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# The AFCTFA Execution Gap

Chinelo Sophia Ezenwa[1], Dr Iyanda[2]
[1]*BROOT Consulting*
[2]*Professor, BROOT Consulting*

## I. FROM ACCESSION TO EXECUTION

### 1.1 AfCFTA has entered a more competitive phase

The African Continental Free Trade Area, initially framed as a political and integration milestone, is now becoming something more demanding: a test of national execution capability. The Agreement Establishing the AfCFTA provides the legal foundation for a single continental market, but its economic outcomes depend on domestic implementation systems.

In the early phase of the agreement, the key signal was participation; signing, ratifying, and aligning politically with the continental agenda. In the current phase, the more important question is operational: which countries are building the legal, institutional, and commercial systems required to compete effectively under the agreement? AfCFTA's long-term promise remains continental integration. But its near-term effects will be determined by domestic readiness. Countries that align law, customs, regulators, infrastructure, and firms around implementation will shape the gains. Countries that do not may remain committed parties, but capture less value.

For Nigeria, this is not a marginal issue. The country has the economic scale, entrepreneurial base, financial services depth, and industrial potential to be one of AfCFTA's leading beneficiaries. Yet these strengths are only assets in waiting. Their value depends on conversion. AfCFTA will reward countries that can translate structural advantage into operational performance. That is now the relevant benchmark.

### 1.2 Nigeria has advanced on participation, but readiness remains partial

After early hesitation linked to domestic concerns over competitiveness and market exposure, Nigeria signed the Agreement in July 2019. Federal Executive Council approval followed in November 2020, and the instrument of ratification was deposited in December 2020, making Nigeria the 34th State Party. In 2023, the ECOWAS Provisional Schedules of Tariff Concessions were gazetted. In July 2024, Nigeria recorded its inaugural shipment under the Guided Trade Initiative.2 These steps moved the country from political hesitation to formal participation and early market activation. However, participation should not be mistaken for readiness.

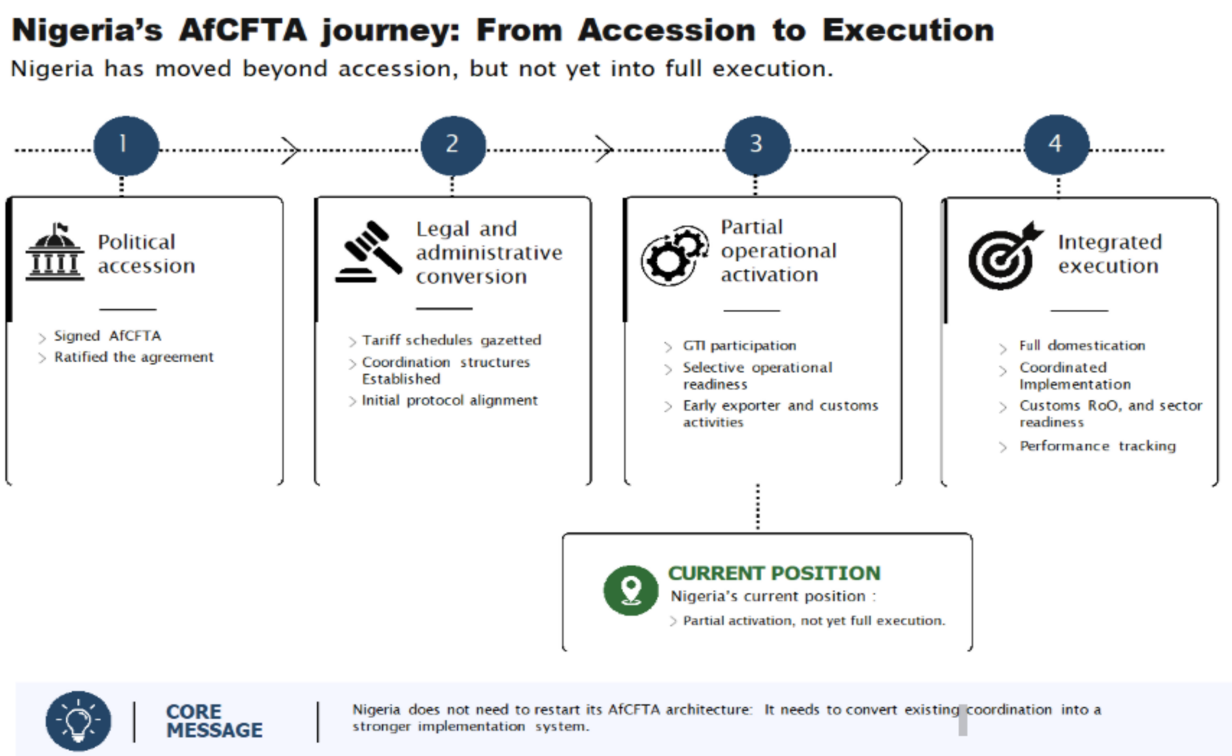
Nigeria's AfCFTA implementation trajectory

Nigeria's progress under AfCFTA has been real, but uneven. The milestones below show how the country moved from delayed accession to early participation, while still stopping short of full implementation readiness.

| MILESTONE | DATE | WHY IT MATTERS |
|---|---|---|
| Agreement signed | 7 July 2019 | Nigeria formally joined the AfCFTA at the AU Summit in Niamey after an initial period of hesitation linked to domestic competitiveness concerns. |
| FEC approval for ratification | November 4, 2020 | Federal Executive Council approval signalled executive backing for Nigeria's entry into the agreement following review by the National Action Committee. |

| | | |
|---|---|---|
| Instrument of ratification deposited | 5 December 2020 | Nigeria became the 34th State Party and assumed binding obligations under international law. |
| ECOWAS Provisional Schedules of Tariff Concessions gazetted | 2023 | Gazetting created the tariff basis required for preferential trade under AfCFTA and enabled Nigeria's participation in the Guided Trade Initiative. |
| First Guided Trade Initiative shipment | 16 July 2024 | Nigeria recorded its inaugural AfCFTA shipment, moving from formal participation into early operational use of the agreement. |
| Central Coordination Committee inaugurated | March 2025 | This marked a step toward stronger national coordination by creating a more structured platform for cross-agency implementation oversight. |
| Five-year implementation review and acceleration phase | 2025 | Nigeria's 2025 implementation activities highlighted both progress made and the continuing need for stronger legal, institutional, and operational depth. |
| Full implementation readiness target | By end-2026 | This is the proposed window for completing legal alignment, strengthening the implementation architecture, and improving operational readiness across priority areas. |

