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Permanent Mission of the AU to China

Statement at the China Forum on International Legal Cooperation

Strengthening Africa-China Economic Partnership through Complementarity between Xi Jinping Thoughts on Rule of Law & Africa's Continental Legal Framework

By

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Shenzhen—22 September 2026

Excellencies,

Distinguished Guests,

Ladies and Gentlemen,

Good morning.

It is a pleasure to participate in this year's China Forum on International Legal Cooperation, at a time when the relationship between China and Africa is entering an increasingly pivotal and transformative phase. I would like to thank the China Law Society for convening this important and timely Forum, and for inviting the AU Permanent Mission to China to participate in it.

Let me from the outset on behalf of H.E. Mahmoud Ali Youssouf, Chairperson of the AU Commission commend H.E. President Xi Jinping for his strong and clear leadership that continues to deepen China-Africa relations. As we meet here this morning, China under the able leadership of President Xi is celebrating its **two miracles** of **rapid economic growth** and **long-term social stability**.

We also commend President Xi for advancing multilateralism and cooperation through the Four Global Initiatives on Development, Security, Civilization and Governance. The African Union welcomes these four Initiatives as they align with Africa's transformative agenda, and reinforce multilateralism by expanding the voice of the Global South in international decision-making.

The China–Africa partnership is today anchored on a strong political and institutional framework, most notably through the **Forum on China–Africa Cooperation (FOCAC**), which over the last twenty-five years has provided important outlet for political dialogue, economic cooperation and inter-people exchanges between China and the African continent.

The outcomes of successive FOCAC Summits have demonstrated that China and Africa share a common interest in deepening cooperation on trade, investment, infrastructure, industrialization, agriculture, digital transformation, energy and human-capital development.

It is for these reasons that Africa strongly welcomes the increasingly stronger and mutually beneficial Sino-African legal cooperation incorporating President Xi Jinping's thoughts on rule of law. This is particularly important as the core principles and mechanisms of President Xi's thought align with Africa's own constitutional, legal and institutional legal frameworks. There is a clear recognition by member states of the African Union that for the burgeoning trade and investments between Africa and China to continue to thrive, predictable rules-based commerce, transparent and efficient dispute prevention and resolution mechanisms and value addition in thematic areas of trade, especially in critical mineral supply chain are ***sine qua non*** for our trade and investment to continue to grow.

The central thrust of President Xi's Rule of Law thoughts is anchored on a just and equitable global legal governance based on principles that are consistent with Africa's own legal jurisprudence, namely,

- Sovereign equality
- Fair and equitable application of international legal rules
- Multilateralism
- People-centred approach and
- A more representative and consultative global governance and rule of law system.

Interestingly, all these principles are concomitant of Africa's own rule of law aspirations and can be found in the various legal jurisprudences in Africa, whether adversarial or inquisitorial. There is therefore ***consensus ad idem*** between China and Africa's approaches and doctrinal legal values.

Excellencies,

Trading between and among communities and nations is as old as humanity itself, and as with all human endeavors, international trade comes with its own challenges and opportunities. However, over the centuries, humans have deployed mechanisms to mitigate the risks of international trade, using the instrumentalities of law. One of this latter mechanism is the World Trade Organization (WTO). The WTO, despite its lofty ideals, is seen by many nations as perhaps unfairly favorably tilted to some parts of the globe.

In this regard therefore, member states of the African Union see rules-based framework not just a constitutional or human rights principles but also as **economic** and **financial multipliers and enablers**.

Excellencies, I would like to state here that the African Continental Free Trade Area (AfCFTA) can be adopted, with necessary adjustments, as an African continental legal platform for China–Africa trade. By creating a single African market for goods and services and establishing continental rules on investment, competition, intellectual property and dispute settlement, the AfCFTA represents a significant step towards overcoming the fragmentation of African markets and strengthening Africa's position in global value chains.

It is against this broader context that today's discussion on President Xi Jinping's Thought on the Rule of Law and the reform of global governance acquires particular significance for Africa.

