

# The Economic Integration Policies of Ecowas: Need for A Review?

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## I. INTRODUCTION

The emergence of independent African States brought along the issue of economic viability within national borders. These countries are of varying sizes especially in terms of their economies. Those countries left to themselves will find it difficult to compete in the global market place. Therefore regional integration seems to be the solution for the rapid economic development of those countries. The formation of ECOWAS was seen as the beginning of a new era in the history of economic cooperation in West Africa. Its overall aim was to promote cooperation and integration, with a view to establishing an economic and monetary union as a means of stimulating economic growth and development the sub-region. Since the emergence of ECOWAS, the organisation has been saddled with a lot of challenges and intra-regional conflicts without much economic integration being achieved.<sup>3</sup> The idea of an economic grouping embracing all the States in West Africa emanated from the United Nations Economic Commission for Africa (ECA). The ECA divided Africa into four sub-regions-North, West, Central and East-regarded as being large enough to be economically viable and were meant to form units of integrated economic development<sup>4</sup>

The Economic Community of West African States (ECOWAS) was created with the aim of becoming the most important international economic instrument for economic co-operation and development in West Africa. Over the years, there has been continuous attempt to advance the agenda of ECOWAS, however political problems and other economic priorities have slowed down the process of the integration of the economies of the countries in the region as was originally envisaged.

This paper examines some of the economic integration policies of this regional bloc. The paper concludes that ECOWAS' economic integration aspirations suffers not so much from the quality of her economic integration policies as it does from a lack of political will power to implement the policies that were meant to bring about this integration by member States.

## II. EVOLUTION OF ECOWAS

The Economic Community of West African States (ECOWAS) is a regional group of fifteen West African countries, founded on May 28, 1975 with the signing of the Treaty of Lagos.<sup>5</sup> Its mission is to promote economic integration of the West African sub region. The vision of the founding fathers, at the time of the

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<sup>3</sup>I U Unya, ECOWAS and Regional Integration in West Africa: Issues, Challenges and Prospects, <http://www.academia.edu>> accessed 1 September 2019.

<sup>4</sup> O Ichim, Governance and Regional Integration (Seminar Paper) at the Institute of International Affairs, Lagos, cited in IU Unya, ECOWAS and Regional Integration in West Africa: Issues, Challenges and Prospects, <http://www.academia.edu>> accessed 1 September 2019.

<sup>5</sup> Treaty of the Economic Community of West African States (ECOWAS), signed May 28, 1975 in Lagos,

('The ECOWAS Lagos Treaty'), 595 U.N.T.S. 287. See also: <<http://>

[www.comm.ecowas.int/sec/index.php?id=acheivements&lang=en](http://www.comm.ecowas.int/sec/index.php?id=acheivements&lang=en)> , accessed 14 August 2019.

creation of ECOWAS, was one of collective self-sufficiency through the integration of the sixteen West African countries into an economic bloc with a single market economy organised around an economic and monetary union. This concern was borne out of the realisation that the domestic markets of the member states taken individually were, as a result of their smallness, far from being competitive in a world environment marked by the existence of large trade blocs?

In order to achieve the goal of integration, the following actions were envisaged: (i) the suppression of customs duties and equivalent taxes; (ii) the establishment of a common external tariff; (iii) the harmonization of economic and financial policies; and (iv) the creation of a monetary zone<sup>6</sup>. In other words, ECOWAS was founded to achieve "collective self-sufficiency" for member states by means of economic and monetary union creating a single large trading bloc. The ECOWAS Secretariat (now known as the 'Commission') and the Fund for Co-operation, Compensation and Development used to be its two main institutions to implement policies. The ECOWAS fund was transformed into the ECOWAS Bank for Investment and Development in 2001.<sup>7</sup>

The legal basis for the formation of ECOWAS is found in the United Nations Charter. One of the purposes and principles of the United Nations as contained in chapter 1, Article 1(3) is:

To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.<sup>8</sup>

Article 52(1), of the U.N. Charter further provides:

Nothing in the present charter precludes the existence of regional arrangement or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.<sup>9</sup>

By the combined provisions of the above two provisions, it is safe to argue that the establishment of ECOWAS is contemplated by and within the Purposes and Principles of the United Nations Charter. Attempts had earlier been made to establish a regional institution like ECOWAS. Kwame Nkrumah as Ghanaian President had as far back as 1960 called for African integration, both politically and economically, as a means of overcoming the under development exacerbated by colonisation. However, the idea of a West African community goes back to President William Tubman of Liberia, who made the call in 1964.<sup>10</sup> An agreement was signed between Cote d'Ivoire, Guinea, Liberia and Sierra Leone in February 1965, but this came to nothing.<sup>11</sup> In April 1972, General Gowon of Nigeria and General Eyadema of Togo re-launched the idea, drew up proposals and toured 12 countries, soliciting their plan from July to August 1973. A meeting was then called at Lome from 10-15 December 1973, which studied a draft treaty. This was further examined at a meeting of experts and jurists in Accra in January 1974 and by a ministerial meeting in Monrovia in January 1975.<sup>12</sup>

Finally, 15 West African countries signed the Treaty for an Economic Community of West African States (Treaty of Lagos) on 28 May 1975. The protocols launching ECOWAS were signed in Lome, Togo on 5 November 1976. In July 1993, a revised ECOWAS Treaty designed to accelerate economic integration and to increase political co-operation, was signed.<sup>13</sup>

### **III. WHAT IS INTEGRATION**

Mitrany<sup>14</sup> perhaps, one of the pioneer integration scholars viewed integration as the collective governance and material interdependence between states. Mitrany felt that states can integrate in limited functional, technical, and or economic areas. Thus, international agencies would meet human needs, aided by knowledge and expertise; which invariably would attract loyalty of the populations and stimulate their participation and expand the area of integration.

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<sup>6</sup> Ibid; Ajulo, 'Temporal Scope of ECOWAS and AEC Treaties: A Case of African Economic Integration' (1996) 8 R-A.D.L.C, 111.

<sup>7</sup> Ibid; Article 1 of the Charter of the United Nations, 26 June 1945, Can. T.S., 1945, No. 7 [the Charter].