Timeline compiled from Nigerian Federal Executive Council records and AU AfCFTA Secretariat updates



AfCFTA implementation unfolds in stages. The first is political accession: joining the agreement and signalling national commitment. The second is legal and administrative conversion: translating treaty obligations into domestic laws, institutions, mandates, and procedures. The third is operational execution: enabling customs systems, regulators, exporters, logistics operators, financiers, and subnational institutions to function effectively within the agreement. Nigeria has clearly completed the first stage and parts of the second. It has not yet completed the third.

That is the correct reading of Nigeria’s present position: committed, partially activated, but not yet fully configured for broad-based execution.

1.3 The central gap: domestication

The main constraint on Nigeria’s AfCFTA position is not the absence of treaty commitment. It is the incomplete translation of that commitment into enforceable domestic architecture.

In Nigeria’s constitutional order, treaty ratification does not create automatic domestic enforceability. International agreements become fully binding within the domestic legal system only after legislative domestication. This creates a structural distinction between being bound internationally and being operational internally. For AfCFTA, that distinction is not a legal technicality; it is a commercial constraint. Until the required domestic legal framework is in place, treaty obligations cannot be relied upon consistently across courts, regulators, border agencies, and administrative systems. Preferential treatment, dispute access, trade remedies, and protocol obligations remain more fragile in practice than they appear on paper.

This is where the current implementation gap becomes visible. Nigeria has taken enough steps to participate in AfCFTA selectively, as demonstrated by tariff gazetting and GTI activity. But it has not yet enacted the full domestic framework required to operationalise the agreement across its wider protocol agenda. That means the country is participating with partial legal conversion.

A useful way to view this is that Nigeria has joined the market institutionally at the top, but not yet embedded it functionally across the machinery of the state.

LEGAL NOTE

Under Nigeria's dualist system, ratification binds the state internationally but citizens and businesses cannot rely on AfCFTA provisions before Nigerian courts until domesticating legislation is enacted. Trade remedy enforcement, dispute access, and preferential tariff claims all depend on this step.

1.4 Nigeria is in the middle of the transition, not at the end of it

It is tempting to view AfCFTA participation in binary terms: either a country has joined or it has not. That is too crude for decision-making.

A more useful distinction is between four stages of readiness. The first is endorsement without ratification. The second is ratification without meaningful domestic conversion. The third is partial domestication with selective operational activity. The fourth is integrated execution across law, institutions, border systems, and firms.

Nigeria is no longer in the first or second category. But neither is it yet in the fourth. It is operating in the third: partial domestication, selective activation, and early readiness.

This distinction matters because it changes the policy response. Nigeria does not need another broad political recommitment exercise. It needs a focused execution programme designed to move the country from partial operationalization to full implementation. That means resolving legal gaps, clarifying institutional ownership, building customs and regulatory capability, and improving exporter readiness at pace.

1.5 Domestication should be treated as the operating system for implementation

In many policy discussions, domestication is treated as a legal step. In practice, it functions more like an operating system.

A treaty can be signed and ratified without changing how agencies behave. Domestication is the step that gives ministries a statutory basis for action, aligns regulators to common obligations, clarifies the role of border agencies, and reduces ambiguity for firms. Without it, implementation remains vulnerable to fragmentation. Agencies continue to act through legacy laws and inherited procedures; regulators interpret obligations unevenly; operational actors face uncertainty around compliance, access, enforcement, and dispute pathways. The agreement exists, but the system required to carry it into daily practice does not yet function coherently.

This point is especially important for AfCFTA because the agreement reaches far beyond tariffs. It touches services regulation, investment protection, competition policy, intellectual property, customs procedures, digital trade, non-tariff barriers, and newer inclusion-related protocols. That breadth makes piecemeal administrative adaptation insufficient. Nigeria requires a more integrated legal and institutional response if it is to move from formal participation to effective use.

### 1.6 A hybrid domestication route is likely to be the most workable path

AfCFTA's breadth and phased evolution make a single-method legislative response unlikely to be enough

A wholesale adoption approach may provide legal clarity, but it offers limited flexibility in an agreement whose protocols, annexes, and regulatory implications continue to evolve. A purely sector-by-sector approach would solve isolated legal issues, but at the cost of fragmentation and uneven implementation. Nigeria therefore needs a more balanced route: a comprehensive AfCFTA implementation and trade facilitation law, supported by targeted consequential amendments to sector-specific legislation and regulations.

This hybrid route is likely to be the most practical for three reasons. It would give Nigeria a clear national legal anchor for implementation. It would allow sector-specific institutions to align their mandates without waiting for a complete rewrite of every relevant law. And it would offer greater flexibility as the agreement's later-stage protocols and related implementation requirements continue to mature.

The point is not simply to domesticate AfCFTA on paper. It is to do so in a way that supports execution across multiple institutions with minimal ambiguity.

### 1.7 Why 2026 is the right window

Nigeria's AfCFTA challenge is now best understood as a transition problem. That transition cannot be deferred indefinitely. AfCFTA-related trade patterns, operating practices, sector positioning, and institutional capabilities are already beginning to form across the continent. Countries that build early implementation capability will benefit from cumulative learning, stronger exporter confidence, more efficient border processes, and earlier entry into regional value chains. Countries that delay may still remain within the agreement, but will do so from a weaker competitive position.

For Nigeria, 2026 is therefore the critical decision window. It is the point at which the country can still convert current momentum, including GTI participation and existing sector strengths, into a more durable implementation architecture. That is the transition the rest of this paper addresses: from formal participation to coordinated execution; from treaty commitment to domestic capability; and from market presence to competitive readiness.