For Africa, the question is not whether one legal system should replace another. Our continent has its own constitutional traditions, legal systems and institutions. Rather, the question is how China and Africa can identify areas of legal complementarity and interoperability that enable our respective systems to support a deeper, more predictable and mutually beneficial economic relationship?

In this regard, allow me to remind this august gathering of a legal instrument that is designed to advance trade and investment under the AfCFTA namely the 2023 '***Protocol to the Agreement Establishing the African Continental Free Trade Area on Investment'***. An important provision of this Protocol is the assertion that investment protection and sovereign right to regulate are not necessarily mutually exclusive positions. The Protocol particularly emphasize the need for clear and predictable ***'dispute prevention and grievance management'*** before dispute escalates into formal legal proceedings. This can serve as a model for Afro-China investment.

Excellencies, given the imperative of conflict prevention and dispute resolution as a critical pillars of Sino-African investment relationship, I hereby propose ***a Sino-African Commercial Arbitration Cooperation*** that will be anchored on the following planks:

First, is a dispute prevention mechanism. Prevention, as often said, is better than cure and in this regard, allow me to lay out the following as some of the defaults due diligence that should be conducted in Sino-African commercial relationship, namely:

a. Legal due diligence and standard contractual clauses
b. Predictable procurement processes
c. Presence of statutory regulatory agencies
d. Constant government-investors dialogue

Second, is a fair and transparent grievance management mechanism.

The Protocol to the AfCFTA which was previously referenced provides for AU member states to put in place a statutory body equipped with powers to accept grievances regarding regulatory or contractual matters. Such adjudicatory body should be the entry point for complaint before parties seek formal mediation. I wish to therefore propose for China to consider putting in place such a body if it isn't already in existence.

Third, mediation

Mediation is already an existing tool in international commercial dispute resolution, and I hereby also propose it as an intermediate measure after failure of the government grievance management mechanism. The aim of such mediation is to foster conciliation and resolve the dispute without litigation.

Finally, arbitration/adjudication

Again, arbitration and adjudication are an existing mechanism in international legal jurisprudence. Thus, where settlement fails, parties should have access to neutral and enforceable dispute-resolution mechanisms. This would embody the principle that **the best commercial dispute is the dispute that never becomes a legal dispute**.

Excellencies, ladies and gentlemen,

I cannot conclude my intervention without some reflection on Africa’s critical minerals as pivotal to China’s transformative engagement with Africa. I would therefore encourage us to seek answers to one critical question: how do we synergize Sino-African engagements in Africa’s critical minerals within the broad confines of the principles of the rule of law and reform of global governance? I sincerely believe that if we do this, it can translate into a pivotal moment for inexorable transformation of the fortunes of the African continent while boosting China’s high-quality development as espoused in its 15th Five Year Plan.

As of today, it is incontrovertible that Africa stands at the centre of the global energy transition and the emerging digital economy. The continent possesses significant deposits of lithium, cobalt, nickel, rare earth elements, platinum-group metals and other minerals essential to renewable energy, electric vehicles, advanced manufacturing, digital technologies and the wider transition to a low-carbon economy. The African Union's **Africa Green Minerals Strategy**, adopted in 2025, recognizes precisely this opportunity and calls for Africa to move beyond the export of raw minerals towards value addition, integrated value chains, industrialization and inclusive development.

The question, therefore, is not whether Africa should participate in the global critical-minerals economy. It is **on what terms Africa participates, who captures the value, and what legal and institutional framework governs that participation**? This is where **the rule of law becomes an instrument of economic transformation**.

At the same time, the **Africa Mining Vision in 2009** calls for the transparent, equitable and optimal exploitation of Africa's mineral resources and envisages a mining sector integrated into African industrialization, infrastructure, manufacturing, skills development and regional value chains. For its part, the African Union's **Commodities Strategy** already seeks to enable African countries to add value, extract greater rents from commodities, integrate into global value chains and promote diversification anchored on local content. All these instruments explicitly seek to move Africa from its historic position as an exporter of raw materials towards manufacturing and knowledge-based economic activity. Consequently, Africa's engagement with China in critical minerals should not be conceived simply as a relationship between **African mineral resources and Chinese demand**. It should be conceived as a partnership between **African resources and markets, Chinese capital and technology, and a shared rules-based framework for industrial development**.