<sup>8</sup> Ibid

<sup>9</sup> Article 1 of the Charter of the United Nations, 26 June 1945, Can. T.S., 1945, No. 7 [the Charter].

<sup>10</sup> Profile: Economic Community of West African States (ECOWAS) < [https://www3.nd.edu/~jbergstr/DataEIAs2006/FTA5yrData\\_files/PDF%20Files/Africa/](https://www3.nd.edu/~jbergstr/DataEIAs2006/FTA5yrData_files/PDF%20Files/Africa/)> accessed 14 August 2019.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> D Mitrany, *The Progress of International Government* (Yale University Press, New Haven 1933).

Haas,<sup>15</sup> defined integration as follows:

The process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities towards a new centre, whose institutions possess or demand jurisdiction over pre-existing national states. The end result of a process of political integration is a new political community, superimposed over the pre-existing national states.

Haas shared his view on the processual nature of integration with other prominent integration theorists of the time, such as Lindberg and Deutsch. Deutsch<sup>16</sup>, for instance, defined integration as “attainment, within a territory, of a ‘sense of community’ and institutions and practices strong enough and widespread enough to assure, for a ‘long’ time, dependable expectations of ‘peaceful change’ among its population.” When a group of people or states have been integrated this way they constitute according to Deutsch<sup>17</sup> a “security community”. ‘Amalgamation’, on the other hand, was used by Deutsch and his collaborators to refer to the “formal merger of two or more previously independent units into a single larger unit, with some type of common government”.

Lindberg<sup>18</sup> defined integration (1) as the process whereby nations forgo the desire and ability to conduct foreign and key domestic policies independently of each other, seeking instead to make joint decisions or to delegate the decision-making process to new central organs; (2) the process whereby political actors in several distinct settings are persuaded to shift their expectations and political activities to a new centre. These definitions of integration emphasize dominantly the political dimension of integration, but integration can also have many other dimensions. Integration is not only ever-closer cooperation of states in a political field, or evolution of a collective decision making system among states over time as Lindberg<sup>19</sup> described political integration. It can also take place, for example, in the fields of economics, security and environmental issues.

### **3.1 Economic Integration: Stages and Effects**

Balassa<sup>20</sup> apparently defining integration from the economic perspective declares that integration denotes the bringing together of parts into a whole as a free trade relationship between independent states with national economies. Economic integration from his view point is the ‘elimination of economic frontiers between one or more economies’. This encompasses measures that are designed to abolish discrimination between economic units belonging to different national states.<sup>21</sup> Economic frontiers therefore, characterise demarcation of geographical boundaries through which the movement of goods and labour are restricted.<sup>22</sup> However, with economic integration, these frontiers are lifted and trade is liberalised, resulting in trans-boundary economic activities in the fields of trade, which facilitates the free movement of goods, services and capital.<sup>23</sup> Accordingly, the main goal of economic integration is to permit growth, economies of scale, to encourage competitiveness, and granting participating countries access to wider trading environments, and to promote exports to regional markets.

Economists,<sup>24</sup> have identified five different stages or models of economic integration. These five stages of economic integration as reiterated by Śledziewska,<sup>25</sup> include; ‘a free trade area, a customs union, a common market, an economic union and complete economic integration’.<sup>26</sup> Hence, most regional syndicates tend to adopt this model in their pursuit for regional economic integration, however, it should be noted here that in most cases, not all these stages are usually successful.

Despite the proposed stages of economic integration as stated above, other economists have nonetheless suggested that the first level of economic integration is a preferential trade agreement (PTA). PTA is however described as the weakest form of economic integration which is very restrictive. According to

<sup>15</sup> E Haas, ‘The Study of Regional Integration: Reflections on the Joy and Anguish of Pre-theorising’ in Linberg and Scheingold (eds) *Regional Integration Theory and Research* (Harvard university Press, Cambridge 1971)

<sup>16</sup> K Deutsch, *Political Community and the North Atlantic Area: International Organisation in the Light of Historical Experience* (Princeton University Press, Princeton 1957).

<sup>17</sup> *ibid.*

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<sup>19</sup> Linberg and Scheingold (eds) *Regional Integration Theory and Research* (Harvard university Press, Cambridge 1971)

<sup>20</sup> B Balassa, *The Theory of Economic Integration* (Routledge, Oxford, 2013) 1.

<sup>21</sup> *ibid.*

<sup>22</sup> O R Frimpong, *Legal Aspects of Economic Integration* (CUP, Cambridge 2011).

<sup>23</sup> Oppong Richard Frimpong, *Legal Aspects of Economic Integration* (CUP, Cambridge 2011).

<sup>24</sup> Such as Balassa (n 1).

<sup>25</sup> K Śledziewska, ‘The Theory of Economic Integration: Preferential Trade Agreements and the Multilateral Trade System’ <<http://coin.wne.uw.edu.pl/sledziewska/wyklady/tei2.pdf>> Accessed 14 August 2019.

<sup>26</sup> *ibid.*

Hodgson and Herander,<sup>27</sup> PTA is where member-nations offer a tariff reduction to participating countries but still maintain a higher tariff on products from a non-participating member nation, and again, individual members operate with different common external tariff. The next stage is the FTA, where tariffs and quantitative restrictions on trade are abolished between participating Member States, but again each country retains its own tariffs against non-participating members. As a consequence, intra-regional trade is encouraged, coupled with movement of goods, capital and services within member States without technical frontiers between the countries concerned. An FTA is followed by the customs union (CU), which is created when a group of countries come together to apply the same rate of import duties on goods from a third party country, and the countries agree not to apply duties between themselves.<sup>28</sup> One example of a customs union is the Eurasian customs union consisting of Russia, Belarus and Kazakhstan.<sup>29</sup>

Next is a common market which is considered to be the first step towards a 'deep' economic integration,<sup>30</sup> it includes the complete removal of trade barriers. Thus, all barriers inhibiting trade and factors of movement is removed.