## II. INSTITUTIONAL CAPACITY GAPS

### 2.1. Nigeria's challenge: the unevenness of readiness

Nigeria's AfCFTA position is often described in broad national terms, as though readiness were a single condition the country either has or does not have. The reality is more granular. Progress exists, but it is unevenly distributed across the institutions, systems, and market actors that must make the agreement work in practice.

This unevenness is critical because implementation under AfCFTA is only as strong as the weakest point in the delivery chain. Progress in treaty participation, policy coordination, or tariff scheduling does not automatically produce operational coherence at the border, within regulatory agencies, or across the businesses expected to use the agreement. The issue is therefore not one of complete absence. It is one of incomplete depth.

Nigeria has made enough progress to participate, but it does not yet have the institutional consistency and discipline required to perform at full strength across the agreement's wider demands.

### 2.2 The capacity gap is best understood across five connected areas

Nigeria's current implementation constraints sit across five connected areas: legal and regulatory alignment, institutional coordination, operational capability, financing and systems infrastructure, and private-sector usability.

These are not separate workstreams competing for attention. They shape one another. Weak legal alignment creates uncertainty for regulators and border agencies. Diffuse institutional roles make follow-through harder. Underpowered systems slow administration. Limited business support reduces uptake. Where several of these weaknesses exist at once, the agreement remains formally active but materially underused.

The practical implication is that isolated reforms will have limited effect. A stronger law will not resolve weak border processes. Better coordination meetings will not compensate for unclear procedures. Private-sector sensitization will not deliver broad uptake if firms still encounter friction in documentation, origin verification, or regulatory interpretation. The challenge is cumulative, which means the response must be more integrated than the problem often appears at first glance.

| ASSESSMENT DIMENSION | KEY QUESTIONS |
|---|---|
| Legal & Regulatory | Is AfCFTA sufficiently domesticated in domestic law? Are sector laws and regulations aligned with the Agreement's obligations? Are trade remedy and dispute-related procedures operational? |
| Institutional & Coordination | Is the existing AfCFTA coordination architecture sufficiently empowered to drive implementation across MDAs? Are institutional roles clear, accountability sharp, and cross-agency follow-through strong enough to support delivery? |
| Technical & Human Capital | Do customs officers, legal advisers, regulators, and trade-support institutions have the practical expertise required to apply AfCFTA obligations consistently? |
| Financial & Budgetary | Are implementation costs clearly budgeted? Are customs systems, origin infrastructure, and trade-support tools adequately funded? Is adjustment support available for firms, especially MSMEs? |
| Private Sector Engagement | Do firms understand how to use AfCFTA preferences in practice? Can MSMEs access trade information, compliance guidance, and usable support on Rules of Origin and market entry? |

2.2 Legal and Regulatory Capacity Gaps

Nigeria's domestic legal and regulatory framework remains inadequate for full operationalisation.7 The gap lies in the harder work of translating AfCFTA obligations into enforceable, interoperable domestic rules across goods, services, investment, competition, intellectual property, and digital trade. Related fiscal and regulatory reforms have improved aspects of the wider policy environment, but they have not resolved the legal and institutional requirements specific to AfCFTA implementation.

In trade in goods, the position is mixed. The ECOWAS Provisional Schedules of Tariff Concessions have been gazetted, which was necessary for Nigeria's participation in the Guided Trade Initiative. But the wider supporting framework remains incomplete. Implementing customs regulations have not yet been fully enacted as binding statutory instruments across all border agencies, which weakens consistency at the point of administration. The same problem appears in the treatment of non-tariff barriers. Nigeria's commitments under the AfCFTA Annex on NTBs do not yet rest on a dedicated domestic enforcement mechanism, while institutions such as SON and NAFDAC continue to operate through separate statutory regimes that were not designed around AfCFTA alignment. Rules of Origin present a further constraint. Although most continental rules have now been finalised, Nigeria's verification infrastructure remains underdeveloped, particularly in the laboratory, certification, and institutional systems needed to issue and validate origin claims consistently.

The services regime is also ahead in formal positioning, but not yet in domestic preparedness. Nigeria has submitted its initial services offer, yet the regulatory frameworks governing the five priority sectors, financial, transport, tourism, communication, and business services, have not been sufficiently updated to reflect AfCFTA obligations on market access, MFN treatment, and the balance between liberalisation and the right to regulate. There is also a narrower but important institutional issue: the domestic review and dispute architecture remains incomplete for trade-in-services matters. As currently structured, the National Industrial Court's jurisdiction over labour-related treaty obligations does not extend to the wider class of disputes or administrative decisions affecting service suppliers from other State Parties.

The same pattern continues across the Phase II and Phase III protocols. Nigeria's investment regime will require adjustment if it is to accommodate the AfCFTA Investment Protocol's provisions on non-discrimination, fair treatment, and transfer of funds. In competition policy, the FCCPC has not yet issued regulations aligned to the AfCFTA Competition Protocol's treatment of anti-competitive cross-border conduct. In intellectual property, harmonisation is still required between the AfCFTA IPR Protocol and the existing domestic framework, including the Copyright Act 2022, the Trade Marks Act, and the Patents and Designs Act. Digital trade is similarly underprepared. NITDA and NCC continue to operate largely through frameworks that predate the AfCFTA Digital Trade Protocol, leaving important questions around cross-border data transfer, digital identity, and fintech regulation in need of further updating. Even the moratorium on customs duties for digital products will require clearer domestic implementation if Nigerian digital exporters are to benefit fully.

The broader problem is not that Nigeria has done too little to begin the legal process. It is that legal progress remains uneven across the agreement's full scope. Some obligations now have an entry point into domestic practice; others remain weakly translated, fragmented across institutions, or insufficiently anchored in current law. That kind of partial alignment may be enough to support selective participation. It is not enough to support predictable, system-wide implementation. And for firms trying to use the agreement, that difference matters. A trade regime becomes economically meaningful only when its legal foundations are clear enough to reduce uncertainty, support enforcement, and make administrative practice more consistent than discretionary. Nigeria has moved in that direction, but it has not yet reached that standard.

