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ECOWAS: Forty Years on, What Prospects for the Future?

Propelled by a strong desire to reposition West Africa onto the path of economic development, the Heads of State and Government established the Economic Community of West African States (ECOWAS) in 1975. The Treaty of Lagos, creating ECOWAS, was signed by 15 countries with the key objective of promoting regional integration through the coordination and promotion of economic cooperation.

In the 40 years of its existence, the Community has been confronted with a plethora of political, social and economic issues. The early 1990s witnessed civil wars in member states such as Sierra Leone, Liberia and Côte D’Ivoire. Unconstitutional changes of government through coup d’état were almost a constant feature in the region, leading to the perception of West Africa as a region prone to undemocratic and unstable governments. However, today all the states have democratically elected governments.

Unconstitutional changes of government are no longer tolerated within ECOWAS. More recently, Ebola, another seemingly insoluble problem facing the region, has been contained. In spite of challenges from piracy, terrorism and poor infrastructure to corruption and conflict due to natural resources, the future looks bright for West Africa and ECOWAS: as the Community transits from the ECOWAS of States to an ECOWAS of People.

This special edition of West Africa Insight examines ECOWAS at 40 and how far it has actualised its vision and mission since its inception.

Contributors Babatunde Afolabi, Ayuba Larab and Terfa Hemen reflect on the ECOWAS framework for conflict prevention, peace-keeping and stabilisation. They opine that the Community’s experiences, particularly in the early 1990s, led to the adoption of peace and security as its cornerstones. Tracing its achievement as the first regional organisation to undertake a Peace Support Operation (PSO), our contributors argue that it was the security-first approach of ECOWAS to development and integration that influenced member states to adopt the same.

Kopep Dabugat in his contribution on agriculture puts forward the view that the adoption of the ECOWAS Agricultural Policy (ECOWAP) is a springboard for attaining food security in the region. However he goes on to warn that demographic pressures on natural resources, poor development of water resources and climate change all constitute critical challenges that will impact the region in the future.

The ECOWAS response to public health emergencies in the region is also examined in this edition of West Africa Insight. The focus of Chris Kwaja’s article is the devastating nature of epidemics such as Ebola, Lassa fever and cholera, among others. According to Kwaja, the challenges associated with a weak epidemiological surveillance system, lack of adequate preparedness and lack of financial and logistical resources are responsible for the inability of ECOWAS to adequately respond to emergencies with enormous humanitarian consequences. He concludes with calls for increased mobilisation of human and financial resources.

In his contribution on free movement protocol and regional migration, Nengak Gondyi argues that although ECOWAS encompasses the largest free-movement corridor in Africa, challenges to regional mobility still persist.

Solomon Eborah evaluates the contribution of the ECOWAS Court - the principal legal organ of the Community with the mandate for judicial enforcement of applicable laws. Formally inaugurated 26 years after ECOWAS was established, Eborah argues that the Court is confronted with the huge challenge of enforcement in the light of the unwillingness of both member states of the Community and their citizens to adhere to the Court’s decisions.

The journey towards economic integration remains one of the major challenges confronting ECOWAS. For Akpan Ekpo, economic integration represents the foundational basis for the establishment of the organisation 40 years ago. Though ECOWAS has strived to attain the economic integration key to its founding aim, Ekpo argues that lack of coordination among member states impedes its efforts.

There is no doubt that the reflections on ECOWAS at 40 as captured in this special edition of West Africa Insight, are an important contribution by the Centre for Democracy and Development (CDD) to the on-going discussions on how to better reposition ECOWAS on the path towards peace, security, good governance, economic growth and development in the West African region. Happy Reading…

Idayat Hassan
Director, CDD
1. INTRODUCTION

The rationale for the establishment of ECOWAS on 28th May, 1975 under the Treaty of Lagos, is not difficult to discern as the framework was aimed at achieving regional integration in West Africa through the coordination and promotion of economic cooperation among the 15 member countries. The 15 countries are: Benin, Burkina Faso, Cape Verde, The Gambia, Ghana, Guinea, Guinea Bissau, Ivory Coast, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

Although the UN Charter of 1945 explicitly acknowledges the role and significance of regional apparatus of regional economic communities (RECs), contemporary economics and politics have come to bear that regional economic blocs could sometime be pervasive as currently being experienced in the European Union (EU). However, since the inception of ECOWAS 40 years ago, there is no doubt that it has accomplished some remarkable strides, especially in the areas of peace and security, trade and the free movement of persons across borders. For instance, ECOWAS intra-trade doubled between 1975 and 1984 and this triggered great optimism that the region was going to be the most successful integration story in Africa (ECOWAS 2011-2015 Strategic Plan, 2010). The macroeconomic fundamentals in the region have been satisfactory on the average. The growth rate of GDP is about 6 percent; inflation is single-digit especially among the Franco-phone speaking countries and foreign reserves could finance at least 4 months of imports. This notwithstanding, the community is confronted with a number of challenges which have been perceived to impede the valuable implementation of its functions and the fulfillment of its purpose as it strives towards a monetary union (Asante, 1999).

Consequently, the objective of this paper is to examine the prospects and challenges of ECOWAS as it celebrates its 40 years of existence. Following the introduction, the rest of paper is structured as follows: Section 2 briefly discusses the organs of ECOWAS while section 3 examines the prospects and challenges of the regional body offering policy recommendations. Section 4 concludes the paper. It is expected that the analysis in the paper would generate further debate in the economic integration discourse.

2. Organs of the ECOWAS

ECOWAS is a regional institutional framework set up to coordinate and promote economic cooperation in West Africa. The various organs of the community are contained in the Treaty of ECOWAS defined in its Article 4. These are the “Authority” of Heads of State and Government, which is responsible for general direction and control of the community and its institutions; the Council of Ministers which consists of ministerial representatives of each member state. The Council is saddled with the responsibility of keeping under watch, the functioning and development of the community in accordance with the Treaty, making policy recommendations to the Authority. Third, the Executive Secretariat headed by an executive secretary and is responsible for the implementation of policy decisions of the Authority and application of the Council’s regulations. Others are the Tribunal of the Community, whose role is to adjudicate in disputes arising from the implementation of community decisions among member states. The Technical and Specialized Commission comprises of representatives of member states that operate in technical advisory capacity to the...
In order to reposition ECOWAS in adapting to new challenges in the international environment as members' preferences and expectations change, a number of institutional structures were further established and some restructured to accelerate the attainment of the community's objectives. They include: the Commission, the Community Parliament, and the Community Court of Justice as well as the ECOWAS Bank for Investment and Development (EBID).

3. PROSPECTS AND CHALLENGES OF ECOWAS:
To properly examine ECOWAS, it is important to converse the objectives for which it was established. ECOWAS was established among other objectives to promote and facilitate market integration through policy harmonization and coordination; and to speed up the development of physical infrastructure i.e. roads, telecoms, education, health, legal matters, energy, etc. Third, establishment of a common market through trade liberalization by abolishing barriers to trade such as customs duties among member states, tariff barriers; adoption of a common external tariff and common traded policy vis-à-vis third countries; and free movement of persons, goods, services and capital and to the right of residence and establishment. Four, facilitate establishment of joint production enterprises. Five, enhance balanced development of the region through infrastructural development that will alleviate special problems of member states especially those of Small Island and landlocked member countries. Six, facilitate the adoption of a common population policy and the establishment of a fund for cooperation, compensation and development.

Apparently from the foregoing, the main preoccupation of ECOWAS at formation as an Inter-Governmental Organization was purely informed by an economic and commerce agenda. The nexus between security and development which today constitutes a fundamental challenge in ECOWAS was not on the agenda. Indeed, about three years after its formation the issues of peace and security were designed primarily to tackle external threats and aggression. The Protocol on Non-Aggression adopted in 1978 and the Protocol on Mutual Assistance in Defense of 1981 are testimonies. This notwithstanding, ECOWAS is confronted with a number of challenges which have been perceived to impede the valuable implementation of its functions and the fulfillment of its purpose as it strives towards a monetary union (Asante, 1999).

3.1 Market integration through policy harmonization and coordination, establishment of a common market and development of infrastructure:
The prospects of ECOWAS as a monetary union rest on its principal objectives which was the promotion and facilitation of market integration through policy harmonization and coordination; development of physical infrastructure and establishment of a common market. These intertwined objectives in consonance with the pan-African development agenda for the attainment of an eventual continental community have a broad aim to establish a continent-wide single market by 2025. To what extent then has ECOWAS achieved these objectives?

The combined objectives were to be accomplished by means of liberalizing trade among member states through a sequence of eliminating tariff and non-tariff barriers, and ultimately achieve an economic and monetary union. These would come about after successfully going through the process of a free trade area, customs union and common market. Elimination of tariff and non-tariff barriers can only be attained by establishment of a common external tariff (CET) and commercial policy against non-ECOWAS countries, while an economic union is concluded by abolition of all obstacles to the movement of all factors of production, and harmonization of domestic policies across its member-countries (ECOWAS Vanguard, 2013). The ECOWAS Trade Liberalization Scheme (ETLS) was conceived quite early in its existence as a progressive reduction to culminating in the elimination of all tariff and non-tariff barriers against intra-ECOWAS trade. Its implementation which was scheduled to start in 1979 was postponed three times before it was finally launched in 1990. The plan was that the annual tariff reduction rates would be varied among the three categories of countries: for the most advanced countries the schedule was expected to be in 6 years; completion period was set at 8 years for the middle group of countries; while the third group was given up to 10 years. By this arrangement, total elimination of all trade barriers was expected by the end of 1999. The inability to accomplish this goal again led the Authority of Heads of States and Government to resolve and adopted a fast-track approach of achieving the sub-region's economic integration objective in 1999. In the
Thirdly, monitoring the implementation of the ECOWAS-CET rates in the Member States will need to be ensured (International Centre for Trade and Sustainable Development, 2013).

Economic integration, however, cannot occur without development enablers such infrastructure, effective institutions, inclusive and resilient societies - which are crucial to creating environments in which every person and every country can thrive (Centre on International Cooperation, XXXX). Identified in this structure as cross-cutting priority are physical and institutional. An important objective of infrastructure is connectivity (transportation and communication) - required to better connect people and integrate countries of the sub-region that will flourish its intra-trade and foreign markets. Equally paramount is access to sustainable and affordable energy supply to mitigate the adverse effects of the energy gap, which remains an impediment to the growth process of ECOWAS. Energy consumption in ECOWAS is the lowest in the world with only 20% of urban households and 6% of rural households having access to electricity (Elliott, 2011). Though there are prospects success in the development of physical infrastructure has been marginal. The Energy Policy Programme, the West African Power Pool, among others are yet to be fully implemented.

Road transport in West Africa is amongst the weakest on the continent as the network does not facilitate trade inclusive of landlocked countries. The Trans-Africa Highways which is meant to pass through ECOWAS countries as well as the Railway Master Plan are yet to be implemented in earnest. Port infrastructure and air transport are also weak in the region. Some regional air carriers have emerged within the last few years; ASKY and to some extent, Arik Air. They fly into capital cities of the West African countries, including Benin, Ghana, The Gambia, Côte d’Ivoire, Liberia, Nigeria, Sierra Leone and Togo. Soft infrastructure remains another challenge for ECOWAS. There is the need to build on a sustainable basis high skill manpower in various areas of the economy for goods and services delivery. Within the context of soft infrastructure is the importance of building strong institutions, imbibe accountability and transparency within and among ECOWAS countries to lubricate the process of regional integration.

ECOWAS has also recorded some success in the areas of security and conflict resolution. Though the original treaty did not provide explicit role on security matters, it was realized that without peace and security, economic integration cannot take place. Consequently, ECOWAS through the Economic Community of West African States Monitoring Group (ECOMOG) played a major role in the conflicts in Liberia and Sierra-Leone in in spite of logistics and equipment challenges. There have been positive interventions in countries to avert the return of military rule thus ensuring good governance and the sustenance of democracy.

3.2 Drive Towards A Monetary Union:

This is one area with the biggest challenge particularly when the adoption of a single currency is condition precedent. The Francophone countries have a single-currency (CFA) while each of the Anglo-speaking country has her own currency. Hence, the idea of having a common currency became prolonged as countries were unable
to meet both the primary and secondary criteria for convergence. Some of the criteria include: (I) single-digit rate of inflation; (ii) deficit/GDP of about 4 per cent; (iii) external reserves that can finance at least 6 months of imports; and (iv) ceiling on Central Bank financing of budget deficit < 10 % of previous year's tax revenue (Ekpo, 2005).

In order to fast-track the convergence process among the Anglo-phone speaking countries, the West African Monetary Institute (WAMI) was established in the year 2000 by Ghana, The Gambia, Sierra-Leone, Liberia, Nigeria and Guinea with the objective of having a single-currency (the Eco) and thereafter converge and/or merge with the CFA to have one currency in the anticipated monetary union. The process has been quite slow because countries are unable to meet the conditions for convergence and in addition there has been an absence of political will. Among the Anglo-phone speaking countries under WAMI, the goal post for convergence has been shifted several times. In recent times, the ECOWAS Commission has adopted a single-track approach setting 2020 as the year of establishing a Monetary Union with a single-currency. It is even debatable whether a Custom Union has been properly established before embarking on creating a Monetary Union. It is important to learn from the experiences of the European Union by ensuring that countries in the ECOWAS are transparent in providing adequate and reliable socio-economic data. It is, therefore, imperative that most of the political economy issues be addressed before embarking on the creation of a Monetary Union. The 'rush' is not necessary.

Consequently, we offer the following policy recommendations:

- Member countries need to adopt existing protocols on free movement of persons, goods and services; this would increase the volume of trade among members which is essential for economic integration.
- Member Parliaments must approve and implement existing protocols such as the enforcement of judgements by the ECOWAS Parliament; at present, the ratification of existing protocols by member parliaments is at a snail speed.
- It is crucial that at least the primary criteria for currency convergence be met by member countries;
- the development of both hard and soft infrastructure remain crucial for the sub-region to facilitate trade, communication and enhance sustained growth; and
- the training and capacity building of highly skilled manpower in various fields must be part of the integration process such that skill gaps among member countries can be minimized; and
- There must be political will to drive the integration process.

4. Conclusion
We have examined the existence of ECOWAS at 40 based on its mandate particularly towards the formation of a monetary union. In spite of the challenges, ECOWAS has prospects if member countries adopt and implement existing protocols, increase the volume of trade among its members and exhibit political will. Learning from the European experience, there is no need for a rush towards a monetary union for it is crucial that member countries meet the primary criteria for currency convergence.