The next stage of economic integration is the Economic and Monetary Union, where two sub-stages are formed i.e. the Economic Union where there is harmonisation in various areas, and the application of common approaches and coordination of funding.<sup>31</sup> The second sub-stage is the Monetary Union which represents the creation of a common exchange mechanism resulting in the issue of common currency that is operational in the common market. The final stage of economic integration is a Complete Economic Integration, where there is a total unification of monetary, fiscal, and social policies that requires the setting up of a supranational authority, results of which is binding on Member States.<sup>32</sup>

#### **IV. PRINCIPAL INSTITUTIONS WITHIN ECOWAS AND OTHER RELATED BODIES.**

ECOWAS has intuitional structures for effective discharge of its mandate to the people of the Sub-region. These are as provided under Article 6 of the Revised ECOWAS Treaty and are as follows: (i) the Authority of Heads of State and Government; (ii) the Council of Ministers; (iii) the Community Parliament; (iv) the Economic and Social Council; (v) the Community Court of Justice; (vi) the Executive Secretariat; (vii) the Fund for Co-operation, Compensation and Development; (viii) Specialised Technical Commissions; and (ix) Any other institutions that may be established by the Authority.<sup>33</sup>

##### **4.1 Authority of Heads of State and Government**

The establishment, composition and functions of the Authority of Heads of State and Government ("the Authority are provided for under section 7 of the Revised Treaty of ECOWAS. Article 7(1) provides: There is hereby established the Authority of Heads of State and Government of member states which shall be the supreme institution of the Community and shall be composed of Heads of State and/or Government of member states.<sup>34</sup>

Article 7(2) further provides:

The Authority shall be responsible for the general direction and control of the Community and shall take all measures to ensure its progressive development and the realisation of its objectives.

The Authority of Heads of State and Government is the governing body of ECOWAS. The Authority determines the general direction and development of the Community as well as realisation of the Community's objectives.<sup>35</sup>

<sup>27</sup> John S Hodgson, Mark G Herander, *International Economic Relations* (Prentice Hall, 1983).

<sup>28</sup> 'The European Union Explained' (2014) < [http://europa.eu/pol/pdf/flipbook/en/customs\\_en.pdf](http://europa.eu/pol/pdf/flipbook/en/customs_en.pdf) > accessed 18 August 2019.

<sup>29</sup> Iana Dreyer, Nicu Popescu, (2014) 'The Eurasian Customs Union: The economics and the politics' < [http://www.iss.europa.eu/uploads/media/Brief\\_11\\_Eurasian\\_Union.pdf](http://www.iss.europa.eu/uploads/media/Brief_11_Eurasian_Union.pdf) > accessed 17 August, 2019.

<sup>30</sup> Rolf Mirus and Nataliya Rylska, 'Economic Integration: Free Trade Areas vs Customs Unions' <[http://www.international.alberta.ca/documents/Trade/WCER\\_FTA\\_custom\\_unions\\_shortversion\\_Aug01.pdf](http://www.international.alberta.ca/documents/Trade/WCER_FTA_custom_unions_shortversion_Aug01.pdf)> accessed 17 August 2019.

<sup>31</sup> Eduard Marinuv, 'Economic Integration in Africa: Overview, Progress and Challenges' (2014) 6 *Journal of Global Economies* 42.

<sup>32</sup> *ibid.*

<sup>33</sup> Revised Treaty of ECOWAS, 1993

<sup>34</sup> *Ibid*

<sup>35</sup> Preamble to the revised ECOWAS Treaty, < <http://www.oilgasarticles.com/articles/450/1/Preamble> > accessed 14 August 2019

The Authority is dominated by dictators and autocrats and this explains why their annual meeting is seen by many analysts as a jamboree since their decisions are hardly implemented. However, the Authority in 1990 took a bold decision by authorising the formation of ECOWAS Monitoring Group (ECOMOG), which has served as a model in Africa and helped stabilize such countries as Liberia and Sierra Leone in the time of their crisis.

#### **4.2 The Council of Ministers**

Article 10 of the Revised Treaty provides that the Council of Ministers of the Community ("Council") shall comprise the Minister in charge of ECOWAS affairs or any other Minister of each Member State. In practice, most Member States of ECOWAS do not have designated ministers of ECOWAS in their respective countries- It is therefore usual for each Member State to designate any of its Ministers to represent her in the meetings of the Council. Some of the responsibilities and functions of the Council include to: (a) make recommendations to the Authority on any action aimed at attaining the objectives of the Community; (b) to issue directives on matters concerning co-ordination and harmonisation of economic integration policies.<sup>36</sup>

#### **4.3 ECOWAS Community Parliament**

Article 13 provides for the Community Parliament as follows:

1. There is hereby established a Parliament of the Community.
2. The method of election of the Members of the Community Parliament, composition, functions, powers and organisation shall be defined in a Protocol relating thereto.<sup>37</sup>

It has been observed in practice that membership of the Community Parliament is a pool of nominated members of Parliament of each Member State. ECOWAS Parliament is very weak and unstable. Its membership is not subject to direct suffrage from the citizens of Member States unlike the European Parliament, which is well developed and whose Member States are practitioners of democratic system of government. Even, some of the Parliaments of Member States of ECOWAS are mere rubber stamp Parliaments as they have no legislative control over the executive organs of the concerned States.

It is only in ECOWAS institution of Parliament, Nigeria has superior votes to other member states because of its population size but the ECOWAS Parliament plays an essentially consultative role which is not binding on the authority of heads of state and government: it provides advisory opinion on issues covering a wide range of areas that are of crucial importance for the integration process. These include respect for human rights, the interconnection of communication and telecommunication links, health, education, and revisions of basic community texts. The ECOWAS Parliament has 115 seats, which are distributed among the 15 ECOWAS Member States on the basis of their population. Nigeria, which has by far the largest population, has thirty five seats; Togo, Liberia, Cape Verde, Guinea Conakry, Guinea Bissau, Republic of Benin, the Gambia, and Sierra Leone have 5 Parliamentarians each; Burkina Faso, Mali, Niger and Senegal have six Parliamentarians each; Cote d'Ivoire is entitled to seven representatives; Ghana has eight.<sup>38</sup>

#### **4.4 Executive Secretariat (ECOWAS Commission)<sup>39</sup>**

The establishment, mode of appointment and functions of the Executive Secretariat are provided for in Articles 17, 18 and 19 of the Revised ECOWAS Treaty.