### 2.4 Institutional and Coordination Gaps

Nigeria's institutional position on AfCFTA is stronger than it was at the outset. The country now has a coordination architecture that includes the National Action Committee, the Nigeria AfCFTA Coordination Office, and the Central Coordination Committee. That progress matters. It signals that AfCFTA is no longer being treated as a one-off treaty event, but as a cross-government agenda requiring institutional attention.

The remaining issue is less about structure than about reach. Coordination platforms can convene, align, and escalate. They do not automatically create the authority, discipline, or continuity required for end-to-end execution across a system as wide as AfCFTA demands. Implementation still touches too many institutions with separate mandates, legal powers, budgets, and operational cultures8: customs, standards, export promotion, finance, justice, digital regulation, ports, logistics, investment facilitation, and subnational economic actors. Where responsibilities are widely distributed, execution tends to move at the pace of the least prepared link.

This is the more precise institutional gap in Nigeria's case. The coordination base exists, but accountability for delivery remains spread across agencies rather than consolidated around measurable implementation outcomes. In practical terms, that can produce familiar public-sector behaviour: meetings without closure, alignment without follow-through, and progress that depends too heavily on individual institutional effort rather than on a system that compels consistency. That is not a structural collapse. It is a structural limitation. And it becomes more consequential as AfCFTA moves beyond initial activation into the denser work of legal alignment, customs administration, regulatory reform, trade facilitation, and private-sector support.

A stronger implementation system therefore does not require Nigeria to start again. It requires the country to deepen the authority and operating discipline of what already exists. The key task is to move from coordination as a platform to implementation as a managed system, one with clearer role definition, stronger follow-through across agencies, and a tighter link between national commitments and institutional performance

CRITICAL GAP

The institutional question is no longer whether Nigeria has an AfCFTA platform. It does. The question is whether that platform has enough authority, coherence, and execution discipline to move implementation beyond coordination and into consistent delivery across the state.

2.5 Technical expertise exists, but it is not yet deeply embedded

Nigeria has developed a base of AfCFTA-related expertise within government and among selected institutional actors. The issue is not the absence of knowledge, but its distribution and durability.

At present, too much implementation understanding still sits with a relatively narrow group of specialists. That may be enough to support negotiation, policy dialogue, and selective troubleshooting at the centre. It is not enough to sustain broad-based execution across the institutions that carry the agreement into practice. Customs officers, legal advisers, regulatory agencies, standards bodies, trade support institutions, and subnational actors all require a working command of the parts of AfCFTA that affect their decisions. Where that knowledge is thin or uneven, implementation slows, interpretation varies, and institutional confidence weakens.

This becomes even more important because AfCFTA is not a static regime. Its operational demands will evolve as protocols mature, implementation questions accumulate, and firms begin to test the system more actively. A country that relies on a small expert core can coordinate policy, but it struggles to build institutional memory. Procedures remain person-dependent rather than system-dependent. Progress becomes harder to sustain when individuals rotate, retire, or become overstretched. Over time, that weakens continuity and makes the implementation effort more fragile than it appears from the outside.

The capability question is therefore broader than training. Nigeria needs to widen AfCFTA fluency across the execution chain and convert specialist knowledge into repeatable institutional practice. That means better internal guidance, stronger cross-agency learning, more structured technical support, and a clearer pipeline for developing operational competence in the institutions most exposed to implementation risk.

Nigeria's AfCFTA implementation gaps: where readiness still falls short

| DIMENSION | WHAT THE GAP LOOKS LIKE | WHY IT MATTERS |
|---|---|---|
| Legal and regulatory alignment | Domestic alignment remains incomplete across goods, services, investment, competition, intellectual property, and digital trade. | Reduces legal clarity, weakens enforceability, and limits predictable implementation. |
| Coordination and authority | Coordination structures exist, but authority for delivery remains spread across multiple institutions. | Slows decision-making, weakens follow-through, and diffuses accountability. |
| Frontline capability | Customs treatment, Rules of Origin administration, certification, and NTB handling remain uneven. | Firms face friction at the point where the agreement is meant to work in practice. |
| Technical depth | AfCFTA expertise is concentrated in a relatively small group of actors rather than embedded across the wider execution chain. | Limits continuity, consistency, and system-wide implementation maturity. |
| Financial and budgetary support | Implementation funding remains thinner than the breadth of the agenda requires. | Reform pace weakens when systems, staffing, and trade- support tools are underfunded. |
| Infrastructure and systems | Customs digitisation, trade information systems, verification tools, and | Policy ambition outruns operational capability. |

| | | |
|---|---|---|
| | performance-monitoring platforms remain underdeveloped. | |
| Private-sector readiness | Larger firms are better placed to use AfCFTA than MSMEs, which still face knowledge, compliance, and process barriers. | Narrows uptake and limits the broader developmental value of the agreement. |

2.6 Financial and budgetary support remains below what implementation requires

Institutions cannot deliver a technically demanding trade regime at scale without the budgetary support required to build systems, sustain staffing, upgrade infrastructure, and support firms through transition costs.

This is one of the quieter weaknesses in Nigeria's current position. The policy direction is visible, but the financing architecture behind implementation remains less developed than the breadth of the agenda requires. That gap is not always obvious at first because some progress can be made through existing institutional budgets, ad hoc interventions, development-partner support, or the discretionary effort of committed agencies. Over time, though, that approach becomes a constraint. It produces uneven implementation, weak continuity, and a reform effort that depends too heavily on momentum rather than resourcing.

The funding needs are substantial. Customs modernisation requires investment in digital systems, automated preference determination, and electronic certificate-of-origin processes. Border readiness requires physical and technological upgrades at key trade gateways. Rules of Origin administration depends on testing, certification, and verification infrastructure that cannot be improvised. Trade information systems, implementation monitoring platforms, and institutional coordination also carry recurring operating costs. Beyond the state itself, there is a second layer of need: firms, especially MSMEs, will require adjustment support, market access guidance, and in some sectors transitional assistance if they are to compete effectively under a more integrated regional market.

Without a more deliberate financing logic, implementation becomes selective. Some workstreams move because they attract leadership attention or external support. Others stall because they fall outside existing budget envelopes or sit too awkwardly across institutional mandates to attract sustained funding. That pattern weakens the credibility of the broader strategy. A country cannot treat implementation as a national priority while financing it as a secondary administrative add-on.