References


**Introduction**

The stories told by travellers across West Africa often bring listeners to tears, especially the stories of people travelling by roads. Some of the tales convey experiences as harrowing as those of African migrants trying to connect Europe through the Sahara desert, and ultimately through the Mediterranean Sea in very precarious voyages. The main difference is that while migrants in the latter sometimes pay for the voyage with their lives, migrants within the West African sub-region pay with time and cash!

The acronym “ECOWAS” for the Economic Community of West African States and the French equivalent, “CEDEAO” for Communauté Économique des États de l’Afrique de l’Ouest are among the most recognised in the West African region. Residents are also familiar with the acronym ECOMOG, the Economic Community of West African States Monitoring Group (ECOMOG); the multilateral armed force established by ECOWAS has played a prominent role in promoting peace and stability in nations like Liberia and Sierra Leone.

The growth of nations and the wealth of individuals is tied to the quality of commerce they engage in. The strength of a nation is, in part, a function of its gross domestic product. Africa is experiencing transformative growth, and West Africa is at its heart; with a projected growth rate of 7.4 per cent in 2014, it is the fastest growing region in the continent. Nigeria, and, to a lesser extent Côte d’Ivoire dominate the intraregional export trade, accounting for about 70 per cent of total intraregional exports.  

Before the colonial period and the establishment of modern states, West Africans traditionally migrated across the expanse of the region. Modern states split traditional kingdoms and communities across national boundaries; there are, however, border communities with kinship across national boundaries in the region such as the Hausa, Wolof and Yoruba ethnic groups. Present-day migration across West Africa is mainly driven by the pursuit of economic opportunities.

In 2015, ECOWAS marks 40 years of existence. These four decades have seen only chequered progress in fulfilling one of the organization's first principal objectives — “to promote co-operation and integration, leading to the establishment of an economic union in West Africa in order to raise the living standards of its peoples,”

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**THE ECOWAS PROTOCOL ON FREE MOVEMENT AND REGIONAL MIGRATION IN WEST AFRICA**

Nengak Daniel Gondyi
maintain and enhance economic stability, foster relations among Member States and contribute to the progress and development of the African Continent.iii

This article appraises the various efforts at ensuring freer movement of goods and persons across the sub-region and the challenges being faced, including analysis of ECOWAS' “Free Movement Protocol.” Ultimately, it offers a number of recommendations to transform the Organization of West African States to an Organization of West African People.

**Understanding the Free Movement Protocol**

ECOWAS, a body consisting of 15 West African countries, was founded in 1975. It began with a modest mission — the promotion of economic integration across the region, with a long-term vision of member states becoming a self-sufficient collective. Two of its critical components are the ECOWAS Commission and the ECOWAS Bank for Investment and Development; they work in the three common languages of the sub-region's citizens — Portuguese, English and French. Divided into six parts with 13 articles, the Protocol A/P.1/5/79, Relating to Free Movement of Persons, Residence and Establishmentiv draws its legality from the 1975 Treaty of the Economic Community of West African States. Promulgated four years after the ECOWAS treaty, the Protocol was signed in Dakar to provide a legal framework for member states' citizens' right to enter, reside and engage in economic activities in the territory of other member states. For the implementation of the protocol, a three-phase frame was adopted, to span over a 15-year period. Primarily, its purpose was to abolish visa and entry permit requirements, and to extend the right of residency and the right of establishment. It also grants member states' citizens the right to reside in another country in the sub-region for up to 90 days before obtaining permission for an extension of stay. The supplementary Protocol in 1985 included the right to seek and hold employment in host states in the region once the citizen had obtained an ECOWAS residence card or permit.v

In Article 4, member states are reserved the right to refuse admission into their territory any citizen categorized as an inadmissible migrant under the country's law. Article 11 recognises the potential need to expel individuals, and spells out the requirements for doing so. Ghana exploited this in 2012, when the country deported 12 Nigerian beggars; Ghana even slammed them with a fine of 12 Ghanaian Cedes (about 4USD).vi Expulsion, however, cannot happen without first exhausting the provisions of other international instruments, like the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.vii The penultimate article of the Protocol stipulates that the Protocol shall not affect more favourable provisions contained in agreements that have already been adopted between two or more member states.

Phase I has been a clear success in the region, and citizens have been saved the cost and time of visa processing. Phases II and III, however, have largely failed. Article 23 of the supplementary provision of Phase II requires member states to grant migrant workers equal treatment as that given to nationals. The article mandates equal treatment in areas like security of employment, participation in social and cultural activities, and, in certain cases of job loss, re-employment and training.

Phase III, which concerns enterprise rights of citizens in the sub-region, is challenged by countries' varying terms of economic engagement, and by the sometimes-veiled xenophobia. In 2012, the government of Ghana responded to growing anti-Nigerian sentiments in

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iii 1986 Supplementary Protocol A/SP.1/7/86 on the Second Phase (Right of Residence) of the Protocol on Free Movement of Persons, the Right of Residence and Establishment.


v Adopted by UN General Assembly resolution 45/158 of 18 December 1990, entered into force on 1 July 2003.

the country, Ghana required all foreigners, including West Africans, to deposit 990,000 Ghanaian Cedis (about 300,000 USD) with the government of Ghana before commencing business in the country. It was a clear contravention of the protocol’s spirit. Only ECOWAS intervention pushed the Ghanaian government to retract its new requirement.

For a sense of the extent of travels within the region, refer to the recent survey conducted along selected borders in West Africa by the CLEEN Foundation. The study found that crossing the borders for many people is already an entrenched habit with most travellers reporting that they had crossed specific borders over 10 times!

With four different supplementary Protocols ratified in 1985, 1986, 1989 and 1990, full implementation of the protocol remains slow; its full implementation remains a dream for the ECOWAS Commission and citizens in the sub-region.

While migration is largely beneficial, given the economic activities it helps foster, it also comes at a price. For example, the costs were seen in West Africa during the Ebola crisis that shook the region to its foundation; Ebola remains a public health risk in the region. Although diseases do not necessarily respect national boundaries, the movement of people across borders made it easier for the virus to travel. Most of the affected countries — Liberia, Sierra Leone and Guinea — shared borders. From March, 2014, when the outbreak began, until October 2015, the West African countries of Liberia, Mali, Nigeria, Guinea and Sierra Leone have lost over 11,311 citizens. Predictably, air, land and sea borders were shut, in order to prevent further spread. Economic losses were significant enough that countries were driven to open their borders prematurely, with precautionary measures put in place such as hand sanitisers installed in public places, closure of schools and temperature check at points of entry and exits.

Considering the history and experience of migration in the region, the Afrobarometer public perception survey sought to understand the views of West Africans regarding migration and mobility. Findings from six countries confirm the region’s desire for free movement (figure 2):

**Challenges of Implementing the Protocol**

One of the biggest challenges of implementing Phases I and II of the Protocol is that neither ECOWAS citizens nor state actors have a high level of awareness regarding the measures and their implications.
Because foreign migrants take away jobs, and foreign traders sell their goods at very cheap prices, governments should protect their own citizens and limit the cross-border movement of people and goods. Data extracted using the online data analysis tool of Afrobarometer http://afrobarometer.org/online-data-analysis/

CLEEN Foundation 2015, op cit


Daily Trust Newspaper [Nigeria], March 17, 2013 - We’ll build physical fences at illegal routes into Nigeria – Abba Moro http://www.dailytrust.com.ng/sunday/index.php/interview/12387-we-ll-build-physical-fences-at-illegal-routes-into-

As seen in Table 1, it is only in Nigeria and Benin that a clear majority of respondents were “aware” of the protocol. The implication is that travellers are unaware of the rights and responsibilities set out in the protocol, and would be unable to challenge possible infringements by security agents and government officials. This low level of awareness is, in part, responsible for the reported expulsions of unwanted aliens (who are ECOWAS citizens), as well as targeted taxation and fiscal restrictions levied by some states. The volatile nature of the sub-region is another core challenge inhibiting full implementation of the protocol. In 2003, The Economist described the region's crisis, writing, 'Taken as a whole, West Africa's crisis is one of the world's worst. The regional war has claimed perhaps half a million lives, and continues to blight millions more.' Years of civil wars have left the region with countries focused on ensuring self-preservation first. Predictably, this has been to the detriment of focusing attention on instruments of ECOWAS, and those of the African Union. For example, Cote d'Ivoire, one of the economic powerhouses of the region, battled with its own internal crisis for about five years; its recent peace only began in 2011. A list of recent regional crises include the Guinean clashes of 2013, the first and second Liberian civil wars, which ended in 2003, the ongoing conflict in northern Mali, the Tuareg rebellion in Niger, the Boko Haram insurgency in Nigeria, Niger and Chad, and the deadly, 11-year Sierra Leonean civil war. The conflicts are frequently fuelled by ethnic, religious, political and economic interests. Crises like these make deliberations about inter-state freedom of movement ineffectual, if not impossible. There needs to be peace within before it can be transferred without. With the wars gradually declining in intensity, there is a chance that the region may get back on track, reinvigorating discussions of free movement, residency and establishment within the sub-region. Ultimately, the idea behind these goals is to ensure economic progress and stability for the region.

Another potent threat to implementation of the Protocol is member states' lack of coordinated political will to monitor progress. Why citizens of member states err in the face of the law on this matter is simple; there is little to no awareness of the requirements for travel and work permits across borders. Where there is awareness, the process of procuring travel documents is fraught with different challenges, and there is no regionally-sanctioned national identification process in West Africa. On the other hand, travel infrastructure, especially roads, are in bad conditions and grossly inadequate across the region."

Officials on the border exploit travellers across the region, feasting on their ignorance and structural challenges. Consequently irregular entry is appealing, especially given the porousness of borders and the notoriously “ungoverned spaces” around borders in the region. The immigration and security services of

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Table 1: Awareness of the ECOWAS protocol on free movement of persons among travellers\textsuperscript{xii}

\textsuperscript{xii}Cited in a recent report by the CLEEN Foundation, West Africa’s Wars: A Region in Flames, July 3rd, 2003.
states leading to the various economic hubs in the sub-region are cultural ties that can be explored to make state actors and non-state actors fully embrace the free movement of people and goods within one of Africa’s most economically viable corridors, while still meeting reasonable demands of security and public safety. ECOWAS’ has recently made efforts to partner with private sector actors, local civil society actions, and international civil society organisations to ultimately ensure free movement of goods and persons; ECOWAS should be commended and its efforts sustained. However, there is need to deepen popular participation in efforts to strengthen free movement across the region. Apart from regular national and regional civil society organisations, border communities and trade groups are likely to be crucial partners. Despite the multiplicity of functions of border posts, and the crowd of officials at borders, it is worrisome that people are still being trafficked. The officials of different agencies at border posts should be specially trained to combat human trafficking, as they perform functions including assessment of documents and goods, collection of duties and taxes and immigration. The proliferation of agencies operating on both sides of the same border doubles the bureaucracy at border posts, which translates into congestion and delays; the waiting time for a container/truck to cross a border post in West Africa can range from 3 minutes to 2.8 days. Cross-border cooperation and the deployment of technology used at airports and other advanced borders would reduce these restrictions. It is also possible that some of the screenings could be done and certified at the point of departure in each country, rather than at the border; time spent there for verifications and other immigration-related checks could be reduced. The technology and attention given to ensuring that air travellers enjoy better services during migration should be adapted for road and sea travellers. This is especially in view of the gender dimension to the trans-border commerce, where female traders are known to have a heavy presence. The exodus of youths from West Africa towards Europe is truly a ticking bomb, and there is no easy way to diffuse it. Closing the northern borders of the region would be inimical to the principles of free movement. On the other hand, it is manifestly difficult to fence in a region which shares borders with volatile countries like Chad and Libya, complicated by the fact that the region has its own trouble spots. The key is likely to lie in value reorientation at home, and facilitation of legal migration to

nigeria-abba-moro


Europe for those who meet requirements, in order to reduce the lure of the illegal routes and people smugglers. While ECOWAS can lead these efforts, the bulk of the work has to be done at the community level in a coordinated manner, such that the messages reach all corners of the region.

At the core of the efforts to address the challenges associated with free movement and migration in West Africa is the utter absence of data about trends in migration. Basic details such as the number of users of each border crossing point, preferred travel documents, gender and age disaggregation of migrants, length of migration, cyclical/seasonal migration, and so on greatly limits what can be known about the problem. Member states, ECOWAS and other stakeholders must coordinate efforts to develop an accurate and frequently-updated dataset on migration that can aid planning, management and forecasting of migration in the region. There are modern tools and information and communication technologies that could aid in creating such datasets, which would easily form the bedrock of a possible chip-enabled regional identification card, which could simplify migrations and documentation in West Africa.

**Conclusion**

When the Protocol on Free Movement and Migration was signed, the implementation period of 15 years was passed by 1994. Sadly, however, it is difficult to say that there is free movement of goods and persons within the region. When compared to the European Union, it pales into near insignificance. Nonetheless, the present visa-free travel system in 15 West African States is the largest free-movement corridor in Africa.

The 1985 supplement to the free movement protocol bestows a status of regional citizenship on citizens of all ECOWAS member states. The attainment of regional citizenship is perhaps ECOWAS' greatest feat. Yet citizenship has no real meaning without free movement, and if the present challenges to regional mobility persist, they risk choking and relegating the status of ECOWAS citizenship into oblivion.

ECOWAS has a Vision 2020, which envisions transforming the current 'ECOWAS of States' into an 'ECOWAS of People.'

The sub-region has less than five years to re-assess its strategies to ensure that vision is achieved. If the faces of the ECOWAS Commission and the leadership of the member states are determined, it is possible to have an ECOWAS with fully operational free movement of people, goods and services by 2020. There is, however, no meaningful “ECOWAS of the people” unless the said people have unfettered rights to move, reside and establish across the region's frontiers.