The Executive Secretariat shall be appointed by the Authority for a 4-year term renewable only once for another 4-year period. He can only be removed from office by the Authority upon its own initiative or on the recommendation of Council of Ministers.

In terms of operations, Article 19 partly provides: Unless otherwise provided in the Treaty or in a Protocol, the Executive Secretary shall be the Chief Executive officer of the Community and all its institutions. The Executive Secretary shall direct the activities of the Executive Secretariat and shall, unless otherwise provided in a Protocol, be the legal representative of all Institutions of the Community in their totality.<sup>40</sup> The Executive

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<sup>36</sup> It pursuant to this function, that the Council, in April 2002, approved a procedure for the ECOWAS Trade Liberalisation Scheme (TLS). The TLS entitles the manufacturers of approved products to customs duty exemption within ECOWAS member states. See <[http:// www.oilgasarticles.com/articles/450/1/Preamble](http://www.oilgasarticles.com/articles/450/1/Preamble)>, accessed 15 August 2019.

<sup>37</sup> See Article 13 of the revised ECOWAS Treaty.

<sup>38</sup> O O Dennis and H A Ahmed, 'Assymetry of ECOWAS Integration Process: Contribution of Regional Hegemon and Small Country <http://journals.rudn.ru/internationalrelations> accessed 15 August 2019.

<sup>39</sup> In 2007, the ECOWAS Executive Secretariat underwent a change of institutional structure to become a Commission.

<sup>40</sup> Article 19(2) of the Revised ECOWAS treaty.

Secretary of ECOWAS is the Chief Administrative Officer of the community and responsible for its day-to-day activities.

#### **4.5 The ECOWAS Court of Justice**

The ECOWAS Court of Justice was created by a protocol signed in 1991, and included in Article 15 of the Revised Treaty of Community that came into existence in 1993.<sup>41</sup> The Court is located in Abuja, the capital of Nigeria. The power to approve appointment of justices of the Court lies with the Authority of Heads of State and Government. The Court legally came into being when the 1991 protocol entered into force on 5th November, 1996. The Court of Justice carries out the functions assigned to it independent of the Member States and Institutions of the Community.<sup>42</sup> The term of office of the judges of the Court is four years. Judgment of the Court of Justice shall be binding on the Member States and Institutions of the Community and on individuals and corporate bodies.

Article 76 of the Revised Treaty provides for the jurisdiction, and includes ruling on disputes between States over interpretations of the Revised Treaty and providing ECOWAS Council with advisory opinions on legal issues. Like its companion Courts, the European Community Court of Justice and the East African Court of Justice, it has jurisdiction over fundamental rights breach.<sup>43</sup> By implication, the Community Court is superior in hierarchy to our Supreme Court in matters for which ECOWAS Court has jurisdiction including issues of fundamental human rights. This is debatable because enforcement of the decision of the ECOWAS court requires local recognition.<sup>44</sup>

Principally, the jurisdiction of the Court is in relation to Member States. However, individuals and corporate bodies could in special cases invoke the jurisdiction of the Community Court. The Community Court is not as vibrant as the European Court of Justice and its judgments are not as widely reported yet. The impact of the Court is yet to be felt and no landmark case has been decided. There is even doubt whether a Member State affected adversely by the decision of the Court will be inclined to carry out such decision.

The Economic Community of West African States has undergone various transformations to meet contemporary challenges since the signing of the treaty of establishment in 1975 by member states more than four decades ago in Lagos. The major changes in ECOWAS during this period of existence is the ECOWAS Revised Treaty signed in Cotonou in July 1993, while the Treaty of Cotonou is divided into twenty two chapters and 93 articles, each chapter dealing with specific issues. ECOWAS Institutions are saddled with the responsibilities of running the organization and decision making, and it is loosely patterned after the European Union.

#### **4.6 Economic and Social Council**

This body is provided for in the ECOWAS treaty but has not really taken off.

#### **4.7 The West African Economic and Monetary Union (UEMOA)**

The West African Economic and Monetary Union (or UEMOA from its name in French, Union économique et monétaire ouest-africaine) is one of the institutions under ECOWAS. The body is an organisation of eight West African States established to promote economic integration among countries that share a common currency, the CFA Franc. UEMOA was created by a treaty signed at Dakar, Senegal, on January 10, 1994 by the Heads of state and Government of Benin, Burkina Faso, Cote d'Ivoire, Mali, Niger, Senegal, and Togo. On May 2, 1997, Guinea-Bissau became its eight member state. UEMOA is a customs union and monetary union between the above-listed members of ECOWAS.<sup>45</sup>

<sup>41</sup> ECOWAS (2007) Information Manual: The Institutions of the Community ECOWAS

<sup>42</sup> See Article 15(3) of the Revised Treaty of ECOWAS, 1993

<sup>43</sup> See the case of *SERAP v Federal Republic of Nigeria*, GENERAL LIST N<sup>o</sup>ECW/CCJ/APP/08/09; JUDGMENT N<sup>o</sup> ECW/CCJ/JUD/18 /12<[http://www.courtecowas.org/site2012/pdf\\_files/decisions/judgements/2012/SERAP v Federal Republic of Nigeria.pdf](http://www.courtecowas.org/site2012/pdf_files/decisions/judgements/2012/SERAP_v_Federal_Republic_of_Nigeria.pdf)>, accessed 14 August 2019.

<sup>44</sup> The ECOWAS Court adjudges that it has jurisdiction to adjudicate on the alleged violations of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The court also adjudged that the Federal Republic of Nigeria has violated Article 1 and 24 of the African Charter on Human and Peoples' Rights. Consequently, it orders the Federal Republic of Nigeria to: Take all effective measures within the shortest possible time to ensure restoration of the environment of the Niger Delta; Take all measures that are necessary to prevent the occurrence of damage to the environment; and Take all measures to hold the perpetrators of the environmental damage accountable. However, this beautiful decision is yet to be fully complied with by the Nigerian Government due to local factors.

