

ECOWAS treatise and protocols: Impact on regional cooperation and integration in West Africa

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Abstract. The paper delves into the treatise and protocols of ECOWAS, it also analyses the significance of such protocols to the survival of the organization and betterment of the peoples of the region. Using historical descriptive research from library instrument, findings show that, the organization is doing well in terms of integration, but there still remain some challenges. The paper concludes that, the creation of ECOWAS by the member-states on 28th May, 1975, was to promote cooperation and integration among members especially as it relates to the economic affairs of the sub-region. The community has through its various treaties and protocols ensured that this objective is attained as a result the sub-region is more integrated than it was before the creation of the Community though not without challenges. The paper recommends that, the number of road blocks on the sub-region's highways should be reduced to give citizens access to travel within the Community with ease, among others.

Keywords. Treatise, Protocols, Regional, Cooperation, Integration, Impact.

JEL. A10, F15.

1. Introduction

The Economic Community of West African States (ECOWAS) has undoubtedly remained the most viable integration framework among the countries of West Africa sub-region. The yearnings to have this mechanism in place dates back to the '60s when William Tubman, the former Liberian President took the first step to mobilize some states within the sub region towards this vision. His action later gave rise to the 1964 cooperation agreement signed by Liberia, Ivory Coast, Guinea and Sierra Leone (Griffini, 2016). According to the aforementioned author, the agreement did not produce the desired results "due to lack of participation and cooperation expertise by the parties involved". Despite this setback, the quest was not dropped as in 1972, there was a joint initiative of officials from countries like Nigeria, Togo among others. The purpose was to bring the interest of major political stakeholders into the interstate cooperation. Expectedly the outcome was quite successful as it succeeded in spurring many political stalwarts to a round table discussion in Lome the capital of Togo. The product of which was the formalization of the first ECOWAS founding treaty draft that was critically studied in Accra, the Ghanaian capital of 1947. A Ministerial meeting was then held in January 1975 in Liberia and, by 28th May, 1975 the treaty establishing ECOWAS was finally signed in Lagos, Nigeria (Griffini, 2016).

This treaty which had been updated twice in 1993 and 2007 respectively contains the main aims and objectives of the Community. Thus Article 3(1) of the 1993 version outlines these as: "to promote cooperation and integration, leading to

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the establishment of economic union in West Africa in order to raise the living standard 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". Article 3(2) of the same treaty maintains that ECOWAS will gradually ensure:

- (a) The elimination as between member states of customs duties and other charges of equivalent effect in respect of the importation and of goods;
- (b) The abolition of quantitative and administrative restrictions on trade among the member states;
- (c) The establishment of a common customs tariff and a common commercial policy toward third countries;
- (d) The abolition as between the member states of the obstacles to the free movement of persons, services and capital;
- (e) Harmonization of the agricultural policies and the promotion of common projects in the member states notably in the fields of marketing, research and Afro-infrastructure enterprise;
- (f) The implementation of scheme for the joint development of transport, communication, energy and the infrastructural facilities as well as the evolution of a common policy in these fields;
- (g) The harmonization of economic and industrial policies of the member states and the elimination of disparities in the level of development of the member states;
- (h) The harmonization required for the proper functioning of the community of the monetary policies of the member states;
- (i) The establishment of fund for the cooperation, compensation and development and such activities calculated to further the aims of the community.

Aryeetey (2001), cited in Robert (2004), notes that, the revised ECOWAS treaty of 1993 "marked an important change in the structure and character of West African Cooperation". This is because of "a shift to a more people-centered organization as opposed to the overly bureaucratic intergovernmental agency of the past". In an effort to fast-track the attainment of the ECOWAS goal on regional integration, ECOWAS Heads of States and Government (The Authority) in 2007 at a meeting in Abuja, added more bite by adopting Vision 2020 which is aimed among other things at establishing the ECOWAS of people, a community in which people live in dignity, peace and good governance as well as pursuing successful integration in to global village (ECOWAS Commission, 2012).

At present, ECOWAS has 15 member states following the withdrawal of Mauritania in 2000. The states are Benin, Burkina Faso, Cape Verde, Cote D'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo (Clark, 2014:124). Eight of these members, (Benin, Burkina Faso, Cote D'Ivoire, Mali, Niger, Senegal, Togo) are Francophone; five (Liberia, Nigeria, Gambia, Sierra Leone and Ghana) Anglophone while the remaining two (Cape Verde and Guinea Bissau) are Lusophone (Debbie, 2012:260).

In this chapter, we intend to discuss how the ECOWAS treatise and protocols have impacted on regional integration and cooperation in West Africa. In doing this, we shall first have a general overview of the protocols and treaty before narrowing down to some selected specifics.