![A meeting on Free Movement for Persons and Regional Cooperation in Accra, Ghana](image-url)
1. BACKGROUND

The Economic Community of West African States (ECOWAS) was founded in May 1975 for the purpose of fostering economic cooperation among its original 16 member states. Its founding fathers felt that the organization would spearhead the process of resolving some of West Africa’s development challenges in four main areas: firstly, the expansion of intra-community trade; secondly, the strengthening of the weak production structures in the subregion for the purpose of reducing its excessive external dependence and lack of productive capacity; thirdly, improving physical infrastructure; and fourthly, enhancing monetary and financial cooperation to create a single ECOWAS currency. These key objectives give no indication that the founders of ECOWAS considered peace, security, or security interventions in member states as a major component of the organization’s raison d’être. The Cold War period, however, was rife with interstate conflicts, many to be found in Africa. As an afterthought, in a bid to prevent these conflicts from spreading to the region, ECOWAS adopted the Protocols on Non-Aggression and on Mutual Assistance in Defence, in 1978 and 1981, respectively. The dynamics changed in 1989, when the sub-region experienced its first intra-state war. Civil war erupted in Liberia, as Charles Taylor led the National Patriotic Front of Liberia (NPFL) rebels from their base in neighbouring Côte d’Ivoire. Liberia had been the United States’ top ally on the continent during the Cold War; by the time of the NPFL rebels’ invasion, however, Liberia had lost its strategic significance. Neither the UN nor the now-defunct Organization of African Unity (OAU) intervened in the civil war. ECOWAS had little choice but to hurriedly convene the ECOWAS Ceasefire Monitoring Group (ECOMOG), marking the first time that a Regional Economic Community would engage in Peace Support Operation efforts on the continent. Subsequent civil wars in the region, including those in Sierra Leone and Guinea Bissau, paradoxically strengthened ECOWAS’ peace and security capabilities. The organization adopted a “security-first” approach to development and integration. It is important to stress the fact that between 1990 and 1999, ECOWAS had utilized a ‘conflict management’ approach to dealing with the several threats to regional stability. It entered into a ‘conflict resolution’

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2 Mauritania withdrew its membership in 1999.

Conflict management, in comparison to Conflict Resolution and Conflict Transformation, is the least holistic in peace-making interventions. It is usually a 'quick-fix' approach and does not seek to transform the relationship between belligerents. Often times, the core aim is to achieve a cessation of hostilities.

ECOWAS' experiences throughout the 1990s, the Mechanism established key peace and security organs, such as the Authority of Heads of State, the Mediation and Security Council, the Council of the Wise, and the Early Warning System, among others. In 2001, ECOWAS adopted the Supplementary Protocol on Democracy and Good Governance, which contained the important 'Constitutional Convergence Principle' (ECOWAS, 2001: 8); it highlights zero tolerance for power obtained or maintained through unconstitutional means. Equally important was Article 1(E); it mandates that armed forces be apolitical, and under the command of a legally-constituted political authority. The Convention on Small Arms and Light Weapons, their Munitions and Other Related Materials (initially a Moratorium) was adopted in 2006.

2. TOWARDS A NEW SECURITY THINKING: THE ECOWAS CONFLICT PREVENTION FRAMEWORK

ECOWAS first took a reactionary approach to conflict, putting out fires. Learning from years of experience, however, it shifted to an approach emphasizing pre-empting and preventing conflicts from starting. The organization developed a robust strategy to employ structural and operational means of preventing conflicts across the subregion. The ECOWAS Conflict Prevention Framework (ECPF) was adopted in 2008 by the ECOWAS Mediation and Security Council in Ouagadougou, Burkina Faso. It is:

a guide for enhancing cohesion and synergy between relevant ECOWAS departments on conflict prevention initiatives in order to maximize outcomes and ensure a more active and operational posture on conflict prevention and sustained post-conflict reconstruction from the ECOWAS system and its Member States (ECPF, 2008:7).

Its overall aims are to strengthen human security architecture in West Africa, and to integrate conflict prevention and peace-building activities into its initiatives. It has fifteen components for which activities and measurable outputs have been developed. The components include: Early Warning; Preventive Diplomacy; Democracy and Political Governance; Human Rights and the Rule of Law; Media; Natural Resource Governance; Cross-border Initiatives; Security Governance; Practical Disarmament; Women Peace and Security; Youth Empowerment; ECOWAS Standby Force; Humanitarian Assistance; Peace Education; and Enabling Mechanisms.

There is likely no other ECOWAS framework that has undergone more rigorous processes of scrutiny and inclusivity. Prior to its adoption, the strategic framework had undergone a conceptualization phase, wherein the ECOWAS Conflict Prevention Adviser Dr. Abdel-Fatua Musah and his team analysed the particular threats to peace and stability in the subregion, and then identified specific actions tailored to counter those threats. This phase also entailed an internal ECOWAS review and contributions from relevant departments within the Commission. Following the production of a first ECPF Draft, the ECOWAS Commission convened workshops for peace and security experts from relevant intergovernmental organizations. These workshops, conducted between June and December 2007, included experts from the UN and the AU, leading civil society actors, ECOWAS Training Centres of Excellence, academic institutions and member states' experts on political affairs. They further fine-tuned the framework prior to its presentation for adoption by ECOWAS authorities in 2008.

3. OPERATIONALIZING THE ECPF: ACHIEVEMENTS & CHALLENGES

Key Achievements:
The adoption of the ECPF raised a lot of expectations across the region, especially among civil society organizations (CSOs) working on peace and security issues, development partners, the ECOWAS' multilateral partners, and the ECOWAS Commission itself. Its relevance and timeliness led to a consensus among political stakeholders that, if well
implemented, there would be a drastic reduction in the outbreak of conflicts in the subregion. At the ECOWAS Commission level, midterm Plans of Action were developed for implementation in member states, in collaboration with civil society and government officials. Also established was an Internal Steering Committee (ECPF-ISC) that had the mandate of coordinating the operationalization of the framework within ECOWAS. The first major achievement of the ECPF was the fact that it steered the thinking among peace and security actors in the subregion towards a conflict prevention approach to peace and security. This resonated most among regional CSOs, which quickly developed or adopted already-stipulated programmes from the ECPF for implementation. Similarly, ECOWAS Commission Departments/Directorates that are not statutorily peace and security-oriented (such as the Mines and Energy, Free Movement, Education, and Environment) found it easy to establish the linkages between their mandates and conflict prevention. It therefore became easy for these directorates to develop conflict prevention programmes and activities in collaboration with the ECOWAS Department of Political Affairs, Peace and Security. Another notable achievement post-adoption is the establishment of the ECOWAS Mediation Facilitation Division (MFD). As prescribed in Paragraph 49 of the Preventive Diplomacy component of the ECPF, the MFD mandates ECOWAS ‘build a mediation facilitation capacity within the Commission to promote preventive diplomacy interventions in the region through competence and skills enhancement of mediators, information-sharing and logistical support.’ The MFD was created earlier in 2015, and it is anticipated that its establishment will promote preventive diplomacy interventions through the enhancement of competence and skills enhancement of mediators, information-sharing, and the provision of logistics support, with its core objectives being operational support, the establishment of a mediation resource centre, and ensuring capacity-building in mediation.

Challenges:
The enthusiasm that welcomed the adoption of the Framework in 2008 has been dampened by the inability to fully realize the ECPF. A number of factors are responsible for its limited operationalization:

i. The ‘Distraction’ of Threats to Peace and Security in the Sub-region, and Its Effects Upon Limited Human Resources at ECOWAS.

While building its capacity for conflict prevention, ECOWAS has had to simultaneously engage emerging and ongoing threats to peace and security. The multifaceted mission is made even more difficult by the rotation of ECOWAS leadership, which disrupts continuity and degrades institutional memory. The ECOWAS Commission is in a state of constant flux, along with the sub-region it oversees; institutional constraints and constant security threats hamper new leadership's understanding of the organization's internal workings. While tackling old threats, new or latent threats inevitably surface, demanding urgent interventions. Such threats include the remnants of authoritarianism, reversals in the consolidation of democracy and good governance, terrorism, drug and weapons trafficking, poor management of the natural resource sector, the threat of low intensity

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1 Regulation MSC/REG.1/01/08, The ECOWAS Conflict Prevention Framework, 2008.
2 Draft Concept Note on the establishment of the ECOWAS Mediation Facilitation Division, October 2012.
conflicts escalating, and youth bulges.

Given that ECOWAS is yet to fully develop its reactive capacities to emergency crises, focus frequently shifts from implementing set objectives to immediately addressing emergency situations, as exemplified by the Mali crisis. It is well known that when major political events take place in the region, such as democratic elections in member states, ECOWAS deploys all of its resources to facilitate the conduct of such activities. As a result, programmes and activities earmarked for implementation during a calendar year may be delayed or abandoned. Between 2009 and 2012, a period characterized by political crises across the sub-region, ECOWAS had to prioritize the resolution of the crises over the implementation of earmarked programmes, including the ECPF operationalization process.

ii. Lack of a Coordinated Approach Between ECOWAS and Its Key Implementing Partners

The ECPF clearly identifies key implementing partners as the ECOWAS Commission, member states, and civil society. While the Commission has commenced the operationalization of the Framework, the synergy between the Commission and the other two key implementing partners are weak. Clearly, ECOWAS has the capacity to attract the resources required for implementation. The same cannot be said for member states and civil society. A platform where all implementing stakeholders assign responsibility and mutually reinforce each other’s efforts does not exist.

iii. Low-Level of Awareness on the ECPF in Member States

In a study conducted by the Kofi Annan International Peacekeeping Training Centre to determine the level of awareness of the ECPF in select member states (Benin, Burkina Faso, Liberia and Ghana), findings revealed that there was only low-level awareness of the ECPF in the states reviewed. Member states should ideally be the key implementers of the Framework, but the study suggests little national ownership and little knowledge of the objectives of the ECPF. As mentioned earlier, member states' experts were an important part of the entire process, particularly at the conceptualization and adoption phases.

These findings are a reflection of a greater challenge. Beyond the adoption of regional strategic frameworks, how does ECOWAS, in collaboration with its member states, ensure meaningful partnership at the implementation and evaluation stages? As the key recipients of the Framework, member states' governments will have to actively involved in the operationalization process.

iv. Development Partners' Preference for 'Trendy' Components

The ECPF has benefitted immensely from the support of development partners, especially the Danish International Development Agency, which was instrumental in ECPF's creation. Following its adoption, several development partners have also signalled their intentions to support the operationalization of the Framework. The EU, for example, earmarked Twenty Seven million Euros (€27,000,000) for the ECPF operationalization process in its 10th European Development Fund support to ECOWAS. Furthermore, the EU provided technical expertise to support ECOWAS' conflict prevention activities.

However, partners' actual and pledged support (both financial and technical) tend to concentrate on a number of 'trendy' components — early warning, preventive diplomacy, democracy and political governance, natural resource governance, security governance, and women, peace and security. This trend is unsurprising, given the reality that development partner support is not only determined by the needs of the recipient, but also by the interests of the partners. This is a lopsided implementation process, with some components far more operationalized than the others.

v. Limited Resources for Civil Society Organizations in the Operationalization Process

Sub-regional CSOs that seek to implement specific aspects of the ECPF lack the required resources to do so. They lack the requisite resources and development partner assistance, both of which are
available to ECOWAS. Perhaps the easiest way for CSOs to be more involved in the operationalization process is to be seen by ECOWAS as important co-implementers, and for the latter to ensure their active engagement in the process.

4. CONCLUDING REMARKS: TOWARDS AN EFFECTIVE AND HOLISTIC OPERATIONALIZATION PROCESS

ECOWAS has adopted a three-year Programmatic Matrix (2015-2017) to serve as a guide for the operationalization of the Framework. This is not to say that the operationalization process has only just commenced. Micro-level operationalization commenced in 2010, when ECOWAS directorates identified implementable programmes and activities from the Framework document. However, the three-year plan, developed by the ECPF-ISC, is to be implemented across the board by ECOWAS departments. Despite the enormous goodwill that its adoption generated, a number of challenges have hindered effective operationalization. However, in order to attain a thorough operationalization of the ECPF, a number of steps must be taken by ECOWAS, its member states, and civil society. Below are a set of proposals that will further facilitate effective operationalization:

**ECOWAS and Its Implementing Partners:**

i. Increased and structured collaboration between ECOWAS and other implementing actors. A first step should be the establishment of a mechanism for that purpose, a 'Regional ECPF Steering Committee.' The committee should be comprised of ECOWAS, a representative institution for civil society in West Africa, and member states' representatives, and should have the mandate of coordinating ECPF activities.

ii. The establishment of a Special ECPF Operationalization Fund, where development partners and the ECOWAS Commission can commit resources for the operationalization of the framework. This will help generate funding for regional CSOs, and will be overseen by the Regional ECPF Steering Committee.

iii. An M&E mechanism overseeing the implementation processes for member states and CSOs. ECOWAS has its own M&E mechanism in place for the ECPF operationalization process.

iv. An officer at the ECOWAS National Unit office appointed by member states, to serve as the focal point on ECPF processes within each member state.

**The ECOWAS Commission:**

v. Another round of sensitization targeting member states and CSOs, which will also promote the buy-in of development partners.

vi. Prioritization of periodically-scheduled ECPF-ISC meetings, where major decisions on the operationalization are made. Internal difficulties at ECOWAS have made this difficult to achieve.

vii. The speedy recruitment of a team dedicated to the ECPF operationalization process. Ad hoc arrangements that have been in place for some time cause staff to prioritize their primary assignments over the ECPF operationalization process.
Introduction

Inspired by the success of regional integration in Europe and encouraged by similar efforts in East Africa, in 1972 that political leaders in West Africa finally set the tone for regional integration after a few false starts.¹ With the adoption in May 1975, of the Treaty of the Economic Community of West African States (ECOWAS) West African political leaders announced their consciousness of a need to 'accelerate ...economic and social development ...in order to improve the living standards of their peoples' (ECOWAS, 1975). Accordingly, integration under the ECOWAS framework aims at promoting cooperation and development in all fields of economic activity and in social and cultural matters 'for the purpose of raising the standard of living of its peoples, of increasing economic stability, of fostering closer relations among its members and of contributing to the progress and development of the African continent'. One of the institutions established under the ECOWAS Treaty to enhance the realisation of the integration objective is the ECOWAS Community Court of Justice (ECCJ).

Originally conceived as the Tribunal of the Community under the 1975 Treaty but established as the Community Court of Justice in 1991 when its Protocol was adopted, the ECCJ is the principal legal organ of the Community (ECOWAS 1991: 4). Formally inaugurated 26 years after ECOWAS was founded,² the ECCJ has undergone significant transformation in its nascent existence in order to be properly positioned to contribute to the advancement of the integration agenda. Considering the critical role the European Court of Justice is recognised to have played in the early days of European integration (de Waele, 2010; Burley et al, 1993), stakeholders have come to have high expectations of the ECCJ vis-à-vis integration in West Africa. This paper undertakes an evaluation of

¹The foundation for the establishment of ECOWAS can be traced to the late President William Tubman of Liberia who engineered an agreement between Cote d'Ivoire, Guinea, Liberia, and Sierra Leone which was signed sometime in February 1965. Some commentators assert that prior to President Tubman’s initiatives Ghana and Guinea created the Union of West African States in November 1958 in Accra while in 1961, Cote d'Ivoire, Haute-Volta, Dahomey and Niger also created the Conseil de l'Entente. See Alioune Sall, Les mutations de l'integration des Etats en Afrique de l'ouest, Editions l'Harmattan, 2006. The common thread in these initiatives is that they never really took off.