<sup>45</sup> Its objectives are: (i) Greater economic competitiveness, through open and competitive markets, along with the rationalisation and harmonisation of the legal environment, (ii) The convergence of macroeconomic

In terms of its achievements, UEMOA members have implemented macroeconomic convergence criteria and an effective surveillance mechanism. They have adopted a customs union and common external tariff early in the year 2000).<sup>46</sup> They have also harmonised indirect taxation regulations and initiated other regional structural and sectoral policies. ECOWAS and UEMOA have developed a common program of action on trade liberalisation and macro-economy policy convergence.<sup>47</sup> ECOWAS and UEMOA have also agreed on common rules of origin to enhance trade, and ECOWAS has agreed to adopt UEMOA's customs declaration forms and compensation mechanisms.<sup>48</sup>

#### **4.8 West African Monetary Zone**

The West African Monetary Zone is a group of 5 countries in ECOWAS that plan to introduce a common currency, the Eco, by year 2009. The 5 member states are Gambia, Ghana, Guinea, Nigeria and Sierra Leone. Liberia (also a member of ECOWAS) has expressed an interest in joining. The WAMZ is dominated by Nigeria. WAMZ is dominated by English-speaking countries and it's a contemporary of UEMOA, which is dominated by French-speaking countries, except for Guinea Bissau, which is a Portuguese-speaking country. Guinea is the only Francophone member of the grouping. Along with Mauritania, it opted out of CFA Franc currency<sup>49</sup> shared by other former French colonies in West and central Africa.<sup>50</sup>

The WAMZ was formed in 2000 to try and establish a strong stable currency to rival the CFA Franc, whose exchange rate is tied to that of the euro and is guaranteed by the French Treasury. The eventual goal is for the CFA Franc and the Eco to merge, giving all of West and Central Africa a single stable currency. The launch of the new currency is being prepared by the West African Monetary Institute based in Accra, Ghana. This is intended to be the forerunner of a common central bank. However, several of the WAMZ's countries suffer from weak currencies and chronic budget deficits which are currently plugged by their central banks printing more and more notes of decreasing real value. Nigeria, being the leader of the WAMZ has not been forthcoming, having also suffered economic recession in recent times, among other logistical consideration making it to foot-drag on the WAMZ initiative.

#### **4.9 The Economic Community of West African States Monitoring Group (ECOMOG)**

The Economic Community of West African States Monitoring Group (ECOMOG) was a West African multilateral armed force established by the Economic Community of West African States (ECOWAS). ECOMOG was a formal arrangement for separate armies to work together. It was largely supported by personnel and resources of the Nigerian Armed Forces with sub-battalion strength units contributed by other ECOWAS members — Ghana, Guinea, Sierra Leone, The Gambia, Liberia, Mali, Burkina Faso, Niger and others.

Nigeria and other ECOWAS members agreed to a Protocol on Mutual Defence Assistance, in Freetown, Sierra Leone, on 29 May 1981. Among other organs such as a Defence Committee and Council, it provided for the establishment of an Allied Armed Force of the Community (AAFC) as needed.

Anglophone ECOWAS members established ECOMOG in 1990 to intervene in the civil war in Liberia (1989–96). A Nigerian scholar wrote in 2002 that "there was merit...in the argument that the establishment of ECOMOG did not conform to the constitutional legal requirements of ECOWAS". The Standing Mediation Committee, the body that established ECOMOG at its meeting in Banjul, Gambia on 6–7 August 1990, was 'on shaky legal foundations'.<sup>51</sup> Adebajo concludes that the arguments used to establish ECOMOG had more solid grounds in politics than in law. The Defence Protocol's guidelines were not followed, and ECOMOG was justified largely on humanitarian grounds.<sup>52</sup>

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policies and indicators; (iii) The creation of a common market; (iv) The coordination of sectoral policies; (v) The harmonisation of fiscal policies.

<sup>46</sup>The constitutive instrument of UEMOA was retrieved in 2003, consolidated revised version available on-line at < <http://www.uemoa.int/index.htm> >, accessed 15 August 2019.

<sup>47</sup> See generally Ibriga, 'L'uemoa une nouvelle approche de 'intergration économique et monétaire ouest' (1998) 6 African Yearbook of international Law, 23.

<sup>48</sup> *Ibid*

<sup>49</sup> See Philippe Sands and Pierre Klein, *Bowett's Law of International Institutions* 6<sup>th</sup> ed (Sweet & Maxwell, London 2011) 260.

<sup>50</sup> *Ibid*

<sup>51</sup> Adekeye Adebajo, 'Liberia's Civil War: Nigeria, ECOMOG, and Regional Security in West Africa,' Lynne Rienner/International Peace Academy, 2002, 64-5, also citing David Wippman, 'Enforcing Peace: ECOWAS and the Liberian Civil War,' in Lori Fisler Damrosch (ed), 'Enforcing Restraint, Collective Interventions in Internal Conflicts,' New York, Council on Foreign Relations, 1993, 157-203

<sup>52</sup> *Ibid*

Within Africa, ECOMOG represented the first credible attempt at a regional security initiative since the Organisation of African Unity (OAU) tried to establish an 'Inter-African Force' to intervene in Chad in 1981.

## **5.0 Some Key Economic Integration Policies of ECOWAS**

To show that the problem at the heart of the inability of ECOWAS to make substantial progress in her integration goals is not due to a paucity of policies. A brief consideration of some of the economic policies will be made hereunder to show that what is essentially wrong with the organization is the lack of political will by member States to fully implement the policies of the regional body.

### **5.1 The ECOWAS Protocols on Free Movement**

In May 1979, four years after the promulgation of the treaty, states adopted a Protocol relating to the Free Movement of Persons, Residence and Establishment.<sup>53</sup> It stipulated among other things the right of community citizens to enter, reside and establish economic activities in the territory of member states and outlined a three phased approach to achieve the "complete freedom of movement" envisaged by the treaty.

#### **5.1.1 Phased implementation**

Phase I dealt with the right of entry and abolition of visas, Phase II with the right of residence and Phase III with the right of establishment. Each phase was to last five years, meaning obstacles to free movement and establishment would be completely overcome within 15 years.<sup>54</sup>

#### **5.1.2 Phase 1**

Phase I provided for the elimination, over five years, of the need for visas for stays of up to 90 days within ECOWAS territories by Community citizens in possession of valid travel documents and international health certificate. Importantly, however, member states reserved to themselves in article 4 of the Protocol the right to refuse admission to any Community citizen within the category of inadmissible immigrant under their domestic laws. This provision provided --and continues to provide-- broad scope to member states to undercut the purpose of the Protocol through the elaboration of overly restrictive domestic inadmissibility laws. Phase one has been fully implemented in the sub-region.