Nigeria therefore needs to treat AfCFTA implementation as a medium-term public investment and institutional strengthening agenda, not only as a trade policy programme. That means clearer budget visibility, stronger integration into annual and medium-term planning, and a more coherent approach to combining public resources, development-partner support, and catalytic private participation where appropriate. Until the financing question is addressed more directly, the implementation effort will remain structurally underpowered relative to the opportunity it is meant to unlock.

2.7 Private-sector readiness remains narrower than the scale of the opportunity requires

AfCFTA will create value for Nigeria only to the extent that Nigerian firms can use it with confidence.

That confidence depends on more than market access in principle. Businesses need clarity on documentation, origin requirements, standards, dispute pathways, regulatory expectations, and the practical steps required to enter or expand within regional markets. Larger firms are better placed to manage that complexity. They have internal compliance teams, legal support, stronger processes, and greater ability to absorb friction. Smaller firms often do not. As a result, the agreement is more accessible to those already equipped to navigate it, and less accessible to the broader base of firms that policy hopes to bring into regional trade.

If AfCFTA usage remains concentrated among a limited group of capable players, Nigeria may generate pockets of export growth without broadening the productive base that underpins long-term competitiveness. That would narrow the agreement's developmental value. The wider promise of AfCFTA for Nigeria lies not only in higher trade volumes, but in wider enterprise participation, stronger regional market learning, and a more diverse set of firms able to compete beyond the domestic market. Private-sector readiness must therefore be treated as a central implementation question.9 Awareness is part of it, but not the core of it. What firms need most is practical usability: clear guidance, workable procedures, responsive support, and enough institutional clarity to reduce the cost of engagement. Without that, AfCFTA risks remaining most legible to experts and least usable to the firms whose participation would make it economically transformative.

## III. WHY GAPS PERSIST

### 3.1 Framework: The Implementation Deficit Triangle

The implementation gaps identified in Section 2 are not random. They reflect a deeper structural pattern that can be understood through what this paper terms the Implementation Deficit Triangle: diffuse implementation authority, weak policy-to-law conversion, and thin institutional depth

These constraints do not operate separately. They reinforce one another and help explain why Nigeria can record visible progress on AfCFTA, yet still struggle to generate consistent execution depth across the wider system. Nigeria's own 2025 AfCFTA achievements record shows both movement and incompleteness: the country strengthened coordination through the Central Coordination Committee, gazetted tariff concessions, launched implementation-related initiatives, and at the same time continued to frame 2025 as a year of "institutional mechanisms and policy/regulatory action for effective implementation.

| ROOT CAUSE 1 | ROOT CAUSE 2 | ROOT CAUSE 3 |
|---|---|---|
| Diffuse Implementation Authority Implementation cuts across multiple agencies, but no part of the system yet drives end-to-end delivery with enough authority and discipline. | Weak Policy-to-Law Conversion Policy commitment has moved faster than legal domestication, regulatory alignment, and procedural consolidation. | Thin Institutional Depth AfCFTA capability is still concentrated in a small circle rather than embedded across the wider implementation chain. |

### 3.2 Root Cause 1: Diffuse implementation authority

Nigeria already has AfCFTA structures: the National Action Committee, the Nigeria AfCFTA Coordination Office, and, since March 2025, the Central Coordination Committee. The National Action Committee's own public mandate is broad: to develop Nigeria's strategy, mobilise public and private actors, facilitate readiness interventions, coordinate adjustment programmes, and support updates to policies, regulations, and laws. The Central Coordination Committee was then inaugurated to strengthen multistakeholder coordination and streamline implementation of AfCFTA protocols.

The structural issue is that coordination is not the same thing as execution authority.10 AfCFTA implementation still cuts across multiple institutions with distinct legal mandates and operational incentives: trade, customs, standards, export promotion, finance, justice, digital regulation, logistics, and subnational economic actors. The current architecture provides a coordination base, but the public record points more clearly to convening and alignment than to a single, integrated implementation system with binding authority across the full delivery chain. That helps explain why legal reform, customs readiness, regulatory alignment, and firm-level enablement have advanced unevenly rather than as one tightly sequenced national programme.

### 3.3 Root Cause 2: Weak policy-to-law conversion

Nigeria's AfCFTA record reveals a familiar reform pattern: policy movement often becomes visible before legal consolidation is complete. The country signed the Agreement in 2019, ratified it in 2020, gazetted its provisional tariff concessions, and supported its first shipment under AfCFTA preferences to Kenya. Yet official implementation records in 2025 still emphasised continuing policy and regulatory action, a national action plan framework, and an ongoing review of implementation progress. That sequence shows momentum, but it also confirms that formal participation has not yet produced a fully settled domestic implementation order.

This matters because AfCFTA is not a narrow tariff arrangement. It spans goods, services, investment, competition, intellectual property, digital trade, and a wider set of administrative obligations. In a system where policy intent moves faster than legal domestication, regulatory harmonization, and procedural consolidation, implementation naturally becomes uneven. Some parts of the agreement gain enough domestic footing to support selective activation. Others remain weakly anchored in law, fragmented across institutions, or only partially translated into administrative practice.

The consequence is not policy paralysis. It is partial operability. Institutions can point to visible progress, but firms still encounter uncertainty about how obligations apply across agencies, sectors, and dispute pathways. That reduces predictability, weakens confidence, and slows the transition from treaty participation to broad-based commercial use. For Nigeria, the legal challenge is therefore not only to keep signaling commitment, but to convert commitment into a more coherent and enforceable domestic framework at a pace that matches the agreement's growing economic significance.

### 3.4 Root Cause 3: Thin institutional depth

Nigeria has AfCFTA expertise, but that expertise is not yet embedded deeply enough across the wider execution system. Knowledge exists within key parts of government and among selected institutional actors, yet practical fluency remains uneven across the institutions that must translate the agreement into routine administrative, legal, and commercial practice. That includes customs, legal advisory functions, regulatory bodies, trade support institutions, subnational actors, and many firms expected to use the regime directly.