²The ECCJ was established with the adoption of Protocol A/P1/7/91 on the Community Court of Justice on 6 July 1991 but its Protocol only entered into force in Nov 1996 while the first set of judges was appointed in Dec 2000. However, the
the ECCJ’s institutional evolution as well as its actual and potential utility to the business of raising the standard of living of the peoples of West Africa. After briefly tracing the history of the Court, its main achievements and challenges are highlighted before some recommendations are suggested for enhancing the role and impact of the ECCJ.

From Tribunal to Community Court and More

From its conception as a Tribunal to its current form as a Community Court, the ECCJ stands as one of the most transformed international courts (ICs) in terms of functions, structure and processes. At first glance, there is no significance in the renaming of the ECCJ as a Community Court instead of a Tribunal as set out in the 1975 Treaty. However, with the renaming came the first amendment of the court's mandate. Under the 1975 Treaty the Tribunal was proposed to 'ensure observance of law and justice in the interpretation of the Treaty and to settle member states‘ disputes relating to the interpretation and application of the Treaty.' By contrast, ECOWAS Protocol A/P.1/7/91 in which the Community Court was established instead of a Tribunal mandated the court to ‘ensure the observance of law and of the principles of equity in the interpretation and application of the Treaty.' Protocol A/P.1/7/91 equally expanded the court's competence over article 56 disputes from those between member states only to include disputes between member state(s) and Community institutions. The ECCJ was further authorised to adjudicate on cases filed by a member state on behalf of it national(s) against another member state or a Community institution. A final jurisdictional difference was the addition of competence to express advisory opinion upon request from member state(s) or Community institutions. Thus, the transition from Tribunal to Community Court forms the first epoch of the ECCJ’s institutional transformation and the onset of institutionalism.

In real terms, with the adoption of Protocol A/P.1/7/91 the ECCJ moved from its conceptualisation as a mechanism exclusively for settlement of inter-state disputes regarding Treaty interpretation to being a judicial organ for dispute settlement and enforcement of ECOWAS law. The focus shifted from mere interpretation, to interpretation and application of the Treaty, giving the ECCJ a role in supervising implementation of the ECOWAS Treaty. However, while this addition of the law enforcement role allowed for the grant of access to Community institution in addition to member states (who were originally envisaged as the only users of the court), no access was available to non-state actors. Thus, in the first epoch of the ECCJ’s institutionalisation, the court stood as an inter-governmental judicial organ for dispute settlement and limited enforcement of ECOWAS Community law. This transformation coincides with the easing of attachment to state sovereignty in Africa and the concomitant increased involvement of international bodies in international law processes that was almost exclusively the domain of states. The ECCJ could help states and Community institutions in their bid to realise the objectives of ECOWAS, sometimes for the benefit of citizens but non-state-actors could not get involved in the processes of the court. While in theory this was supposed to be a problem-free and effective model consistent with the traditional role of courts in international law, it turned out to be a recipe for excluding the ECCJ from a role in ECOWAS integration as states hardly utilised the court and Community institutions lacked the nerve to trigger the judicial process even in deserving situations. In the end, it was a citizen-action that highlighted the shortcomings of that regime and triggered the evolution into the second epoch of the ECCJ's institutionalisation.

The second epoch of the ECCJ's transformation and institutionalisation arguably began with the court's decision to decline competence in the case of Olajide Afolabi v Nigeria. Building on existing provisions in the ECOWAS legal framework that opened a

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ECCJ was only constituted on 30 Jan 2001 when the first seven judges were sworn in.

3 See art 11 of the 1975 ECOWAS Treaty.

4 See art 9 of ECOWAS Protocol A/1/7/91

5 On the functions of international courts, generally see K Alter, ‘The Multiple Roles of International Courts and Tribunals: Enforcement, Dispute Settlement, Constitutional and Administrative Review’ (2012). Also see D Shelton, ‘Form, functions and the powers of international courts' (2009) 9 Chicago Journal of International Law 537

6 Unreported Suit no ECW/CCI/APP/01/03. In the Afolabi case, the plaintiff, a Nigerian citizen brought an action against Nigeria in relation to the adverse consequences of the closure of borders. The ECCJ declined jurisdiction on the grounds that individuals and other non-state-actors had no access to the court and could only be represented by their states.
window for expansion of jurisdiction of, and access to the court, a robust campaign was launched by the ECCJ and other actors including civil society leading to the amendment of the court’s protocol in 2005. Significantly, the 2005 Supplementary Protocol Amending the Protocol relating to the Community Court of Justice (2005 Supplementary Protocol) both expanded the jurisdiction of, and access to the court. In amending article 3 of Protocol A/P.1/7/91, the 2005 Supplementary Protocol retained the ECCJ’s competence to entertain disputes relating to the interpretation and application of the ECOWAS Treaty and other ECOWAS instruments as well as the failure of ECOWAS member states to perform their obligations under Community laws. The ECCJ was also endowed with competence in actions against Community institutions and officials for wrongs occurring in the performance of official functions and actions against member states in cases of alleged violation of human rights. In these two areas, access to the ECCJ was extended to non-state-actors. The 2005 Supplementary Protocol also authorised the court to adjudicate in disputes between the Community and its officials, in the form of a labour court. Finally, pending the establishment of an Arbitration Tribunal, the ECCJ was empowered to act as arbitrator in relevant situations. A crucial effect of the transformation in the second epoch is that the ECCJ emerged as a one-stop judicial market for all legal disputes involving ECOWAS laws and institutions. In relation to the competence to determine legality of Community instruments, state failure to perform obligations under community law and allegations of human rights violation, the ECCJ became a sort of community constitutional court in the sense that it could engage in judicial review and apply higher order legal instruments (ECOWAS law and international human rights law) over Community institutions in their law-making processes and member states in their implementation of ECOWAS law as well as in the pursuit of Community objectives. Individuals can now challenge offending actions of Community officials and the actions, policies and laws of member states on the basis of ECOWAS law which includes international human rights law. The ECCJ also qualifies as an administrative or labour court and as a court of arbitration in appropriate situations. Thus, possibly mirroring the level of maturity of statehood and democratisation in the member states, the ECCJ has evolved from an inter-governmental dispute settlement mechanism over treaty interpretation into a Community Court with varying functions ranging from traditional dispute settlement to law enforcement and constitutional review. In these expanded roles, the ECCJ is supposed to have metamorphosed from a court of the Heads of State and Government into a court of the peoples of West Africa. The question is: how has the ECCJ’s transformation translated into gains for citizens and residents?

A session at the ECOWAS Court of Justice.

Bearing fruits amidst growing up

As far as institutional maturity goes, the ECCJ is still a developing institution having only existed for

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8 Generally see arts 3 and 4 of the 2005 Supplementary Protocol amending arts 9 and 10 of Protocol A/P.1/7/91.

9 (2008) AHRLR 182 (ECOWAS 2008). Hadijatou Mani Koraou (represented by certain NGOs) had been sold as a slave-wife when she was aged 12 and came to the ECCJ for a declaration that the failure of the state to protect her from years of
ten years in its current form. Thus, compared to ICs in Europe and the Americas, the court is still in its formative stages when it should be struggling to establish a presence. However, the ECCJ has made some strides in terms of jurisprudence, in advancing the integration agenda and in its overall utility to the peoples of the West African region. As already noted above, the court played a major role in prompting member states to grant non-state-actors' access to the ECCJ in appropriate cases. The court has also made important jurisprudential contributions to the advancement of international human rights law, especially in Africa. Combining continental and global human rights instruments with the African Charter on Human and People's Right occupying a central place, the court has developed the normative content of rights in its protection of those rights. For instance, in what is arguably its most popular decision yet, the ECCJ became the first IC to address the human rights aspect of slavery when it decided in the case of Koraou v Niger that state failure to protect a female citizen from religiocultural practices that bound a woman to a man to whom she had been sold triggered state responsibility for failing to prevent slavery. The court has similarly pioneered or reinforced international judicial protection of other rights in Africa including the rights to information/press freedom, personal liberty, dignity and freedom from torture as well as the right to political participation. The ECCJ has equally blazed trail in relation to international judicial affirmation of socio-economic rights in a region where domestic adjudication of socio-economic rights is significantly underdeveloped.11 In two separate cases against Nigeria, the ECCJ has affirmed the rights to education and to health, an adequate standard of living and socio-economic development despite entrenched perception in the Nigerian legal community that socio-economic rights are not justiciable by reason of constitutional restriction.12 Adopting a liberal approach to its access rules, the ECCJ has also encouraged public interest litigation in the region, deliberately choosing to prioritise substantial justice over technical justice thereby giving voice to the most vulnerable in a manner that national legal systems have yet to guarantee.

The significance of the ECCJ’s contributions to the advancement of human rights in the relatively short period of its existence is both direct and instrumental. In terms of direct significance, the court provides succour for ECOWAS citizens and residents in situations where as a result of democratic fragility, national legal systems are unable to guarantee robust protection of rights yet continental mechanisms cannot be invoked owing to procedural complications.13 Having jurisdiction over all ECOWAS member states and not requiring prior exhaustion of local remedies, the ECCJ has become a convenient and practical complementary alternative forum for ventilation of human rights claims. In that regard, apart from providing a platform for rights claims, the ECCJ encourages the strengthening of national courts when states desire to avoid regional slavery amounted to a violation of her human rights. Having failed to gain her freedom despite taking steps within the national legal system in Niger, Koraou's case was monumental as it was the first challenge of its kind to a practice that was wide-spread but ignored by the state. The ECCJ's finding in her favour created awareness on the issue and potentially empowered other women and girls to stand up against slavery in any form.

In theory, civil-law based monist constitutions ought to allow for domestic application of socio-economic rights as against the supposedly less favourable common-law based dualist constitutions. However, in reality, socio-economic rights jurisprudence is almost non-existent in the domestic legal systems of ECOWAS member states.


12 Socio-Economic Rights and Accountability Project (SERAP) v Nigeria (unreported suit no ECW/CCJ/APP/08/09

13 S Ibe, 'Implementing economic, social and cultural rights in Nigeria: Challenges and opportunities' (2010) 10 AHRLJ, 197 - 211

14 For instance, apart from the difficulty of the requirement to exhaust local remedies, most ECOWAS member states have yet to make the article 34(6) declaration required under the Protocol to the African Charter on Human and Peoples' Rights establishing the African Court on Human and Peoples' Rights to enable individual access to the African human rights court.

15 Note for instance that ECOWAS integration efforts suffered in the 1990s when civil wars raged in certain ECOWAS member states.
Apart from Senegal, Ghana and (most recently) Nigeria, ECOWAS Member States are various stages of democratisation, elections in some states have only been for the purpose of endorsing sitting presidents, democratic institutions are generally weak and respect for the rule of law is still minimal.

While the court has its own budget, successive bureaux of the ECCJ complain about inadequate funding and serious training challenges for court staff.

For instance, Niger in the Koroua case; Nigeria in the Ugokwe case; Togo in the Ameganvi & Others case all partially or totally complied with the decisions of the court.

See the amended art 10 (f) in art 4 of the 2005 Supplementary Protocol.

The best evidence of this is the near total absence of economic claims before the court. Lawyers reading the tone and mood of the ECCJ commonly couch claims in human rights language in order to

With ECOWAS member states at different stages of democratisation, the aggregate socio-political culture in West Africa primes political governance over judicial governance such that neither political leaders nor citizens (as a consequence of the attitude of political leaders) pays the required attention to the judicial processes. Used to undermining their national judiciaries, member states governments commonly barely tolerate the ECOWAS judicial organ, doing just enough to keep the ECCJ afloat. Even more critically, although some member states have complied with a number of important decisions of the court, other member states used to ignoring decisions of national judiciaries have failed and/or neglected to implement important judgments of the ECCJ so that the court perennially complains of insufficient implementation of its decisions. Apart from the negative effect that non-implementation has on the ECOWAS integration project, citizen confidence in the court and the court's own confidence stands the risk of dwindling as the court is likely to self-censor to avoid future non-compliance.

Another critical challenge is the insufficient integration of the ECOWAS project in the legal system and school curricula of member states. Unlike Europe where European integration has been carefully weaved into the fabric of national life in even the most conservative states, ECOWAS integration remains an alien subject in ECOWAS member states. Consequently, citizens and lawyers have little or no knowledge on the workings of the ECCJ and the ECOWAS legal system generally. As such, apart from the negative impact on usage of the court, civil society in member states hardly play any role in putting domestic pressure on their governments to comply with decisions of the court. Equally importantly, national courts which ought to partner with the ECCJ through the preliminary ruling procedure, as well as in relation execution of certain decisions of the ECCJ continue to either ignore the ECCJ or treat it as an annoying foreign court with little or no understanding of national judicial realities.

On the part of the ECCJ, certain aspects of its operations also constitute challenges that currently or potentially hinder its effectiveness. For instance, despite its origins, the court seems to continue to consider its mandate as almost an exclusive competence in human rights adjudication, thereby neglecting its role as facilitator of economic integration in the region.

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The ECCJ’s uncertain position on the nature of its relationship with national courts does not also do much for its potential to entrench its judicial hegemony on ECOWAS matters.\textsuperscript{21} The inability to ‘recruit’ national courts as allies and collaborators in pushing the integration agenda is another related challenge that restricts the effectiveness of the ECCJ as far as taking the initiative for driving ECOWAS integration is concerned.