#### **5.1.3 Slow Implementation of Phases II and III**

Phase II, largely set out in the Supplementary Protocol adopted in 1985, was also foreseen to last five years. This phase purported to extend residency, including the right to seek and carry out income-earning employment, to Community citizens in host ECOWAS states, provided they had obtained an ECOWAS residence card or permit. Additionally, it obliged member states to grant migrant workers, complying with the rules and regulations governing their residence under ECOWAS, equal treatment with nationals in areas such as security of employment, participation in social and cultural activities and, in certain cases of job loss, re-employment and training.<sup>55</sup>

Phase III, the final five year period, focused on the facilitation of business through the right of Community citizens to establish enterprises (have access to, carry out and manage economic activities) in member states other than their states of origin. Its realization was intended to occur seamlessly, following the five years dedicated to implementing the right of residence. However, the right of establishment has not yet been meaningfully implemented in the sub-region.

Progress on the second and third phases appears to have fallen victim to the sub regional decline in economic performance in the 1980's and massive, prolonged displacement from the wars in Liberia and Sierra Leone through the 1990s and into the early 21st century. With those wars now seemingly conclusively at an end and more favourable economic indicators apparent, there is renewed optimism in the sub region that the full promise of free movement, residence and establishment can be achieved. This in turn could promote increased political and economic stability in a sort of vicious circle.

## **5.2 Regional Agricultural Policy: ECOWAP**

In the agricultural sector, the central policy of the ECOWAS is the Agricultural Policy in West Africa, known as "ECOWAP," which was adopted in 2005 as an instrument for the implementation of the Comprehensive Africa Agriculture Development Program (CAADP)<sup>56</sup> launched throughout the continent. This process includes actions to be implemented at regional and national levels. At the regional level, the ECOWAS

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<sup>53</sup> 1979 Protocol A/P.1/5/79 relating to Free Movement of Persons, Residence and Establishment.

<sup>54</sup> 1979 Protocol A/P.1/5/79 relating to Free Movement of Persons, Residence and Establishment, article 2.

<sup>55</sup> 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, Article 23

<sup>56</sup> ECOWAS, International Conference on Financing Regional Agricultural Policy in West Africa, 2009 Re



Commission has developed the Regional Agricultural Investment Plan (RAIP), approved by the member states in 2010. The plan includes specific activities such as the establishment of the Regional Fund for Agriculture and Food, the ECOWAS Agricultural Information System (ECOAGRIS), and the Regional Food Security Reserves. The RAIP focuses on three specific objectives: (i) the promotion of strategic products for food sovereignty, (ii) the promotion of an economic environment favorable to regional agricultural development, and (iii) the reduction of food vulnerability and the promotion of sustainable access to food. The resources required to fully fund RAIP regional 25 programs amount to roughly 900 million dollars.<sup>57</sup>

### **5.3 Regional Industrial Policy: WACIP**

In the industrial sector, the main policy of ECOWAS is the Common Industrial Policy for West Africa (WACIP), adopted in 2010. WACIP's vision is "to maintain a strong competitive globally conscious industrial structure that is environmentally aware and able to significantly improve the standard of living by 2030."<sup>58</sup> This vision has four specific objectives: · Diversify and expand the base of industrial production in the region, gradually increasing the rate of transformation of local raw materials from 15-20% to an average of 30% in 2030; Gradually increase the contribution of manufacturing output in the regional GDP, currently at an average of 6-7%, taking it to an average of over 20% in 2030; · Gradually increase intra-community trade in West Africa, from currently less than 12% to 40% in 2030, with a 50% share of this trade carried by manufactured goods of the region; · Gradually increase the export rate on the world market for manufactured goods from West Africa, from 0.1% currently to 1% in 2030.<sup>59</sup>

Unlike agricultural policy, WACIP does not provide a mechanism for developing national investment plans or national industrial programs in close conjunction with the regional plan. However, the ECOWAS Commission invites member states to develop their national industrial policies in a manner consistent with the objectives of the WACIP. Besides WACIP, the Directive on the Harmonization of Guidelines and Policies in the Mining Sector is an important ECOWAS policy in the industrial sector. Developed in 2009, the Directive calls for the formulation of coordinated national policies that mutually ensure greater contribution of mining to the economy and well-being in all ECOWAS member states.<sup>60</sup>

## **V. ECOWAS' ECONOMIC INTEGRATION POLICIES AND THE NEED FOR REVIEW**

The Economic integration policies of ECOWAS are beautiful on paper and hardly require any drastic review except for some kind of periodic institutionalized review mechanism to monitor the progress of member States in respect of the level of implementation and compliance.<sup>61</sup> One of the biggest challenges militating against the success of the economic integration of ECOWAS is the slow level of implementation of the various integration policies. A cursory look at some of the policies we have randomly picked for discussion in this paper will reveal that while the policies are laudable and beautiful on paper, member States are however always reluctant to implement them.

### **6.1 Protocol on Free Movement**

An example is the protocol on the free movement of goods, services, peoples and capital. This protocol was divided into three phases of five years each but to date has not proceeded beyond the first phase since its inception in 1979. Now we have member States like Ghana recently promulgating legislation to bar foreigners including those of ECOWAS origin from participating in certain categories of businesses, a direct affront on the provisions of the protocols on the movement of persons and capital.

The cardinal objective of ECOWAS is "Free Movement of People, Goods, and the Right of Entry, Residence and Establishment".<sup>62</sup> This is intended to ensure that measures are taken for the total elimination of all obstacles to the free movement of people, goods, capital and services and the right of entry, residence and establishment.<sup>63</sup> The enabling Protocol of the Free Movement of Persons, Right of Residence and Establishment was assented to by 16 Member States in Dakar, Senegal on May 23, 1979. Under the agreement, citizens do not

<sup>57</sup> Regional Agricultural Investment Plan (SIPP) of ECOWAS

<sup>58</sup> ECOWAS, West African Common Industrial Policy, 2010.