This matters because implementation at scale depends less on isolated expertise than on institutional depth. A system can coordinate effectively for a time through a relatively small number of informed officials. It becomes far harder to sustain and broaden implementation when that knowledge is not converted into procedures, guidance, training pipelines, and repeatable institutional routines. In that environment, progress remains too dependent on individuals, continuity weakens when roles change, and interpretation varies more than it should across the delivery chain.

Official actions in 2025 reinforce this reading. The Federal Government expanded sensitisation efforts, convened public and private sector engagement platforms, and issued market intelligence and knowledge tools. These are useful steps. They also suggest that the wider system is still building the depth required for more confident and consistent execution. A country with stronger institutional depth spends less time repeatedly explaining a regime and more time applying it predictably. Nigeria is moving in that direction, but it has not yet reached that point.

### 3.5 Why the triangle reinforces itself

These three constraints do not operate in isolation. Diffuse implementation authority makes legal and procedural alignment harder because multiple institutions must move together without a strong enough mechanism to drive closure. Weak policy-to-law conversion then leaves agencies operating through partially updated frameworks, which reduces the effectiveness of coordination and slows implementation consistency. Thin institutional depth compounds both problems by making progress too dependent on individuals rather than embedded systems, routines, and institutional memory.

The result is a self-reinforcing pattern. Legal incompleteness weakens execution. Weak execution makes institutional learning slower and more uneven. Uneven institutional depth, in turn, makes legal consolidation and coordinated delivery harder to sustain. This is why visible progress can coexist with limited operational maturity. Nigeria is not facing a set of isolated implementation problems; it is facing a structural cycle in which each weakness makes the others harder to resolve.

### 3.6 Strategic implication

Nigeria's principal risk is underperformance within an agreement the country is formally committed to and institutionally engaged in. Official records show real movement: coordination structures have been strengthened, tariff schedules have been gazetted, implementation reviews have been conducted, and early commercial activity has begun. But the same record also shows that the country is still building the legal, administrative, and institutional depth needed to turn these steps into a more mature implementation system. Unless the three constraints in the Implementation Deficit Triangle are addressed together, Nigeria is likely to remain active in AfCFTA, but below the level of value capture that its scale and market position should permit.

## IV. THE 2026 OPERATIONALISATION AGENDA

Nigeria does not need a longer list of AfCFTA-related initiatives. It needs a tighter system for converting legal progress, institutional coordination, and policy ambition into measurable implementation depth.

That is the purpose of the 2026 Operationalization Agenda. It is designed as a practical response to the three structural constraints identified in Section 3. Where implementation authority is diffuse, the agenda strengthens institutional ownership and accountability. Where policy-to-law conversion is weak, it prioritizes a more coherent legal and regulatory pathway. Where institutional depth remains thin, it shifts attention toward operational capability, sector readiness, and the infrastructure required to make the agreement usable in practice.

The agenda is therefore not built around one intervention. It is built around three reinforcing pillars: a stronger implementation system, sector-specific readiness measures, and a focused trade facilitation and infrastructure push.

### 4.1 Pillar One: Convert coordination into a stronger implementation system

PRIORITY ACTION

The immediate priority is to convert Nigeria's current AfCFTA coordination architecture into a stronger implementation system, backed by clearer legal authority, sharper institutional roles, and tighter accountability for delivery.

The first priority is institutional. Nigeria's existing AfCFTA coordination architecture should be formalised, strengthened, and repositioned as a true implementation system rather than treated mainly as a coordination platform.

This requires clearer legal standing, sharper role definition, stronger execution discipline, and a more visible performance framework. The objective is not to duplicate structures that already exist, but to make them function with greater authority and greater continuity across the delivery chain. A system that is adequate for policy coordination is not necessarily adequate for implementation at scale. AfCFTA now requires the latter.

A hybrid legal route is the most workable path.11 Nigeria should pursue a comprehensive AfCFTA implementation and trade facilitation law, supported by targeted amendments to sector-specific legislation and regulations. That approach would provide a stronger national legal anchor while allowing flexibility across customs, competition, investment, digital trade, and related regulatory areas. It would also reduce the ambiguity that comes from relying on partial administrative alignment alone.

Institutional roles should then be clarified around delivery rather than representation alone. The core implementation system should be responsible for driving closure across legal domestication, customs readiness, regulatory alignment, private-sector support, and performance tracking. That means a clearer escalation path for unresolved cross-agency bottlenecks, tighter reporting discipline, and a stronger link between national commitments and institutional follow-through.

Performance management should be treated as part of the reform itself. Nigeria needs an implementation scorecard that tracks milestones such as legal amendments, tariff utilization, origin-certification performance, non- tariff barrier response times, exporter onboarding, and sector readiness. Without visible measures, implementation will continue to drift between activity and outcome.

Capability support should also move beyond one-off awareness interventions. AfCFTA training for MDA officers, legal advisers, parliamentary staff, customs personnel, and business-support institutions should be delivered as a structured institutional capability programme. The objective is not simply to improve familiarity with the agreement, but to embed execution fluency across the wider system.

### 4.2 Pillar Two: Move from generic implementation to sector-specific readiness

The second priority is economic. AfCFTA will not affect all sectors in the same way, and Nigeria should not respond to it with a single undifferentiated implementation model.

Liberalizations across 97 percent of tariff lines, alongside sensitive and excluded product categories, will affect sectors unevenly. Manufacturing, agriculture, financial services, digital trade, and import-exposed industries will not experience AfCFTA in the same way. Nigeria's implementation strategy should therefore be sector-specific, with support mechanisms calibrated to the practical realities of each part of the economy.

For manufacturing, the priority is preference utilisation and regional value-chain positioning. Nigerian firms need stronger support on Rules of Origin compliance, supplier linkages, and access to working capital where transitional costs are likely to rise. Products already identified as near-term opportunities, including clinker, starch, ceramics, packaging materials, pharmaceuticals, and processed agri-food, should form part of a focused implementation effort rather than remain a broad list of possibilities.

For agriculture and agri-processing, the priority is market access with compliance. Standards, SPS requirements, logistics, aggregation models, and smallholder inclusion all matter here. The opportunity is real, but it will not be captured through aspiration alone. It requires export-ready value chains that can meet regulatory thresholds consistently and move goods across borders with fewer procedural breakdowns.