Prospects for a more effective ECCJ
A critical question at this juncture is to ask whether the ECCJ can be more effective and become more beneficial for the peoples of West Africa. While it may appear as if the key to enhanced effectiveness of the ECCJ lies with the governments of ECOWAS member states, in reality it is with citizens and the court itself that the key lies. As rational actors who place their own interest over the general interest state actors have no incentive to strengthen an institution that is not completely within their control. Thus, those acting on behalf of ECOWAS member states would naturally only perform obligations to the court which obligations are absolutely necessary for retaining membership of the Community. However, as social science research demonstrates, states are not necessarily unitary actors and the greater power to shape state interest may lie more in the aggregate of civil society interests including those of voters, national courts, national parliaments, labour unions etc. By taking the initiative and utilising ECOWAS Community institutions, citizens hold the key to advancing the cause of regional integration. Hence, it is crucial that as the ECCJ and ECOWAS authorities labour to partner with national governments, effort is directed at recruiting allies within national civil societies. The ECCJ needs especially to work out a functional relationship with the national courts of member states with a view to making the preliminary ruling procedure useful to citizens. While the human rights work of the ECCJ is still very important, it is fundamental for the ECCJ to also exercise judicial creativity to kick-start its mandate to drive economic integration. Finally, ECOWAS Community institutions, especially the ECOWAS Commission will also need to take on a more prominent role as envisaged in the ECOWAS legal instrument to trigger judicial enforcement of applicable laws and member states’ implementation of ECCJ decisions.

\textsuperscript{21} Since it declared in the case of Ugokwe v Nigeria that it exists in an integrated relationship with national courts, it has not done much to clarify the meaning of that assertion or to impose itself as a judicial authority over national courts.
INTRODUCTION:
There has been a great deal of analysis of the Economic Community of West African States (ECOWAS), including significant consideration of its role as a regional peacekeeper. ECOWAS's emergent role as a peacekeeping organization represented an expansion beyond its original raison d'être. In 1975, fifteen young West African states recognized that political independence and economic independence are not synonymous, and collaboratively established ECOWAS. These nations were facing a common set of problems. As Abdel-Fatau notes, the complex set of problems included 'the unequal and unfair burden of poverty on the different social and ethnic groups within the community, bad governance and the denial of human rights and the rule of law.' In addition to those four problems, Abdel-Fatau notes the challenges of endemic corruption, a lack of probity and accountability in political and natural resources governance, exclusion, and infrastructure collapse. Finally, all of these problems were compounded by a population explosion and a major youth crisis. West African states were also forced to navigate the ideologies and geopolitics of the Cold War. The declining influence of socialist ideology and the messy dissolution of the Soviet Union signaled the end of bipolar politics and the shift towards a unipolar world. These events sparked not only internal dissensions within states in the region, but also struggles over power and resources. This backdrop prompted the creation of ECOWAS, and informed its central objective:

To promote co-operation and integration leading to the establishment of an economic union West Africa in order to raise the living standards of the peoples, and maintain and enhance contribution to the progress and development of the African continent. Member states originally envisioned ECOWAS as a body for facilitating economic cooperation and

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2 Senior Program Officer, Centre for Democracy and Development (CDD), Abuja with Special Interest in Conflict Peace and Security Issues.
3 Benin; Burkina Faso; Côte d’Ivoire; the Gambia; Ghana; Guinea; Guinea Bissau; Liberia; Mali; Mauritania; Niger; Nigeria; Senegal; Sierra Leone and Togo Countries that formed ECOWAS and were part of the 1975 treaty signing in Lagos. ECOWAS’s current membership/composition since 1977 stands at Sixteen (16) with Cape Verde on board.
5 Adopted in Lagos, April, 1978. This protocol underscores the importance of Peace and Stability to the ECOWAS objectives and the basis of sovereignty. It however, misses out in the threat variables of intra-state conflicts or threats.
integration, with particular emphasis placed on improving living standards, stability, and development. The emergence of new challenges inspired revision of ECOWAS's core documents and guidelines, however. This shift can be seen through the adoption of the protocol on nonaggression and the protocol related to the mutual assistance on defense, both of which were introduced within six years of the organization's founding. These first two modifications set the stage for ECOWAS's expanded role; the organization's focus broadened from economic integration to include issues of conflict prevention, conflict management, and peacekeeping.

This brief aims to provide historical context to interventions, to trace the organization's expanded scope and shifting trajectory, to consider ECOWAS's collaborative engagements, and to review the impact of peacekeeping initiatives and conflict stabilization programs. It then reviews the challenges the organization has faced in implementing initiatives in the four decades since its creation, and to consider potential policies that may forestall recurrence of conflicts in the future.

We conclude that ECOWAS's collaborative efforts and interventions yielded results. The organization has taken a reactive approach to confronting challenges, which increased costs in terms of both resources and human life. Moving forward, preventative measures should be adopted to deal with the region's economic, social, and political problems.

**ECOWAS AND THE HISTORY OF INTERVENTIONS IN THE REGION**

The participation of ECOWAS in peacekeeping missions in the region falls within the purview of chapter eight of the UN Charter, which recognizes the importance of acting to guarantee international peace and security. ECOWAS seeks to stabilize conflicts in the region. This framework, as provided by the charter, defines the conditions of regional bodies' interventions to provide international peace and security.

Understanding the historical development of peacekeeping interventions in the region allows one to trace ECOWAS's shift in focus, and also provides insights into the organisation employed to stabilize the region. The organisation was rightly concerned by the conflicts that engulfed the region in the twilight of 1989; civil war broke out in Liberia, with violence sweeping across the neighbouring countries of Sierra Leone, Guinea Bissau, and eventually Côte d'Ivoire. Olonisakin explains the varying conditions that demanded ECOWAS intervention:

ECOWAS's intervention in Liberia was occasioned by a complete breakdown of law and order between the warring factions and the country was on the verge of collapse, In Sierra Leone the weakness of the central government, the challenges posed by the Revolution United Front (RUF) and the informal alliance of a breakaway faction with the rebels led to a serious conflict, the case of Guinea Bissau was that of a military coup that threatened the central government, while the Cote d'Ivoire it was a case of the weakness of the government to understand and manage the complexities of the security challenges posed by the rebels.

The compounding humanitarian catastrophes, political instability, and cross-border issues that erupted from these conflicts drove ECOWAS to intervene beyond the framework of a United Nations (UN) mandate. The situation also provided sufficient grounds and justification for the development of an ECOWAS force — the ECOWAS Ceasefire Monitoring Group, subsequently renamed the Monitoring Group (ECOMOG). Musah distils the urgency and motivation behind the establishment of the force, writing that

...the creation of ECOWAS ceasefire Monitoring Group (ECOMOG) to intervene in Liberia and Sierra Leon was, therefore...an act of absolute necessity dictated by the unfolding realities. It also heralded the period when, for a time, the military agenda overshadowed the economic pre-occupation of ECOWAS.

ECOMOG's and its guiding mandate explicitly defines the scope of the force's intervention, as detailed in Article 22. It declares that ECOMOG can be responsible for the following missions:
mandate is best begun from the stated objective of the organisation, which establishes the organization to promote co-operation and integration leading to the establishment of an economic union in west Africa in order to raise the living standards of its peoples, and to maintain and enhance economic stability, foster relations among member states and contribute to the progress and development of the African continent.

This objective limits ECOWAS's operations to economic affairs, with no precise mention of security, conflict prevention, enforcement or conflict management. It did not acknowledge the critical importance of peace and stability for successful economic integration. The nature of the environment barely a decade after the formation the ECOWAS and the collapse or rather the easing of the cold war tensions also facilitated the internal conflicts of the region. Musah aptly captures these problems when he argued that; the unequal and unfair burden of poverty on the different social and ethnic groups within the community, bad governance and the denial of human rights and the rule of law. They also included endemic corruption, a lack of probity and accountability in political and natural resource governance, exclusion and above all, a population explosion and infrastructure collapse that had created a major youth crisis.

These myriad problems were tinder for the conflicts that engulfed the region barely a decade after its establishment. The shifting political dynamics warranted a change in the documents and operations of ECOWAS, particularly with regards to peace and security concerns.

ECOWAS's founding leaders' decision to make such an adjustment actually long preceded the region's conflicts. The first adjustment came barely three years after the establishment of the organisation, with the protocol on Non-Aggression. That protocol constituted a non-aggression pact amongst the uniting states in the region. The protocol's first article was Member States shall, in their relations with one another, refrain from the threat or use of force or aggression of from employing any other means inconsistent with the Charters of the United Nations and the Organization of African Unity against the territorial integrity of political independence of other Member States. The article was also a public affirmation of states' sovereignty and territorial integrity to the Organization of African Union (OAU, which in 2002 was changed to the African Union), and to the United

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Conflict and Peace building, (CODESRIA: Dakar, 2008.), 192.


11 Article 3(1), Revised Treaty of the Economic Community of West Africa States (ECOWAS).


13 "Member states, shall, in their relations with one another, refrain from the threat or use of force or aggression of from
Nations Charter. The protocol on non-aggression, however, limited the scope of the mandate of ECOMOG. It focused on peace and security threats as they relate to the organisation’s overarching goals and respect for state sovereignty. No explicit mention of intra- or inter-state security was made.

Subsequently ECOWAS adopted a protocol entitled ‘Relating to Mutual Assistance on Defense’. This new protocol addressed many of the gaps left by the previous protocol. Its declared purpose was to consolidate non-aggression commitments, and to deter would-be aggressors. Under the protocol, an attack on any member state would be treated as an attack against all members. That being said, both documents proved insufficient when ECOWAS (and ECOMOG) faced the first Liberian and Sierra-Leonean crises. The nature of the conflicts and the lessons learned from ECOMOG’s deployment provided grounds for further expansion and refinement of the organisation’s mandate. Changes came in the forms of different plans, protocols, treaties, supplementary documents, decisions, and mechanisms related to conflicts, peacekeeping and security issues in the region. These connected economic issues to security and the region’s operational environment, with peace and conflicts assessed by a framework of community development.

**UNDERSTANDING ECOWAS PEACEKEEPING COLLABORATIONS**

This section analyses the novel idea of ECOWAS’s streamlined engagement as a regional peacekeeping force, partnered with international institutions and other organizations relevant to peace and security issues. Collaboration involves a broad range of partners, including civil society, academia, and developmental agencies.

In assessing ECOWAS’s history of collaboration, it is vital to note repeated UN observer missions, including those dispatched to Liberia (UNOMIL — 1993), Sierra Leone (UNOMSIL—1998), as well as a support office established in Guinea Bissau (UNOGBIS — 1999). This is the type of collaboration most frequently identified in relevant literature.

Olonisakin identified other types of ECOWAS collaborations to address peace and security concerns. To rebuild ECOWAS security infrastructure and training programs, ECOWAS engaged both the European Union and also individual European countries, including England, Germany, and several Scandinavian countries. She employing any other means inconsistent with the chatters of the United Nations and the organization of African Unity against the territorial integrity or political independence of other member states”

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14 Adopted at Freetown, Sierra Leone, 1981. See chapter II, Article 2. In its consideration, it provides for the community (ECOWAS) to take collective action against threats in the region.


16Titilope Ajayi, The UN, The AU and ECOWAS……., 3
also noted collaborations to provide post-conflict assistance with a broad array of partners, including academia, and international non-governmental organizations (INGOs), non-governmental organizations (NGOs), and civil society groups (CSGs).

MEASURING IMPACT OF PEACEKEEPING TO CONFLICT STABILISATION IN THE REGION

The ECOWAS military interventions of the late 1990s-2000s brought peace to conflict-affected countries. ECOWAS's successes in peacekeeping and conflict stabilization were seen from its first engagement in Liberia and subsequent response to the rapidly emerging crises across the region. It is also very important to mention that ECOWAS and ECOMOG significantly improved and became increasingly professional after each peacekeeping mission; likewise, the regional body became increasingly dynamic as it amended its laws and institutional frameworks to better mitigate conflicts in the region.

In addition to directly leading interventions, ECOWAS deserves credit for influencing the agendas of other peacekeeping actors in the region. It was the first pushing regional peacekeeping initiatives, and elevated peace and security issues in member states' agendas. ECOWAS also demonstrated its comparative advantage over other regional bodies, and served as a reference point guiding the actions of other peacekeeping and conflict stabilization actors. It has served as a hub for novel peacekeeping collaborations, as seen in its role as a center for the African Union's developing African Standby Force (ASF); out of the five bases earmarked by the AU, ECOWAS has taken the initiative of setting up a depot in Sierra Leone for easy mobilization and stabilization purposes. Finally, ECOWAS has established a robust and functioning security early warning system, with four designated observer and monitoring centres. These are some of the concrete impacts ECOWAS has made as the leading peacekeeper in the region.

CHALLENGES TO PEACE AND STABILITY IN THE REGION: WHAT FUTURE FOR PEACEKEEPING IN WEST AFRICA?

It is important to note that several challenges that have made sustaining peace and stability in the region difficult, despite ECOMOG's best peacekeeping efforts. It is equally important to identify the reality that the nature of challenges has evolved over time. The region's political atmosphere has changed dramatically. Conflicts are no longer the conventional type between state actors, which may abide by the various conventions or instruments that define warfare. Since the end of the conflicts in Liberia and Sierra Leone, a new set of actors has emerged. Employing acts of terror and other unconventional means, these actors (Boko Haram, Al-Qaeda in the Maghreb, Movement for Oneness and Jihad in West Africa, etc.) have engaged states in unconventional warfare in recent years. These actors' operations have led to thousands of deaths and billions of dollars of economic losses. ECOWAS must once again adopt its strategy, in order to more effectively respond to these unconventional actors. The nature of these type of conflicts mean that ECOWAS as a body must change its strategy. The organisation must contend with recurring conflicts despite its prior interventions, confronting non-adherence to mediation agreements, accords and enforcement efforts by parties engaged in conflict; the cases of Liberia, Sierra-Leone, Côte d'Ivoire and Guinea Bissau serve as clear examples. These cases demonstrate ECOWAS's apparent inability to play critical and decisive roles in securing peace after violent crises beyond reestablishing governance structures. These cases also expose ECOWAS's shortcomings in addressing the social, political, and economic problems that constitute the root causes of the conflicts in the region.

One obstacle to peacekeeping is the region's Francophone/Anglophone divide. Another is France's overbearing influence over the security matters of its former colonies. These challenges are linked to difficulties of raising funds and planning peacekeeping logistics in these areas. The security is further compromised by the increasing complexity of old disputes and the emergence of entirely new conflicts; these include the conflicts in other regions.

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19 The four reporting zones are Banjul (covering Cape-Verde, Gambia, Guinea Bissau and Senegal); Cotonou (covering Benin, Nigeria and Togo); Monrovia (covering Ghana, Guinea, Liberia and Sierra Leone), and, finally; Ouagadougou (covering Burkina Faso, Cote d’Ivoire, Mali and Niger).
Casamance in Senegal, the Dagbon crisis in Ghana, and the insurgency affiliated with Boko Haram in Nigeria's North East region and the Niger Delta.