<sup>59</sup> ECOWAS, West African Common Industrial Policy, 2010

<sup>60</sup> ECOWAS, Directives

<[http://www.comm.ecowas.int/sec/fr/directives/ECOWAS\\_Mining\\_Directives.pdf](http://www.comm.ecowas.int/sec/fr/directives/ECOWAS_Mining_Directives.pdf)> accesses 20 August 2019.

<sup>61</sup> Review of ECOWAS Policies in the Agricultural and Industrial Sectors<<http://www.osiwa.org/publication/review-of-ecowas-policies-in-the-agricultural-and-industrial-sectors/>> accessed 21 August 2019.

<sup>62</sup> Article 59.

<sup>63</sup> Article 2(1), revised ECOWAS Treaty, 1993.

require visa as part of entry prerequisites into member states. ECOWAS travel certificate was introduced and member states were enjoined to remove all forms of barriers and impediment on ECOWAS frontiers and highways that impede free movement. The region has adopted ECOWAS passport to guarantee free movement of persons,<sup>64</sup> while free movement of goods and services are still regulated by the various countries for obvious economic reasons.<sup>65</sup>

There are some restrictions generally placed on free movement policy of ECOWAS. For example, ordinarily, by the Protocol on free Movement of Persons, Right of Residence and Establishment, ECOWAS citizens have right of entry into a member state without visa but in practice, entry still requires valid traveling documents like international passport, ECOWAS traveling certificate or national ID card. There is right of residence for only 90 days after which you can apply for residence permit. One can engage in legitimate business in any part of the sub-region.<sup>66</sup> Registered vehicles can enter territory of member states and registered commercial vehicles can enter territory of member states and stay for 15 days only. This is drawback on treaty obligations under the ECOWAS charter and its protocols.

## **6.2 Slow Implementation of WACIP**

In respect of the implementation of WACIP, the limitation is with the slow process of the implementation of the strategies of the policy. Of the ten programmes it offers only one (SQAM) is so far been implemented. The rest are yet to take off. Again WACIP is limited by the lack of a mechanism to protect local industries in an environment marked by suppressive customs tariffs. In a context marked by tariffs encouraging developing countries to export raw material without processing, industrial activity in ECOWAS member States remains low.

## **6.3 Rivalry between ECOWAS and UEMOA**

Another serious challenge faced by ECOWAS is its present rivalry with UEMOA, which has taken the shine off ECOWAS in matters of economic integration contrary to the provision of Article 2(1) of the Revised ECOWAS which is to the effect that;

The high contracting parties, by this Treaty hereby re-affirms the establishment of the Economic Community of West African States (ECOWAS) and decide that it shall ultimately be the sole economic community in the region for the purpose of economic integration and the realisation of the objectives of the Economic Community.<sup>67</sup>

## **6.4 Slow Implementation of ECOWAS Trade Liberalisation Scheme (TLS).**

Governed by Article 3 of the Treaty of ECOWAS, the Trade Liberalization Scheme (TLS) is the main instrument establishing ECOWAS as a free trade zone. This is the intermediate step toward the goal of establishing a common market in the region. Trade liberalization in the region will result in the abolition of customs duties levied on imports and exports and the removal of non-tariff barriers between member states. The objectives of the TLS are to (i) promote the development of entrepreneurship in the region, (ii) increase intra-regional trade and boost economic activity, (iii) improve the competitiveness of West Africa on the world market, and (iv) increase the GDP of the member states and improve the welfare of the region's citizens.<sup>68</sup>

In the area of trade, the Community was expected to have fulfilled this self-imposed obligation by 2000. The Trade Liberalisation Scheme (TLS) of the Community is yet to make remarkable impact in the sub-region. Similarly, Article 54 provides that Member States undertake to achieve the status of an economic union within a maximum period of fifteen (15) years following the commencement of the Trade Liberalisation Scheme. Article 55 further provides that within five (5) years after the achievement of an economic union, a monetary union will be achieved. This lofty aims are also yet to be realized, being part of the Trade Liberalisation Scheme.

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<sup>64</sup> See 'ECOWAS Passport', < [http://www.wow.com/wiki/ECOWAS\\_passport](http://www.wow.com/wiki/ECOWAS_passport)>, See also for example, the Nigerian immigration Service, < <https://portal.immigration.gov.ng/passport/epassport/>>, accessed 14 August 2019.

<sup>65</sup> For example, the much-expected integration among member states- through free movement of legal goods and people is still being hampered by proliferation of so-called security checkpoints along common borders, especially on the side of Nigeria. Security agents are being accused of continuous harassment, intimidation and extortion along ECOWAS frontiers due partly to trans-border crimes, and some of the Protocols are routinely trampled upon by security agents.

<sup>66</sup> This was billed to be achieved by the third phase of the implementation of the protocol of 1979.

<sup>67</sup> Article 2 (1), Revised ECOWAS Treaty, 1993.

<sup>68</sup> <http://www.aidfortrade.ecowas.int/programmes-2/schema-de-liberalisation-des-echanges-de-la-cedeao-slec?lang=fr> accessed 21 August 2019.

### **6.5 Slow Takeoff of a Common Currency (ECO)**

The Eco-currency was supposed to become a legal tender within members of WAMU<sup>69</sup> in 2009. However, it has remained a pipedream given the prevailing global financial meltdown being faced by countries in the region, including the main proponent Nigeria. Though the takeoff date of this currency has suffered several postponements in the past, only recently (19 June 2019), leaders of ECOWAS met in Abuja, Nigeria and adopted Eco as the currency of ECOWAS member States and have scheduled the takeoff date for 2020.<sup>70</sup>

### **6.6 Other Challenges of Ecowas**

Other problems that have slowed down the attainment of economic integration of West Africa as envisaged by ECOWAS are: the political instability and bad governance that has plagued many of the member States of the Community; the weakness of the national economics and their insufficient diversification; the absence of reliable road, telecommunications and energy infrastructure; insufficient political will exhibited by some member states; the multiplicity of organisations for regional integration with the same objective; the irregularity in the payment of financial contributions to the budgets of the institutions; the failure to involve the civil society; the private sector and the mass movements in the process of integration; the defective nature of the integration machinery in certain cases.