Excellencies, there is no doubt that we cannot engender a seamless trade and investment without predictable legal environments on both sides. The rule of law is an indispensable foundation for cooperation on critical minerals. African States need the policy space to regulate their natural resources in accordance with national development objectives. Chinese companies and investors, equally, require certainty concerning *licensing, taxation, contracts, property rights, investment protection and dispute resolution*. As I have previously stated above, these two imperatives need not be mutually exclusive, and I am of the firm conviction that a **modern rules-based framework will reconcile the two.** A possible **China–Africa critical-minerals agreements** should therefore incorporate

- transparent and competitive licensing
- clear contractual obligations
- predictable taxation and fiscal arrangements
- local-content requirements
- technology and skills cooperation
- responsible supply-chain standards and effective dispute-prevention and dispute-resolution mechanisms.

The **African Minerals Development Centre (AMDC)** is particularly relevant as its mandate includes supporting African States in developing coherent policies concerning licensing, contracting, taxation and regulatory frameworks, while promoting beneficiation, responsible investment and resource-based industrialization. A modern China–Africa critical-minerals agreement could therefore connect extraction with amongst others,

- **processing and refining in Africa**,
- **regional supply chain under AfCFTA as well as**
- **research and development.**

This would give practical meaning to the principle that Africa's natural resources must contribute to the continent's structural transformation.

Related to the above is the broader global-governance dimension. The global energy transition is creating enormous demand for minerals that are predominantly located in developing countries. Yet the highest-value stages of many mineral value chains remain concentrated outside Africa. This raises a fundamental question of global economic justice: **Can the world pursue a green transition while reproducing the economic structure in which Africa supplies raw materials and others capture most of the value?** Africa's position is unequivocally clear: that pattern must change.

The reform of global governance must therefore include reform of the **global architecture of resource value chains** including amplifying Africa's voice in determining how critical minerals are priced, how value chains are structured, the issue of technology transfer and where processing takes place. These are critical issues for Africa's transformative agenda.

I encourage China to partner with Africa in its industrial transformation. A starting point could be the establishment of a **China–Africa Critical Minerals Legal Cooperation Framework** which should among others, include

- A model legal and contractual provisions for critical-minerals investment that balance investor certainty with African development objectives;

- A cooperation agreement on responsible mining, environmental protection, community interests and supply-chain governance,
- A cooperation agreement on technology transfer, research, geological mapping and skills development,
- A standing mechanism for preventing and resolving China–Africa commercial disputes, including negotiation, mediation, conciliation and arbitration and
- Greater cooperation between African and Chinese legal practitioners, regulators, judges, arbitrators and academic institutions.

Excellencies, Ladies and gentlemen,

Allow me to conclude by restating the point I made earlier that building a rules-based China–Africa economic partnership requires us to recognize that Africa and China do not need identical legal systems to achieve meaningful legal cooperation; what we need is complementarity, mutual respect and legal interoperability.

President Xi Jinping’s Thought on the Rule of Law and China's vision for the reform of global governance offer important perspectives that can complement Africa's own continental legal architecture, including Agenda 2063, the AfCFTA, the Africa Mining Vision and the Africa Green Minerals Strategy. Together, these frameworks can help create a more predictable environment for trade and investment, strengthen mechanisms for preventing and resolving commercial disputes, and ensure that Africa's critical minerals become instruments of value addition and industrialization rather than simply commodities for export.

The ultimate objective is therefore not legal uniformity, but a rules-based partnership in which China's capital, technology and industrial capacity and Africa's resources, markets and development aspirations are brought together under fair, predictable and mutually beneficial rules—contributing not only to a stronger China–Africa partnership, but also to a more representative, equitable and effective global economic order.

I thank you for your kind attention as I look forward to our fruitful deliberations.