As mentioned previously, the organisation has failed to effectively address the root causes triggering conflict. One set of triggers includes the issues of youth exclusion, vulnerability, and reintegration into the school system. Intolerant social orders also destabilize the region; it is incumbent upon the organisation to consolidate cross-cultural, inter-group relations, particularly in post-conflict societies. All of these challenges are compounded by African leader's inability address the boundary issues that have caused serious problems since independence.

**Policy Options for Peace and Stability in the Region**

A broad array of well-defined policies could go a long way in enhancing and consolidating existing peace efforts. Promoting good governance in the political processes of member states would help peace building efforts. There should also be an ECOWAS peer review mechanism, strictly targeting indices of peace and stability of member states in relation to growth and development in the region. The multiple sub-regional economic bodies should collaborate to establish a strong network for addressing both economic and security issues.20

Instituting a strong network connecting the multiple sub-regional economic bodies to address economic and security issues. Such a network would allow for a more efficient use of funds, and would counteract the duplication of efforts. Partnership should also include ECOWAS provision of personnel, and logistical and financial support to the burgeoning AU Stand-By Force; providing such support would facilitate the force's development and lay strong groundwork for collaboration.

It is critical that ECOWAS establish a robust mechanism of monitoring and evaluation for the periodic review of established protocols and frameworks. Such a mechanism would enable a better-developed framework for defining the nature of bilateral and multilateral joint peacekeeping operations.

Furthermore, ECOWAS's future successes will be contingent upon the organisation's provision of clear guidelines for peacekeeping plans of action. Sustaining peace in the region requires a shift from reactive deployments to the dedication of resources to preventive measures.

If ECOWAS is to succeed in maintaining peace in the sub-region's complex context, it must invest in research and tailor interventions to demonstrate sensitivity to cross-cultural variance. Doing so will allow for program buy-in and ownership by local communities — the only means of guaranteeing sustainable interventions.

Finally, ECOWAS further realizing original commitment to facilitate economic integration and expand market across the region may provide opportunities to transform idle youth populations into economically and socially productive participants in economies. This would undercut the tendency of unemployed and underemployed youth to contribute to instability and resort to violence.

**Conclusion**

It bears repeating that the radically changed nature of conflicts across the region have rendered reactive approaches to peacekeeping outdated and increasingly ineffective. Rather than waiting for conflicts to emerge or escalate before intervening, ECOWAS must begin to keep peace by making more effective use of its early warning strategies through enhanced transnational security operations and intelligence gathering across borders. Conventional peacekeeping must evolve to dynamic and updated means of confronting the modern enemies of the state.

Future peacekeeping operations will also be affected by ECOWAS's ability to reverse West African nations' dwindling economic fortunes. The enormous sums of cash and resources expended by ECOWAS's peacekeeping operations in the 1990s-2000s are no longer readily available. Given that reality, funding future peacekeeping operations may be easy difficult. Funding challenges could hamstring ECOWAS as it confronts today's asymmetrical threats, with belligerents relying upon hit-and-run attacks and bombings. These threats threaten both state and regional stability, and pursuing such amorphous threats may require consistent and long-running interventions. ECOWAS's new counter-terrorism strategy is anchored by regional and international cooperation, particularly in the areas of intelligence, investigation, prosecution and counter-terrorism.

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20 These may include bodies such as Union Economique et Monetaire Quest-Africaine (UEMOA), Mano-River Union (MRU) and Community of Sahel and Saharan States (ENSAD).
operations. Major features of the new strategy include the establishment of a dedicated ECOWAS Counter-Terrorism Coordination Unit, the formal ECOWAS Arrest Warrant, and an ECOWAS black list of terrorist and criminal networks. The strategy also calls for the adoption of an ECOWAS counter-terrorism training manual. Mutual legal assistance is an absolute necessity if the existing shortfalls of and disparities between West African states' capabilities are to be remedied.

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Aside the violent conflicts and insurgencies that have taken place in Liberia, Sierra Leone, Côte d’Ivoire, Mali and Nigeria, the Ebola epidemic represents the single most potent threat to the security and stability of the West African region. The Economic Community of West African States (ECOWAS), originally established as a vehicle for regional economic growth and development, has had to expand its mandate to include issues related to peace, security, stability, and health. The outbreak of Ebola in Guinea, which subsequently spread to Liberia and Sierra Leone, represented a litmus test for ECOWAS in terms of its ability and capacity to respond to emergencies of enormous humanitarian consequence. The Ebola epidemic, which severely affected Guinea, Liberia, and Sierra Leone, represented one of the most dreaded and devastating public health emergencies experienced in West Africa, in terms of its infection, casualty, and mortality rates. Reports on the epidemic claimed over 23,000 cases in the region, with over 9,000 people dying from the disease. There were reportedly 833 health workers affected by the disease, 488 of whom died. The scale of the disease's effects prompted the World Health Organisation (WHO) to declare Ebola a public health emergency of international concern. ECOWAS member states were likewise called upon to declare national emergencies, in order to take proactive steps towards containing the epidemic. The West African Health Organisation was similarly expected to adopt proactive measures in responding to the outbreak. Prior to the Ebola epidemic, West Africa has had to contend with other communicable diseases and epidemics that had devastating impacts on human security. Past epidemics included cholera, yellow fever, hepatitis, measles, HIV/AIDS, Lassa fever, meningitis, and others.
Governments in the region have tended to focus on regular disease, with less emphasis placed on the systematic prevention or containment of such epidemics; this contributes to more frequent epidemics in West Africa than in other regions around the world. The spread of the Ebola epidemic in the Mano River area was rooted in the near absence of functional health systems, which were overwhelmed by the health and security challenges posed by the disease's spread. This was attributed largely to a weak epidemiological surveillance system, a lack of adequate preparedness and of qualified personnel, a lack of adequate financial and logistical resources, a lack of access to safe water, and a lack of proper hygiene.

In addition to its catastrophic health implications, the Ebola epidemic caused economic devastation. The World Bank estimated that Guinea, Liberia, and Sierra Leone would lose at least US$2.2 billion in foregone economic growth in 2015. Ebola's damage to the economies of Guinea, Liberia, and Sierra Leone was clearly visible in critical sectors, including trade and investment, agriculture, mining, and tourism. The economic damage caused a sharp rise in inflation — in Liberia, for example, the inflation rate jumped from 7.7% to 13.1%. Many wealthy citizens of these countries reportedly fled as a form of risk aversion. As a result, the countries experienced huge rises in capital flights and outflows.

In response to the emergent human security challenges, ECOWAS formulated the Plan of Action on Ebola, which established a regional initiative against the Ebola epidemic. One of the plan's key successes was the establishment of the Ebola outbreak-coordinating centre, based in Conakry, Guinea's capital. The centre was intended to facilitate improved preparedness, response capacity, and the provision of human and financial resources. This decision was quite helpful in addressing the challenge posed by ECOWAS member states' weak preparedness and response capacities.

ECOWAS was able to mobilise supranational and multilateral institutions, as well as the private sector to fund the fight against Ebola. Under the African Development Bank's (AfDB) multinational crisis response technical assistance project, ECOWAS signed a grant agreement of $7.65 million for an Ebola response initiative to support Guinea, Liberia and Sierra Leone. The grant was provided to address critical gaps in medical human capacity, training, and the provision of incentives to local health workers. The ECOWAS Commission and the West African Health Organization (WAHO) were saddled with the responsibility of coordinating the response. Through this strategic partnership, the European Union (EU) committed over €1.2 billion to the fight against Ebola. The World Bank was able to mobilise nearly $1 billion to finance the three countries' response to the epidemic, trade enablement, investment, and employment. Apart from the human and financial resources provided by other countries, supranational, multilateral and humanitarian organisations, the EU and World Bank made the highest contributions and pledges.

WAHO and the Ebola Ebola Response:

Health security remains a major challenge for West Africa, as the region suffers from a prevalence of poor manufacturing facilities, a paucity of qualified health personnel, and low investment in health-related research and development, all of which are compounded by the increasingly widespread drug-resistant strains of infectious and endemic diseases.

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4 See European Commission Humanitarian Aid to populations affected by epidemics in West Africa, 2006.
5 Op Cit.
8 The strategic partnership between ECOWAS and WHO, which led to the establishment of the Ebola Outbreak Coordination Centre in Conakry, Guinea, was anchored on the need to respond to the Ebola epidemic through a single coordinating mechanism. See [www.who.int/features/2014/ebola-response-centre/en/html](http://www.who.int/features/2014/ebola-response-centre/en/html)

Public health is a critical concern in the region, which has one of the world’s highest population-to-doctor ratios. West Africa has an average life expectancy of only 50 years. In this dire situation, the WAHO bears the responsibility of crafting policies promoting health security for the people of the region.

From its inception in 1987, the WAHO was meant to facilitate healthcare of the highest standards through the harmonisation of member states’ policies, the pooling of resources, and the promotion of cooperation, both between member states and with others; this facilitation was intended to mobilise a collective and strategic fight against the region’s health problems. This overarching strategic objective was to be achieved through the maintenance of sustainable partnerships; strengthening of capacity building; collecting, interpreting, and disseminating information; promoting cooperation and ensuring coordination and advocacy; as well as exploiting information communication technologies.

There is no doubt that Ebola was a test case of the WAHO’s abilities across a wide array of responsibilities: advocacy and sensitization across all ECOWAS member states; strengthening of national and regional coordination of the response to Ebola; increasing diagnosis capacities; strengthening case management by supplying trained medical personnel, including doctors, nurses, and hygiene technicians to Liberia, Guinea, and Sierra Leone; and improving safe burials by providing protective equipment and disinfectants.

Furthermore, in order to enhance its regional epidemiological surveillance and response capabilities, the WAHO convened a technical workshop under what was termed the ‘Regional Disease Surveillance Capacity Strengthening Project’ (WARDS).

Resource mobilization was a serious challenge for WAHO. This hampered its effectiveness and efficiency in responding to Ebola. For instance, while EUR 75 million was budgeted for the implementation of the region’s multi-sector plan for health information sharing, only about EUR 27 million was mobilized. This amounted to about 36% of the projected resources.

West Africa lacks a strong linkage between national and regional surveillance; there is no systematic mechanism for the collection, analysis and interpretation, of data, nor is there an effective system for the dissemination of the data gathered and analysis produced. These shortcomings are a major challenge for the WAHO. The lack of strong information networks is also linked to the existence of weak health management information systems for containing epidemic and disease control. If these challenges are not properly addressed, they will act as the drivers of West Africa’s major-economic-loss-but-impact-on-guinea-liberia-sierra-leone-remains-crippling.html

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12 See the Humanitarian Futures Programme Report to ECOWAS Beyond 2020: Crisis Drivers in West Africa’s Future, London: King’s College London.
13 See the 1987 Protocol of the West African Health Organisation.
17 Humanitarian Futures Programme Report to ECOWAS Beyond 2020: Crisis Drivers in West Africa’s Future, London: King’s College London.
future health crises.\textsuperscript{17}

**Pathways on ECOWAS Response to Public Health Emergencies in West Africa:**
The governments and communities caught in the Ebola epidemic demonstrated an inability to act in a timely and proactive manner, indicative of generally low levels of emergency preparedness and response capacities. To address these shortcomings, the ECOWAS early warning mechanisms on conflict should be expanded to include tracking early warning signs on public health emergencies. ECOWAS should also commit to strengthening the Ebola coordinating centre, which is based in Conakry. Specifically, ECOWAS should support the centre in the areas of collecting and analysing real-time information on disasters, as well as planning for the deployment of experts and equipment.

ECOWAS should strongly support Guinea, Liberia, and Sierra Leone in designing and implementing recovery programmes. The programmes should address issues of resource mobilization, resilience, strong and effective governance institution development, and effective and efficient health care system development, and livelihood restoration. The programmes should also foster improved relations, trust, and confidence between states and their citizens. The health sector recovery plan estimates that $1.3 billion will be needed for Guinea over the next three years, $457 million for Liberia over the next two years, and $360 million for Sierra Leone over the next three years.\textsuperscript{18} Governments at all levels must invest in personal and community hygiene through the implementation of sustainable water, sanitation and health systems (WASH). Waste management remains a major public health challenge that must be tackled through investment in waste recycling. In Sierra Leone, for example, it was reported that 49% of all reported cases of sickness and injuries in Sierra Leone are related to poor sanitation and hygiene. This is linked to degradation of the urban environment by the indiscriminate disposal of solid and liquid waste, and the pollution of fresh water and lakes by untreated human waste.\textsuperscript{19}

Against the backdrop of this reality, ECOWAS should work with its member states to craft an accelerated regional and national programme on water, sanitation, and hygiene, which should include a comprehensive implementation strategy.

A comprehensive and integrated recovery strategy that reduces vulnerabilities should be crafted in a way that will stimulate growth and development, in both rural and urban areas of the affected countries. Doing so will substantially address underlying issues of poverty, and will strengthen communities' resilience to shocks. Efforts should be directed to revive economic activities and markets through the provision of micro-credit for new and small businesses, to support the formation of cooperatives and social networks, and to support vocational training for youths and other vulnerable groups.

In view of the devastating impact of the Ebola epidemic on the economies of the countries most affected, such as Guinea, Liberia and Sierra Leone, ECOWAS should work with development partners, multilateral institutions, and the governments of these countries to install strong mechanisms for economic recovery; mechanism should focus on strengthening financial systems, rebuilding investors' confidence in critical sectors, creating wealth, ensuring food security, and addressing other livelihood issues.

The WAHO should take the lead as the principal vehicle for coordinating and synchronizing national and regional health initiatives in West Africa. The first step is to establish a database of diseases and epidemics, which must be linked to a health management information system. This will serve as a basis for proactive responses to public health emergencies at both national and regional levels.

**Conclusion:**
The Ebola epidemic provided a grim reminder of West Africa's dire need for ECOWAS infrastructure capable of responding to emergencies in a timely and proactive manner. As ECOWAS reflects on its successes, challenges, and outlook for the future, this public health infrastructure must be made a priority, both for ECOWAS and its partners.