The poor economic health of member states since the early 1980s has also been a major impediment to integration efforts. Severe economic recession has obliged member States to abandon all plans for long-term economic development, including regional integration, in the pursuit of short-term stabilization.<sup>71</sup> Another very critical issue is the sense national sovereignty of member States. The legacy of national sovereignty and the jealousy with which it is guarded have become obstacles to progress on the road to regional economic integration, which requires a certain sharing of sovereignty among the members of the community.<sup>72</sup>

In spite of the difficulties, ECOWAS has achieved some progress in the area of free movement of persons, construction of regional (inter-state) roads, development of telecommunication links between the States and maintenance of peace and regional security. Also, some of the Member States are imbibing the good governance culture. For example, States such as Sierra Leone, Benin Republic, and recently Ghana have had what was adjudged by international observers as free and fair elections.<sup>73</sup>

In the area of investment and business generally, some of the States are now looking inward. The West African gas pipeline project and West Africa Power Pool are some of the lofty initiatives of ECOWAS aside the legendary educational scheme of the West African Examination Council (WAEC), professional bodies like the West African College of Surgeons, West African College of Obstetrics and Gynecology, West African Bar Association, among several other bodies.<sup>74</sup>

Considering the noble objectives of ECOWAS, economic union requires some degree of harmonization of national economic policies since it would be counterproductive to operate divergent policies, because all countries would share the same economic space. Total economic integration presupposes the unification of monetary, fiscal and social policies. It also requires the setting up of a supranational authority (like a Central Bank), the decisions of which are binding on member countries. The various economic policies initiated by ECOWAS require strong political will power to function, and the support of member countries in the region to comply rather than by coercion.

One of the major contributions of Nigeria and Ghana toward economic reform in the West African region was the introduction of ECOWAS Trade Liberalization Scheme (TLS) in 1990. The protocol agreement signed by Nigeria and Ghana with five other ECOWAS states (Benin, Cote d'Ivoire, Mali, Burkina Faso and Niger) with the aim to establish a Free Trade Zone, the policy scheme is important to regional integration.<sup>75</sup>

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<sup>69</sup> WAMU currently comprises: Benin, Burkina Faso, Cote-d'Ivoire, Guinea-Bissau, Mali, Niger, Senegal and Togo.

<sup>70</sup> 'West Africa's eco: What a Difference would a Single Currency Make?' Vanguard Newspapers (Lagos 14 July) <http://www.vanguardngr.com> accessed 21 August 2019.

<sup>71</sup> M T Bala, 'A Conceptual Analysis of Economic Integration and the ECOWAS Treaty in West Africa' <https://www.academia.edu/34551982/A> accessed 1 September 2019.

<sup>72</sup> *ibid* 25

<sup>73</sup> Y Oke, *The Law and Practice of International Institutions*, (Princeton & Associates Publishers, Lagos 2018) 214.

<sup>74</sup> *Ibid*.

<sup>75</sup> *ibid*.

## VI. CONCLUSION

The inability of ECOWAS to meet her economic integration goals is more as a result of a total lack or slow implementation of the policy road map by member States of the Community than it is due to the quality of the policies. In addition, it should also be borne in mind that neither economic integration nor progress can be attained in West Africa without more dynamic policies and better planned strategies of national and regional development designed to tackle the most crucial economic and social problems. In the absence of such reforms, the ECOWAS Constitution and the procedures it has set in motion are bound to remain sterile and unproductive.<sup>76</sup>

Despite the challenges posed by the implementation of single monetary zone in ECOWAS, it is apparent that full economic integration in ECOWAS has the potential of making the sub-region a major player in the global economic stage.

## VII. RECOMMENDATIONS

There should be a periodic review of the policies of the body to ensure their continued relevance or otherwise. It is further recommended that the regional body (ECOWAS) should create a monitoring mechanism that will periodically review and report on the level of compliance and implementation of her policies by member States. This body can equally serve as a peer review outfit through which member States can peer review especially the performance of their governance institutions and the milestones achieved in the implementation of the Communities policies.

There is need for complementary industrial development policies in order to avoid unnecessary and wasteful competition within the sub-region. It is therefore necessary to design machinery for policy coordination and harmonization at the planning stages of the development programs of Member countries of ECOWAS.<sup>77</sup>

Furthermore, the ECOWAS treaty should be liberalized in the formation and operations of the ECOWAS court as a means of providing the requisite protection to the financial institutions and multi-national institutions engaged in the integration process. This liberalization must be found in the area of expanding the frontiers of the jurisdiction of the court to entertain individuals and corporate organizations.

At the policy level the organization should streamline the operations of UEMOA and WAMZ. It is the manifestation of the entrenched suspicion between the Francophone member States on the one hand and the Anglophone member States on the other. It is good news that leaders of ECOWAS have adopted the 'eco' (a product of WAMZ) as the single currency of the organization with the takeoff date fixed for 2020.

The protocol on free movement of goods, services, people and capital which is routinely breached by member States should be fully and urgently implemented. This will forestall a situation where member States legislate to discriminatorily bar Community citizens of other member States origin from participating in some categories of businesses reserved only for nationals. .

Finally the ECOWAS court of Justice should have its jurisdiction expanded to include matters pertaining to individuals even when such matters do not bother on fundamental human rights breach. The Court should be in the same position as its counterpart- the European Court of Justice. It is equally recommended that in view of the important role parliament plays in institutionalizing policy issues, the mode of representation at the ECOWAS parliament should be by universal adult suffrage and not by appointment as is the case presently. The parliament should equally be involved in the policy formulation processes of the Commission.

The weak industrial base of almost all members of the Community needs to be addressed head on. The population is largely agrarian and dependent on seasonal farming and at subsistence level. It is difficult for this farmers to compete in the international market with their products. Industrialisation will enhance the productivity levels of citizens and thereby boosting the economy as unemployment levels will drop.

IDORENYIN EYO PhD. "The Economic Integration Policies of Ecowas: Need for A Review?." *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, 26(09), 2021, pp. 13-24.

<sup>76</sup> RM Rodriguez, ECOWAS; Economic Community of West African States <<https://www.researchgate.net/publication/215868550>> accessed 1 September 2019

<sup>77</sup> *Ibid* 28