For financial services, the opportunity lies in positioning Nigerian institutions to support regional trade more effectively. Banking reach, payments infrastructure, and investment intermediation can all give Nigeria a stronger role in cross-border trade flows, but that will depend on regulatory interoperability and a faster build-out of payment and settlement capability tied to AfCFTA's wider market logic.

For the digital economy, regulatory clarity will be decisive. Cross-border data flows, digital identity, fintech interoperability, and the treatment of digital products cannot remain secondary policy questions. Nigeria's software, digital media, and platform-enabled services have export potential, but that potential will remain constrained if domestic regulation lags the practical requirements of the digital trade regime.

For sensitive and import-exposed sectors, the priority is adjustment rather than denial. Sectors facing pressure from increased regional competition will require trade remedy readiness, worker adjustment support, and transition mechanisms that reduce the risk of political backlash against implementation. An AfCFTA strategy that creates winners without managing pressure points will remain economically narrow and politically fragile.

4.3 Pillar Three: Build the trade facilitation and origin infrastructure that makes the agreement usable

The third priority is operational. AfCFTA will scale in Nigeria only if the country invests in the systems that make preferential trade workable at the point of use.

The most immediate requirements sit in customs digitisation, physical trade gateways, origin verification, and trade data visibility. These are not secondary implementation issues. They are part of the core machinery through which the agreement becomes usable for firms and measurable for institutions.

On digital customs, five priorities stand out: integration of the AfCFTA e-tariff book into customs systems, an electronic certificate-of-origin platform, an automated non-tariff barrier notification portal, an AfCFTA trade data analytics platform, and cross-border digital payment integration. These systems should be treated as immediate execution priorities because they move implementation from policy aspiration into administrative routine. They also generate the visibility required for performance management and troubleshooting.

On physical trade gateways, Nigeria should focus on selected corridors where concentrated improvements can produce visible gains. Apapa, Tin Can Island, Seme, Kano Dry Port, Jibia, and Rivers Port are logical starting points. The objective should not be thin national spread. It should be a set of higher-functioning AfCFTA trade corridors where documentation, verification, logistics, and border treatment become materially more reliable than the current baseline.

On Rules of Origin, the country needs stronger testing and verification capability, accredited and usable certification processes, authorised verification bodies, and practical product-specific guidance for exporters. Rules of Origin are one of the most technically demanding parts of AfCFTA.5 If firms cannot navigate them efficiently, preference utilisation will remain lower than policy expectations suggest. Nigeria should therefore treat origin infrastructure as a strategic competitiveness issue, not merely an administrative compliance task.

On financing, the implementation effort requires fiscal realism. Phase 1 customs and infrastructure upgrades will require a dedicated financing framework across the 2026 supplementary and 2027 appropriation windows, with potential support from AfDB, Afreximbank, development partners, and PPP structures. This underlines a broader reality: AfCFTA implementation cannot be treated as a national priority while being financed as an afterthought.

### 4.4 A practical sequencing logic for implementation

Implementation should be sequenced with greater discipline than Nigeria's reform efforts often allow. The priority is not to launch every intervention at once, but to build momentum in an order that improves legal clarity, institutional coordination, and operational usability over time.

Immediate priorities should focus on strengthening the implementation base: formalizing and deepening the current coordination architecture, clarifying institutional roles, agreeing a practical implementation scorecard, and launching the priority legal and regulatory review.

Near-term priorities should focus on legal and procedural alignment: advancing the hybrid domestication pathway, initiating targeted amendments to sector-specific laws and regulations, and issuing clearer implementation guidance across the most relevant agencies.

Operational priorities should focus on activation: delivering customs digitization milestones, strengthening origin- certification systems, improving selected trade gateways, and rolling out sector-specific support measures in the most trade-relevant areas.

By end-2026, the focus should shift to accountability and scale: publishing the first implementation report, strengthening federal-state coordination, and expanding firm-level uptake, especially among businesses outside the first circle of already capable users.

This sequencing matters because implementation quality depends as much on order as on intent. Trying to do everything at once often produces activity without conversion. A disciplined sequence allows legal, institutional, and operational progress to reinforce one another.

### 4.5 What meaningful progress by end-2026 would look like

Progress by end-2026 should be judged by visible improvement in implementation quality, not by the volume of institutional activity surrounding the agreement. The relevant test is not how many meetings were held, documents issued, or structures announced, but whether Nigeria has become materially better positioned to use AfCFTA as a working trade regime.

Meaningful progress would be visible in six areas: a stronger implementation system built on the existing coordination architecture; a clearer and more credible legal pathway for domestication and regulatory alignment; functioning customs and origin systems in selected priority areas; an implementation scorecard with at least one live reporting cycle; practical support measures in the most trade-relevant sectors; and broader private-sector usability, especially for firms outside the already-capable core.

If these conditions are in place by end-2026, Nigeria will not yet have completed the full implementation journey. It will, however, have crossed a more important threshold: from partial participation to stronger implementation credibility.

## V. CONCLUSIONS AND STRATEGIC RECOMMENDATIONS

### 5.1 Nigeria's AfCFTA challenge: closing the execution gap

Nigeria's AfCFTA position is defined less by absence than by incomplete conversion. The country has signed, ratified, gazetted tariff concessions, strengthened coordination structures, and demonstrated early participation under the Guided Trade Initiative. These are meaningful advances. They show that Nigeria is no longer on the margins of the agreement. They do not yet show that the country has built the full legal, institutional, and operational depth required to compete under it consistently.

That distinction is now decisive. AfCFTA has entered a phase in which value will not accrue simply to countries that support integration in principle. It will accrue to those that can make the agreement work in practice; through clearer legal domestication, stronger implementation authority, more reliable trade facilitation systems, and broader firm-level usability. Nigeria has the scale, market presence, productive potential, and regional relevance to benefit materially from this shift. What remains less developed is the machinery required to turn those advantages into repeatable outcomes.