\textsuperscript{18}This estimates were provided by the Ministers of Health of Guinea, Liberia and Sierra Leone at a World Bank high-level event “from Ebola to more resilient health systems, available at http://www.worldbank.org/en/topic/ebola/brief/from-ebola-to-more-resilient-health-systems-statement-of-the-meeting-convening-partners.html

\textsuperscript{19}Poor sanitation and its consequences, West Africa WASH Journalists Network, available at www.washjournalists.wordpress.com/2012/01/18/poor-sanitation-and-its-consequences.html
member states. The list of urgent issues facing West Africa is long, and includes piracy and drug trafficking in the Gulf of Guinea, human trafficking, transhumance, insurgency, and political leaders’ attempts to maintain power by undermining constitutional provisions mandating term limits. ECOWAS’s successes in responding to the Ebola epidemic will help reposition it to address these other regional crises.
Introduction
Agriculture and Food Security forms one of the 8 main areas of intervention outlined in the treaty of the Economic Community of West African States (ECOWAS). This fact draws attention to the sector’s high-profile position in ECOWAS regional integration efforts. It also signals the strategic importance of Agriculture for West Africa in general. In that light, the Community adopted the ECOWAS Agricultural Policy (ECOWAP) in 2005, with the objective “to ensure sustainable food security and nutrition & sustainable management of natural resources within the member states, a descent income to agri-household, expansion of agri-trade on a sustainable base at the community level as well as the world”. ECOWAP thus became the first policy of its kind across Africa—a regional agricultural policy aligned to the CAADP (Comprehensive African Agricultural Development program) framework, and officially adopted as the West Africa CAADP Compact by July 2005. This ECOWAS pacesetting achievement essentially positions the organisation as the leading Regional Economic Community (REC) as far as the implementation of the Comprehensive Africa Agricultural Development Program (CAADP) is concerned. But as this ECOWAS high profile achievement is shouted from the top of the hills, it is very necessary for one to look down from that vantage point and take stock of subsisting realities as regards the status of agriculture and food security in the region. Such an endeavour is of utmost importance, especially at this very crucial moment when West Africa is celebrating the 10th Anniversary of ECOWAP implementation. This article assesses the efforts of ECOWAS in addressing agricultural development and food security issues in West Africa through the implementation of ECOWAP. It will first examine the scope and content of the Agricultural policies of ECOWAS, and then make a preliminary assessment of ECOWAP’s current implementation before drawing conclusions and advancing pertinent recommendations.

The Context of Agriculture and Food Security in West Africa
As a matter of fact, the West African Region is virtually a metaphor for poverty, instability, social strife, intense demographic pressure on natural resources, poor development of water resources, and severe environmental

3 ECOWAS is the first Regional Economic Community (REC) to sign a Regional CAADP Compact and adopt a Regional Agricultural Investment Program (RAIP) in 2011, while all of its 15 Member States have signed and are
Figure 1: Regional share of agricultural GDP per country

Hence, attempts at telling the story of agriculture and food security in West Africa should necessarily include a comprehensive discussion of the challenges and constraints that militate against agricultural development in the region. Here, climate shocks and variability are leading challenges in the agricultural production process, where a steady decline in annual rainfall and progressing desertification creates adverse effects on the resilience of populations within arid and semi-arid regions. This specific factor is linked with the increased southward migration by pastoralists, causing excessive population pressures on land resources, while also exposing the cattle to pests. Despite the abundance of water sources (rivers and lakes), there is a deficit of investment in the development of water resources for agricultural purposes, mainly through irrigation schemes. There is also a clear deficit of public investments—both domestic and foreign—in agricultural development across the region, with only 6 countries out of 15 (40%) meeting the 10% target of official public spending in agriculture canvassed under the African Union 2003 Maputo Declaration on Agriculture and Food Security in Africa as at 2009. As Figure 2 below shows, even that figure dropped by 2013, with only Burkina Faso meeting the CAADP target. However, much of the funding that goes in to agriculture is provided by foreign Technical and Financial Partners (TFPs) without strict linkages with the domestic policy landscape. This perhaps explains well the predominance in West Africa of a model of agriculture that favours cash crop production and export as against an agricultural production model to support the local needs of “food security, rural employment and integration into regional markets”. Indeed, such a situation fosters an extreme reliance on the importation of cheaper food products for consumption from advanced countries, where farmers enjoy very lucrative subsidies and do not necessarily need to develop their domestic capacities to feed themselves.
Despite the intimidating situation presented above, Agriculture may seem to be one of the easiest way to lift West Africans out of poverty into economic prosperity and progress. As noted above, the region has many under-tapped potentials including abundant natural resources (abundant cultivable land and water resources) as well as a highly diverse regional ecosystem that can support the production of vast crop and animal varieties. There is also an abundance of land suitable for various agricultural uses: 263 million hectares of available cultivable land and up to 119 million hectares of pastureland. With a huge total population approaching 300 million people, the region also has a large affordable and available labour force where the population of able-bodied youth, which can be channelled into agriculture, is huge. Furthermore, the trend of rapid urbanization across West Africa can serve as a ready market for agricultural produce as well as a critical resource for the modernization and the improvement in the level of productivity of the region’s agriculture. Perhaps, it is this agricultural dynamic that West Africa possesses that has encouraged ECOWAS to place agriculture and food security at the centre-stage of its regional development and integration policies. What then does the agricultural policies of the ECOWAS say?

Overview of ECOWAS Policies on Agriculture and Food Security
The implementation of CAADP in a country or a region is usually guided by a CAADP Compact, which is a framework of implementation agreed upon by all stakeholders that aligns the country or region’s policies and programs with CAADP. Through the compact, member states commit to work towards attaining or surpassing 10% in annual public expenditure to agricultural development so as to create an enabling environment for ending hunger and reducing poverty in Africa through a minimum of 6% annual agricultural sector growth. Accordingly, West Africa developed and adopted ECOWAP in January 2005. ECOWAP was then aligned with CAADP and adopted as the West Africa CAADP Compact by July of the same year. The ECOWAP is based on a vision to build “a modern and sustainable agriculture, founded on effective and efficient family farms and the promotion of agricultural enterprises through private sector involvement. It aims at ensuring that agriculture is not only productive and competitive within markets in the Community and internationally, but also guarantees food security and serves as a source of decent income for its operators”. In other words, ECOWAP aims to evolve a modern and sustainable agricultural system, where “family farms” are effective and private sector is the driver of growth, production and productivity in order to “guarantee food security and secure decent incomes for agricultural workers”. In short, ECOWAP mainly seek to reposition the non-automated and small-scale agricultural systems in West Africa in such a way that they can meet the needs and challenges of agricultural development in the modern world. But more specifically, ECOWAP’s orientation aims to increase the productivity and competitiveness of West African agriculture so as to address food security concerns. It also envisages the implementation of a trade regime within West Africa as well as the adoption of another trade regime vis-à-vis the countries outside the region to facilitate access.
to international markets for West African excess agricultural produce.

In operationalizing the ECOWAP, the ECOWAS adopted in July 2005, through a multi-stakeholder process, a regional action plan based on the following 6 major priorities for implementation:

1. **Improved water management**, by (i) promoting irrigation and (ii) integrated water resource management;

2. Improved management of other natural resources, through (i) organized transhumance and rangeland development; (ii) sustainable forest resources management; (iii) sustainable fishery resources management;

3. Sustainable agricultural development at the farm level, through (i) integrated soil fertility management, (ii) better support services for producers, (iii) dissemination of improved technologies;

4. Developing agricultural supply chains and promoting markets by (i) developing the different supply chains (food crops, periurban agriculture, export crops, short-cycle livestock rearing, agro-forestry food products, artisanal fishing and fish farming); (ii) developing processing operations, (iii) strengthening support services for operators, (iv) promoting national, international and regional trade;

5. **Preventing and managing food crises and other natural disasters** by (i) promoting early warning systems, (ii) developing crisis management systems, (iii) assisting the recovery of crisis-hit areas, (iv) formulating mechanisms for disaster-related insurance and compensation;

6. **Institution building** through (i) gender-sensitive approaches, (ii) support for capacity building in the formulation of agricultural and rural policies and strategies, (iii) long-term funding for agriculture, (iv) communication, (v) capacity building in steering and coordination, (vi) capacity building in monitoring and evaluation.\textsuperscript{14}

Subsequent to the action plan, ECOWAS later also formulated a Regional Agricultural Investment Plan (RAIP) as well as National Agricultural Investment Plans (NAIPs) at the level of the member states, focusing around the above-mentioned 6 priority areas. The RAIP/NAIPs are medium-term plans that highlight and cost the activities to be carried out towards the realization of the ECOWAP objectives at the different levels of the West African community. The West Africa RAIP, which was launched in 2010, has three main objectives including: (i) Promotion of strategic products for food security and food sovereignty; (ii) Promotion of a global favourable environment for regional agricultural development, and; (iii) Reduction of food insecurity and structural vulnerability of the population with social safety nets. Each of these objectives is further broken down into result areas to address specific needs within the region.

**How has ECOWAP performed over the years?**

Ten years down the line, ECOWAP stands as a harbinger of progress for agricultural development in West Africa. This is because, prior to its adoption, agricultural policy in the region was formulated and implemented in a very fragmented way, involving several agencies acting at different levels of the Community. It was mainly done at the level of intergovernmental organizations like the Permanent Interstates Committee for Drought Control in the Sahel (CILSS) or by regional integration and cooperation organizations like ECOWAS or the West African Economic and Monetary Union (UEMOA). While each of these institutions had a separate agricultural policy it was implementing, consultations were opened up at the regional level in 2000 towards the development and adoption of a regional agricultural policy for West Africa. By 2001, ECOWAS adopted a framework of guidelines for the creation of a common regional agricultural policy for West Africa. The adoption of the New Partnership for Africa’s Development (NEPAD) and the transformation of the Organization of African Unity (OAU) into the African Union (AU) in 2002 were also major watersheds in the process. That is because these developments officially placed the burden of responsibility for coordinating all aspects of regional integration, including agriculture policy, on designated Regional Economic Communities (RECs) in each of the regions. For West Africa, the burden

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\textsuperscript{14} See C/REG.1/08/11, C/REG.3/08/11, and C/REG.2/08/11 respectively
fell on the ECOWAS. Hence, perhaps the foremost achievements of the implementation of ECOWAP is the institution of that harmonizing logic in the agricultural policy process across the region. This setting has indeed catalysed political will and investment traction for regional cooperation on agriculture in West Africa by providing the ECOWAS region with a strong rallying point.

In terms of implementation, the first move done towards implementing the ECOWAP-RIAP was the setting up of appropriate institutional structures to drive the process. Hence, the 66th Ordinary Session of the ECOWAS Council of Ministers adopted regulations setting up a Regional Agency for Agriculture and Food (RAAF); the Consultative Committee for Agriculture and Food (CCAF); the Interdepartmental Committee for Agriculture and Food (CIDAF); and a Regional Fund for Agriculture and Food (ECOWADF) to be domiciled at the ECOWAS Investment and Development Bank (EIDB). A Strategic and Operational Plan to guide operations was also developed and adopted, while a donor working group was set up to coordinate support delivery to the ECOWAP process. The estimated cost for implementing all the 3 components of the ECOWAP RAIP 2010-2015 added up to $901 million over the five-year period as detailed in table 1 below. ECOWAS made an initial commitment of US$150 million to the ECOWADF as well as 36 million for the coordination and governance framework, with the donor working group coming in to support other different components of the ECOWAP-RAIP. But beyond developing institutional architectures, one must also be interested in the concrete results of ECOWAP implementation. What are these results?

Table 1: Estimation of Costs, ECOWAS Regional Investment Plan

<table>
<thead>
<tr>
<th>Specific Objectives</th>
<th>Expected Results</th>
<th>US $ Million</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 1. Promotion of Strategic Products for Food Sovereignty</td>
<td>1.1 Production Systems and Rice, Maize, and Manioc Industry Networks</td>
<td>247</td>
</tr>
<tr>
<td></td>
<td>1.2 Livestock Systems and Cattle, Meat, and Dairy Industry Networks</td>
<td>92</td>
</tr>
<tr>
<td></td>
<td>1.3 Sustainable Management Policy and Strategies for Aquatic Resources</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>399</strong></td>
</tr>
<tr>
<td>No. 2. Promotion of a Favourable Environment for Regional Agricultural Development</td>
<td>2.1 Commercial Environment for Agro-Food Industry Networks</td>
<td>95.4</td>
</tr>
<tr>
<td></td>
<td>2.2 Mechanisms of Adaptation to Variability and Climate Change; Integrated Management of Shared Resources</td>
<td>64.5</td>
</tr>
<tr>
<td></td>
<td>2.3 Information and Decision-making System (ECOAGRIS)</td>
<td>63.9</td>
</tr>
<tr>
<td></td>
<td>2.4 Capacity Reinforcement</td>
<td>59</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>282.8</strong></td>
</tr>
<tr>
<td>No. 3. Reductions of Food Insecurity and Promotion of Sustainable Access to Food</td>
<td>3.1 Framework for Coordination of Food Security Analysis</td>
<td>12.3</td>
</tr>
<tr>
<td></td>
<td>3.2 System to Track Food Security and Prevent Food Crises</td>
<td>53.5</td>
</tr>
<tr>
<td></td>
<td>3.3 Regional Instruments for the Prevention and Management of Food Crises and the Reduction of Insecurity</td>
<td>113.4</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>179.2</strong></td>
</tr>
<tr>
<td>Total Costs of Objectives</td>
<td></td>
<td><strong>901</strong></td>
</tr>
<tr>
<td>Planning, Financing, and Monitoring and Evaluation System</td>
<td></td>
<td><strong>179.2</strong></td>
</tr>
</tbody>
</table>

By 2014, an impressive array of programs had been designed or initiated towards achieving results on the various outputs and outcomes of the 3 different pillars of the RAIP as well as cross cutting issues with total funding committed so far running into hundreds of millions of dollars. Despite the fact that most of these projects are still on-going, it would be of use to highlight some specific milestones achieved in their animation. These are briefly highlighted below:

1. Actions towards improving agricultural productivity under the West Africa Agricultural Productivity Program (WAAP) implemented by CORAF/WECARD (West and Central African Council for Agricultural Research and Development) with the support of the World Bank focuses on strategic agricultural and pastoralist products including:
   - Production of improved inputs like seeds, and fertilizer usage;

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15  Information adapted from AU/NPCA Op. Cit.
2. Initiatives aimed at making the institutional and financial environment for agriculture more predictable and conducive to a boost in trade of agricultural products across the region:
   - The ECOWAS Agricultural Information System (ECOAGRIS), meant as a regional agricultural information and decision-making assistance system.
   - Adoption of several regulations and standards related to agricultural issues including: rules governing quality control; certification and marketing of seeds and plants; pesticide authorization; animal, plant and food safety; and veterinary medication management. A framework of convergence and implementation of harmonized land policies within the ECOWAS region.

