

Advancing implementation of the AfCFTA Protocol on Investment

Lessons from gap analyses across AfCFTA State Parties



Delivering on Africa's investment integration agenda

The AfCFTA Protocol on Investment (PoI) represents a major step toward strengthening Africa's investment governance framework, promoting intra-African investment and advancing sustainable development.

As State Parties move toward implementation, national and regional frameworks must be progressively aligned with the Protocol within five years of its entry into force.





Alignment is not automatic. It requires structured legal review, institutional reform, technical capacity and sustained political commitment.

To support this process, ODI Global and the AfCFTA Secretariat have jointly developed and piloted a structured gap analysis methodology across multiple African countries and one Regional Economic Community.

This report captures emerging lessons from these experiences – and outlines what is required to accelerate effective implementation.

Supporting state parties through structured alignment

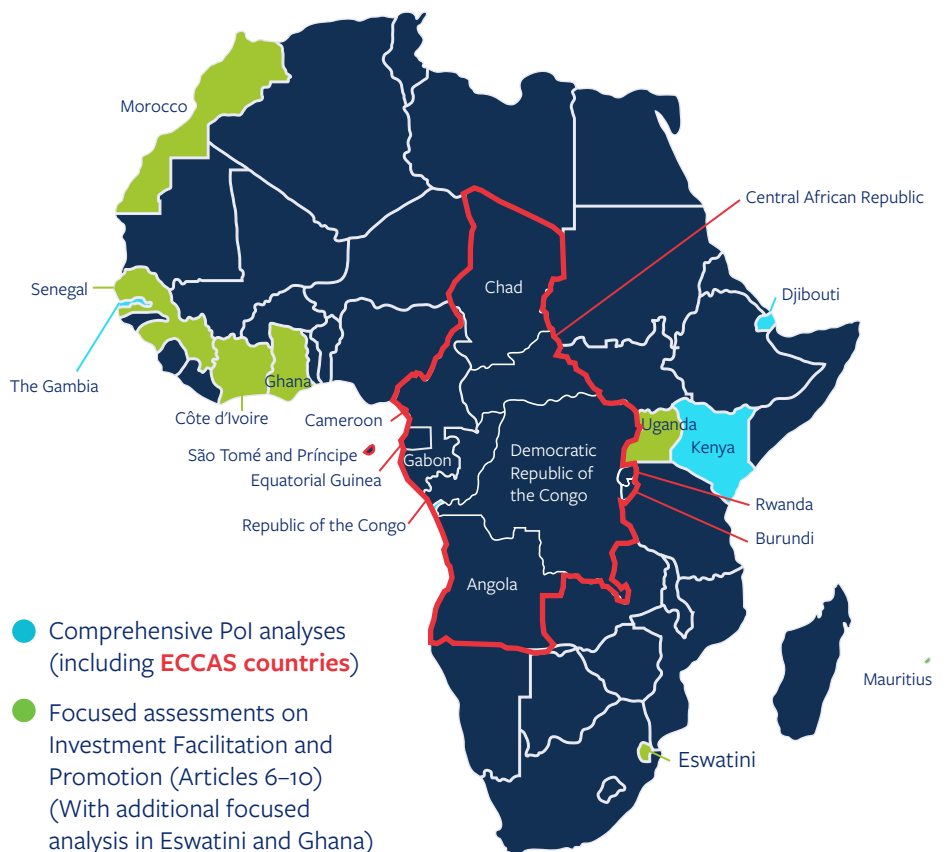
The AfCFTA Secretariat and ODI Global developed a structured methodology and piloted it in State Parties and Regional Economic Communities to:

- 1  Map provisions of the Protocol on Investment
- 2  Benchmark national laws, policies and institutional practices
- 3  Identify areas requiring reform or strengthening
- 4  Develop sequenced, country-owned reform roadmaps

This approach ensures that alignment efforts are nationally driven, evidence-based, practical and aligned with broader development and industrialisation priorities.

Country and regional experience to date

Gap analyses have been undertaken across diverse legal and institutional contexts, including:



These experiences provide valuable insights to inform broader continental implementation efforts.

Emerging continental lessons



1. Alignment requires institutional as well as legal reform

Effective implementation extends beyond investment codes. It requires attention to:

- Sector-specific legislation
- Institutional mandates and coordination
- Digitalisation of investor services
- Operational grievance and aftercare systems

In country engagement and whole of government coordination are essential to ensure coherence and credibility.



2. Common areas requiring strengthening

Across Member States, recurring priorities include:



- Intra-African investment promotion activities
- Operational National Focal Points
- Dispute prevention and settlement mechanisms
- Improved investor aftercare services
- Sustainable development integration
- Enhanced digital facilitation systems

These cross cutting gaps suggest that implementation is as much about institutional capacity as legal reform.



3. Early implementation impact

Initial results demonstrate tangible progress:

-  Eswatini – Informing legal reform processes
-  The Gambia – Legislative amendments under consideration
-  Kenya – National Focal Points designated

These developments demonstrate that gap analyses can catalyse reform momentum – even prior to full ratification or comprehensive legislative overhaul.



Recommendations

To fully realise the Protocol's potential, countries will need to:

- Integrate AfCFTA Pol gap analyses into ongoing legal and institutional reform cycles aligned with national development and industrial strategies
- Invest in multidisciplinary capacity spanning legal drafting, institutional design, digital systems and stakeholder engagement
- Empower designated National Focal Points with clear mandates, coordination authority and monitoring responsibilities
- Strengthen sustainable investment frameworks, including dispute prevention, investor grievance mechanisms and aftercare services
- Prioritise early win reforms that build investor confidence and demonstrate implementation credibility



Realising the vision of the protocol

The Protocol on Investment is ambitious in scope and central to Africa's integration agenda. Its transformative impact will depend not on adoption alone, but on effective, sequenced implementation.

Gap analyses provide Member States with a structured pathway to strengthen coherence, improve investment governance and advance sustainable development objectives under the AfCFTA framework.

Continued collaboration between the AfCFTA Secretariat, Member States, Regional Economic Communities and development partners will be essential to translate commitment into results.

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