The core finding of this paper is therefore straightforward. Nigeria's principal AfCFTA constraint is not ambition. It is implementation depth. The issue is no longer whether the country has entered the agreement. The issue is how quickly and coherently it can convert formal participation into a functioning national trade system.

5.2 The real risk is not disengagement; it is underperformance

Nigeria is unlikely to abandon AfCFTA or step back from its stated commitment to continental integration. The more serious risk is underperformance within a system the country is formally part of, but not yet fully equipped to shape.

That underperformance would not necessarily look dramatic. It would appear as slower legal consolidation, weaker preference utilisation, narrower business uptake, softer institutional learning, and lower-than-expected gains relative to Nigeria's scale. More execution-ready states would move faster in building confidence, capturing early market advantage, and embedding the agreement into the routines of trade, regulation, and investment. Nigeria would remain active, but below potential.

That is why the structural diagnosis in this paper matters. Partial implementation does not merely delay benefit; it changes competitive positioning. In a large continental market, depth compounds. Countries that build stronger implementation systems early are likely to improve faster over time because usage, institutional learning, and private-sector confidence reinforce one another. Countries that remain in partial readiness tend to face the opposite pattern: selective activity, weak feedback loops, and slower conversion of opportunity into advantage.

5.3 The implementation question should now be treated as a state-capability question

This paper has argued that Nigeria's current implementation gap reflects more than a technical policy shortfall. It reflects broader state-capability issues that AfCFTA has made unusually visible.

The Implementation Deficit Triangle captures this clearly. Diffuse implementation authority weakens follow- through across institutions. Weak policy-to-law conversion slows the movement from formal commitment to enforceable domestic order. Thin institutional depth leaves too much expertise concentrated in a narrow group rather than embedded across the system. Together, these constraints explain why visible progress can coexist with limited operational maturity.

That diagnosis carries an important implication. AfCFTA should not be treated only as a trade agenda.13 It should also be treated as a test of Nigeria's ability to coordinate cross-cutting reform, translate policy into law, and build a more disciplined implementation culture around national economic priorities. In that sense, AfCFTA is not only an external market opportunity. It is also an internal governance challenge.

5.4 Strategic recommendations

The path forward is neither abstract nor indefinite. Nigeria should concentrate on a small number of priorities that improve implementation quality rather than expand the volume of activity.

First, strengthen the existing implementation architecture. Nigeria should build on its current coordination base and convert it into a more fully empowered implementation system with clearer legal grounding, sharper institutional roles, stronger follow-through, and visible performance management.

Second, accelerate legal and regulatory consolidation. A hybrid domestication route, built around a comprehensive implementation and trade facilitation framework supported by targeted sector-specific amendments, offers the most credible route to system-wide legal operability.

Third, invest in trade facilitation and origin systems. Customs digitization, electronic certification, verification capability, trade information systems, and better-functioning priority corridors are central to making the agreement usable in practice.

Fourth, move to sector-specific readiness. Manufacturing, agriculture, financial services, digital trade, and import- exposed sectors should not be handled through one generic implementation model. Adjustment measures, support tools, and readiness interventions should reflect sector realities.

Fifth, widen institutional and private-sector fluency. AfCFTA capability must be embedded more broadly across the public system, while firms, especially MSMEs, need clearer guidance, more practical support, and a lower- friction path into regional trade.

5.5 Final reflection

Nigeria has already done enough to show intent. What matters now is whether it can build the legal coherence, institutional discipline, operational reliability, and business-facing usability required to turn that intent into sustained advantage. AfCFTA will reward countries that can execute across systems, not simply countries that can endorse a continental vision.

For Nigeria, the opportunity remains open. But it will not remain equally open indefinitely. The next phase will be shaped not by who joined, but by who converted participation into capability first.

BROOT CONSULTING'S POSITION

Nigeria's constraint is no longer vision or treaty participation. It is execution coherence. The country now needs to strengthen and fully empower its existing AfCFTA implementation architecture so that legal reform, institutional coordination, trade facilitation, and business readiness work together rather than in fragments. If that happens, AfCFTA will stop being a policy aspiration and start becoming a national economic advantage.

Authors


## VI. ENDNOTES

Constitution of the Federal Republic of Nigeria, 1999 (as amended), s. 12.

Central Bank of Nigeria, "African Continental Free Trade Area (AfCFTA)," confirming Nigeria's signature in July 2019, Federal Executive Council approval for ratification on 4 November 2020, and deposit of the instrument of ratification in December 2020.

The "Implementation Deficit Triangle" is a diagnostic framework developed by BROOT Consulting to explain the recurring interaction between diffuse implementation authority, weak policy-to-law conversion, and thin institutional depth in Nigeria's AfCFTA execution system.

Under Nigeria's dualist constitutional system, treaty obligations do not have domestic force of law unless enacted by the National Assembly. Constitution of the Federal Republic of Nigeria, 1999 (as amended), s. 12.

United Nations Economic Commission for Africa, "The Guided Trade Initiative: documenting and assessing the early experiences of trading under the AfCFTA."

Comparative practice suggests that countries often combine a central implementation framework with targeted sector-specific legal and administrative alignment. Kenya's National AfCFTA Implementation Strategy (2022–2027) is a useful example of a structured national implementation approach. Accessed 9 April 2026.

These institutions include the Nigeria Customs Service, Standards Organisation of Nigeria, Nigerian Ports Authority, National Agency for Food and Drug Administration and Control, Nigerian Communications Commission, National Information Technology Development Agency, and relevant subnational trade- promotion bodies.

SMEDAN and National Bureau of Statistics, National Survey of Micro, Small and Medium Enterprises (MSMEs). If you keep any precise numerical claim on MSME share of cross-border trade, make sure it is tied to a verifiable source.

National Action Committee on AfCFTA and official Nigerian government reporting on the inauguration of the Central Coordination Committee, 2025.

A hybrid domestication pathway is likely to be the most workable route for Nigeria because it combines a central implementation framework with consequential amendments to sector-specific laws and regulations. See also Kenya's National AfCFTA Implementation Strategy (2022–2027).

Phase 1On state capability and implementation, see Andrews, Pritchett, and Woolcock, Building State Capability: Evidence, Analysis, Action.

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