3. Measures towards ensuring proper regulation of trade in agricultural produce:
   - Coordination with WAEMU on all agricultural trade policies;
   - Integration of agricultural issues into trade policy as part of the EPA (Economic Partnership Agreements) negotiations with the EU and as part of the expansion of the Common External Tariff (CET).
   - Regional Program to Support the Regulation of West African Markets (PARMAO)
   - Stimulation of the development of regional value chains for agricultural products with strong trade flows between Sahelian and coastal countries
   - Implementation of the program to support the free circulation of agricultural products jointly financed by ECOWAS, USAID and the Canadian Overseas Aid

4. Programs towards improving the access of vulnerable populations to food:
   - Revised and adopted the Charter for Food Crisis Prevention and Management in West Africa plus Chad and Mauritania
   - Implementation of the Zero Hunger Initiative towards ending hunger in 2020, including the Global Alliance for Resilience Initiative (AGIR)

5. Improved coordination by the ECOWAS through:
   - Institution of a system for policy dialogue with farmer, fisher folk and pastoralist organizations
   - Proper structuring of consultations with regional stakeholders through two instruments: the Consultative Committee for Agriculture and Food (CCAF); and several task forces and ad-hoc multi-stakeholder working groups to support program formulation and implementation.

Thus far, the implementation of ECOWAP has indeed contributed to some upward shifts in the region's level of agricultural production and productivity. Some real time impacts of the ECOWAP implementation are tripartite: (i) Increase mobilization of both internal and external resources for agriculture, with over US$2 billion additional funds mobilized by member states for implementation of NAIPs; (ii) increased agricultural production, especially grains, from 52 million tons in 2008 to 57 million tons in 2013; (iii) and increased productivity in certain value chains, especially rice. These are however very limited achievements that can at best qualify as “preliminary


20 Ibid, p. 62
But, there are grey areas that need to be addressed...

While the foregoing analysis of ECOWAP programs indicates that a lot of momentum is being gained in the implementation, it is noteworthy to highlight some grey areas involved in the process. The first of these grey areas that needs to be considered closely is the fact that despite the increased level of domestic capital mobilization generally noted, so much of the funding, both projected and actual, come from sources external to the region. While the lack of considerable resources among ECOWAS member states can explain such a situation—11 out of the ECOWAS 15 member states belong to the Less Developed Countries (LCDs) group—, it raises the question of whether the envisaged outcomes of the ECOWAP implementation can be sustainable within the context of dependent development. Second, despite the indication that there is some sort of growth that is already being recorded in the CAADP implementation, food import dependence has increased across the region as the region's agricultural food trade imbalance has been estimated at more than US$3 billion since the year 2000. This shows that the value chains are not adapting as fast as is required to changes in demand patterns, both in quality and quantity. Such a situation has very grave implications for the future of food production in the region; especially in light of the impending liberalization of the sector once Economic Partnership Agreements (EPAs) are in effect as European goods will have full access to the regional common market. The third issue has to do with the participation of Non State Actors (NSA) in the implementation of ECOWAP. Although, NSAs are currently involved in the process, there appears to be no clear framework on the part of ECOWAS for their full integration in the matter. For a more meaningful implementation of the ECOWAP, NSAs must be integrated in to the process as partners alongside state parties and other actors, and not as fringe actors. Besides, when viewed in the light of the ECOWAS Vision 2020, “from ECOWAS of States to ECOWAS of the Peoples”, the deficit in involvement of NSAs directly translated in to a deficit in the voice of citizens in the entire process. For ECOWAP implementation to yield the maximum benefits envisaged, issues like the ones highlighted above must be adequately addressed.

Conclusion
In a broad sense, Agriculture across the entire Sub-Saharan Africa is virtually the same with only a few nuanced differences across the different regions and countries. As pointed out earlier, agriculture is one of the main economic activities in the ECOWAS region further to being recognized in Chapter IV of the Revised ECOWAS Treaty. Progress in agricultural development has been slow but steady over the years since the founding of ECOWAS until 2005 when ECOWAP was adopted. Between 2005 and 2010, ECOWAS has struggled to put its foot down on aligning its agricultural policy with the continental policy, giving birth to the ECOWAP-RAIP, whose implementation has been initiated since 2011. The period between 2005 and 2015 has seen some improvement as to how agricultural policy was being developed and implemented in the region. While so much has been done since the RAIP was adopted in 2010, 5 years of implementation is still being concluded, with the results not fully aggregated. In this regard, there may be no grounds for making sweeping conclusion on the achievements of ECOWAP implementation, except to tease some pointers to the nature and character of the process, as well as speculate on the outlook in the short- to medium-term. Such concerns inform the main conclusions of this paper. First, the entire ECOWAP process is proof of the recognition that West Africa has a great potential for agricultural development and that it is ready to confront the various challenges that...
are presented in that context. Second, the ability of ECOWAP to significantly transform agricultural development in West Africa depends on the extent to which its implementation addresses the various issues the sector is confronted with. These include infrastructure development, Youth bulge, unemployment, gender concerns related to the smallholder women farmers, climate variability and technical capacity for implementation, etc. This score of issues strongly militate against successful implementation.

Further to the above conclusions, I hereby offer some recommendations on the way forward. They are as follows:

1. ECOWAS and Member States’ agricultural policies should take into account the diversity of agricultural systems; maximize investment in the agricultural sector; with a view to creating employment opportunities for youth and women in the agricultural value chains. Member States should also roll out comprehensive policy packages towards encouraging the youth to take up employment in different aspects of the agricultural value chains, while also focusing on women small holder farmers.

2. ECOWAS as well as Member States should focus on value addition so as to ensure competitiveness in the agricultural sector on a global scale, especially within the context of EPA negotiations and WTO rules. Domestic capacity for storage, processing, packaging and marketing of agricultural produce must be developed, building its competitiveness on a global scale.

3. Efforts must be made to develop domestic sources of financing agriculture within the Member States and the region. This can be achieved through several means including full implementation of the 2015 Resolutions of the Financing for Development Conference held in Addis Ababa as well as efforts towards organizing the African domestic private sector. Such a move will increase the sustainability of funding available for the financing of ECOWAP implementation.

4. Member states must prioritize improvement of the current infrastructure, including transport and communication facilities, especially in the aspects where they impinge on agricultural production, processing and marketing. They should also deepen the implementation of regional trade and transit facilitation regulations across the region (Freedom of Movement, Common External Tariff (CET), ECOWAS Trade Liberalisation Scheme ETLS, etc.) to ensure a smooth flow of agricultural activities throughout the Community.

5. Non State Actors (NSAs) must make an effort to organize themselves within a formidable architecture and concretely commit themselves to the ECOWAP process through carrying out specific complementary activities to those conducted by ECOWAS. They must also demand and compel ECOWAS to institute a coherent and transparent system of interfacing with NSAs in the ECOWAP process. Going forward, this will go a long way towards entrenching mutual accountability and increasing the concrete impact of NSAs on the ECOWAP implementation process.
This brief is based on deliberations and resolutions reached at a two day policy dialogue on the future of democracy and peace in West Africa. The event was organised by the Centre for Democracy and Development (CDD), Abuja, in collaboration with the African Peacebuilding Network/the Social Science Research Council (APN/SSRC) and the Economic Community of West African States (ECOWAS) between 27 and 28 of July 2015 at Sheraton Hotel, Abuja, Nigeria. The policy dialogue reviewed efforts towards consolidating peace, stability and democracy in West Africa during the four decades of ECOWAS existence.

DEMOCRACY AND PEACE IN WEST AFRICA

In spite of a few setbacks in the management of elections, multi-party democracy is now established and accepted as a legitimate form of government in West Africa. At the moment, all countries in the region have embraced democracy in one form or another. Even post-conflict countries like Liberia and Sierra Leone have been able to consolidate post-war democracy by holding successive elections and changing government without violence.

However, elections - a hallmark of democratic progress - are yet to lead to development in terms of human, social, political and economic transformation. Concerns remain that electoral management and democracy in West Africa, and elsewhere in Africa, have faced several challenges. These include institutional weaknesses, factional struggles, poor political leadership, prolongation of power, inequality, marginalisation, social injustice, lack of rule of law and respect for human rights, amongst others.

Following the prevailing socio-political situations in West Africa, it can be asserted that the sub-region is facing a real threat of democratic regression. A review of the 2014 the Economist Intelligence Unit Democracy 2014 Index Report reveals that (with the exception of Ghana that scored 57.2% (2012-13)), most of the countries in the region found themselves at the lowest rung.

1 In an attempt to underscore the inherent democratic challenges in West Africa and elsewhere in Africa, Rwakaza Mukandala (2001) situates this within the continued domination of the logic of colonial state and global capitalism. According to him, the current realities mirrored the historical mode of Africa’s incorporation into the world capitalist system and the driving or dominate forces of that process (See Mukandala R. (2001), The State of African Democracy: Status, Prospects and Challenges, African Journal of Political Science, Vol 6, No. 2). In another view, Victor Adetula (2007) submit that Africa’s democratic predicament is as a result of disconnection between the political culture of African people, with its communal orientation, and liberal democracy’s projections of possessive individualism as characterised by western societies (See Adetula V. (2007), Measuring Democracy and “Good Governance” in Africa, retrieved at on the 25 October 2015).

of the democratic ladder. For example, four countries (including Nigeria, Togo, Guinea and Cote D’Ivoire) were included among the ten worst democracies in the world. This is not surprising given the resurgence of coup détat and other forms of unconstitutional changes of government in the region. In some countries where the military could not intervene in politics, incumbents sought to prolong their stay in power by a range of methods from changing the constitution to get a third term or removing term limits altogether, repressing or dividing opposition parties, or merely allowing multi-partyism to the extent that is only a symbolic value. This was the case under former presidents Tandja and Blaise Compaore of Niger Republic and Burkina Faso respectively. If this anti-democratic practice goes unchecked, the gradual erosion of political participation has the potential to reverse hard won democratic gains, in turn contributing to violence and instability in the region.

Fig: 1 above presents line graph of the Human Development Index (HDI) estimate of some African countries, showing all countries in West Africa. For the purpose of analysis, it is important to note that countries below 0.756 and 0.573 are regarded as Medium and Low HDI countries respectively.

3 The Democracy Ranking model refers to one political dimension and five non-political dimensions, which are: (1) gender (socio-economic and educational gender equality); (2) economy (economic system); (3) knowledge (knowledge-based information society, research and education); (4) health (health status and health system); (5) environment (environmental sustainability). To every dimension different indicators are assigned, therefore the dimensions behave as indicator-based (See http://democracyranking.org/wordpress/?page_id=590)


1ECOWAS, DEMOCRACY AND PEACE IN WEST AFRICA

Since the formation of ECOWAS in 1975, the regional body formed to integrate the economics of West African States has refocused its mandate. This is a reaction to the realisation that in order to achieve economic integration in the region, peace and stability of its member states have to be guaranteed. The organisation has made conscious efforts to put in place institutions and mechanisms for a more inclusive regional framework, through its numerous activities to promote peace, stability and democracy. Indeed, ECOWAS has shifted its strategy on peace-keeping, moving from military intervention to preventive diplomacy and mediation.

It has also made substantial efforts to develop peace and security frameworks and promote the emergence of a more democratic political culture in the region. Several normative frameworks, including the Supplementary Protocol on Democracy and Good Governance (2001), the Conflict Preventive Framework (2008), the Convention on Small Arms and Light Weapons (2006), amongst others, were adopted to strengthen democratic institutions and security architecture of member states. For instance, through the Supplementary Protocol on Democracy and Good Governance, ECOWAS has consistently reinforced zero-tolerance policy for political power obtained by unconstitutional means. ECOWAS’s intolerance for undemocratic processes can be seen as it suspended all forms of cooperation with Niger when former President Mamadou Tandja atempted to unconstitutionally
extend his stay in office. ECOWAS went on to promptly condemn the coup d'état that followed Tandja's efforts to remain in power and facilitated the immediate conduct of elections. The reaction of ECOWAS was no different in Republic of Guinea and Coté d'Ivoire in 2010, with democracy installed in the two instances. Burkina Faso also followed suit, when a transitional committee was instituted and elections planned.

The regional body has also provided electoral and financial assistance and technical expertise to its member states to aid the conduct of credible elections. For example, ECOWAS assisted Guinea Bissau to overcome security challenges, which created an enabling environment for the conduct of elections in the country. It also provided space for other state and non-state actors such as Civil Society Organisations (CSOs) and political parties to advance democratic norms and practices, including the harmonisation of policies at the ECOWAS Parliament and other processes pertinent to promoting peace and democracy at regional level.

Despite the democratic gains made so far, ECOWAS continues to face a number of challenges deriving from the inherent weakness in the political systems of member states, including: challenges of leadership; political will; low levels of citizen participation; and absence of adequate and independent monitoring and evaluation frameworks, amongst others. These challenges have to be addressed to enable the organisation to achieve its broader goals of promoting democracy, peace and security in the region.

Recommendations

a. ECOWAS should adopt a harmonised approach to election management and observation; play a more active role alongside other African organisations to develop a comprehensive electoral management and electoral observation strategy; strengthen long-term approaches to election observation; and integrate elections into wider conflict prevention strategies.

b. The Community should address the conflict of interest that results from its dual roles as mediator and election observer as both roles are important aspects of its mandate to build democracy and ensure stability in the region.

c. Cutting-edge research to promote knowledge-based development planning, leading to pro-poor and inclusive growth conducive to social equality and durable peace, is urgently required.

d. Streamlining of ECOWAS procedures is required to help consolidate democracy and forge a de facto union of West African people and states.

e. Governments should muster the necessary political will to implement treaties, conventions and protocols, to enable ECOWAS to achieve the goals of regional integration and development.

f. ECOWAS Early Warning and Response Mechanism should be fully operationalised and action should be taken to anticipate, prevent and sanction democratic reversals.

g. The ECOWAS Parliament should be constituted on the basis of direct elections of the parliamentarians, rather than hand-picking members from national parliaments. The decisions of the Parliament should also be made binding on member-states rather than being mere declarations.

h. All necessary steps should be taken to give concrete expression to ECOWAS Vision 2020 to ensure that citizens enjoy the benefits of a “borderless, peaceful, prosperous and cohesive region” built on good governance.

i. ECOWAS should provide a conscious and sustained security system that will eliminate social insecurity and promote tolerance for diversity. If this is implemented, it will facilitate the emergence of a peaceful and healthy environment where women, children, youth and other vulnerable groups are offered equal opportunities for development and