity and infrastructure deficits at the level of trade corridors so that the legal measures can actually result in the facilitation of trade in real terms.

The study concludes that the design of the AfCFTA alone cannot achieve its ambitions in Africa's transport service. Authorities and stakeholders must ensure that effective enforcement accompanies the design of the AfCFTA agreement. This research reveals the presence of both structural and procedural enforcement gaps and highlights the necessity of policy interventions that are pragmatic in nature and that will eventually strengthen the institutional capacity, harmonize the regulations, and monitor compliance better. These reforms can influence the reduction of trade costs, the improvement of supply chain reliability, and the attainment of the AfCFTA's broader aim of economic integration across the continent.

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