2. Theoretical Framework

The study aligns itself with Neo-functionalism as its guide. Neo-functionalism is an amalgam of David Mitrany's functionalist theory and Jean Monet, the first president of the European Coal and Steel Community's (ECSC) pragmatic approach to management (Sheriff & Nwokedi, 2016). It is an international integration theory that seeks to reach a political community beyond just a nation state. Schmitter (2012) describes it as "a theory of regional integration that places major emphasis on the role of non-state actors in providing the dynamics for further integration." Neo-functionalism was developed by Ernst Haas through his

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1958 work entitled: “The Uniting of Europe: Political, Social and Economic Forces 1950-1957” (Cini, 2004). Haas’s principal aims were to provide an explanation to the post-World War II integration process in Europe as well as regional integration and development in the areas of economic cooperation in Latin America (Cini, 2004). Its adherents are always of the view that integration that commences in the economic sector will spread to other sectors by creating a strong interdependence and wealth. The concept of “Spill Over”, a process that describes how regional integration evolved is one key feature of neo-functionalism. Accordingly, it has been argued that:

In order to fulfill and satisfy one goal of integration it is necessary to take actions in another area, which then set other action in motion. Within political spill over, it meant that when one sector integrated, the interest groups usually lobbying on national level then switch to the new integrated supranational agency, which then encourages other national groups to pressure their national access points to integrate as well (Kleinschmit, 2013: 5).

Neo-functionalism is versatile and can be deployed in addressing issues relating to “technical cooperation, economic underdevelopment, diseases, instability etc” (Sheriff & Nwokedi, 2016).

This theory has however been criticized by scholars. Among such criticisms is “the over recognition of the Spill Over process”. According to Kleinschmit (2013) neo functionalism assumes that integration will develop from one sector to another, but the evolving of integration from low politics to high politics, which is of great national interest is highly unrealistic. Consequently, its “insistence that supranational institutionalism is attainable in spite of nationalism” has been faulted (Dauda, 2013:114).

3. Conceptual Clarifications

Treatise: The Longman Dictionary of Contemporary English (2009: 1882) defines a treatise as “a serious book or article about a particular subject.” We can deduce from the above definition that treatise in this sense means ECOWAS official documents.

Protocol: According to Bichet, (2008) “protocol refers to an international treaty which is complementary to a main treaty,” this could be final protocol or additional protocol, for instance, the Additional Protocols I and II of June 8, 1977, to the *Geneva Conventions* of August 12, 1949. ECOWAS has a number of protocols which came either as addendum to the already existing ones or supplementary to the ECOWAS treaty. ECOWAS Authority which is the highest institution of the Community created under Article 7 of its treaty empowered to take decisions in Article 9(1), such decisions can be reached as a protocol which has the same force as a treaty (ECOWAS Vanguard, 2013).

Impact: For the purpose of this study impact refers to the effects or contributions positive or otherwise of ECOWAS Protocols and treatises in the integration process in West Africa.

Regional Integration: The concept of regional integration has been conceived variously by different scholars, among and among them is essay (2014) cited indoor (2015). According to the source, regional integration “refers to the various forms and contexts of economic integration arrangements, including Common Markets, Free Trade Areas and harmonization of policies, prevailing or proposed at both the continental (that is African Economic Community(AEC) and regional such as ECOWAS, Southern Africa Development Community) levels among others.” In the argument of Bamba (2009), regional integration “refers to

The emergence of governance level between the national and global levels within the system of world governance based on cooperative behavior and the designs of common policies and institutions by actors that traditionally belong(ed) to the national governance level.

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It is notable from Bamba's submission that, he brought to the fore, national and global levels, but completely mitigated regional and sub-regional levels in his reference to regional integration. Where Bamba's argument can be accepted, is where he explains the areas regional integration can cover as a process. Bamba (2009) goes further to add that:

Regional integration can cover the full range of public sector activity, including not only the coordination of economic policies but also regional security, human Rights, education, health, research, technology, and natural resources management (Bamba, 2009).

Adeniji (2010) has made a shift in his interpretation of the concept, against Bamber's points of view. For Adeniji, regional integration" is a process in which states enter into regional arrangements in order to enhance regional cooperation through regional institutions and rules in which its objectives range from economic to political."One major shortcoming of Adeniji's definition of the concept is that, he reduced regional integration to only political and economic activities, relegating the Neo-functional discourses (of spill-over effect), which suggest the expansion of the purpose of integration to divergent areas and divergent purposes. It is discernible that Bamber (2009), has given more elaborate areas of integration.

From the few definitions presented above, it is clear that the scope of regional integration is not limited to economic or political issues alone but extends to other issues such as security, health, education, human right and the likes. Besides, regional integration strives to achieve some fundamental functions. These functions include:

Contribution to peace and security in the region; strengthening of trade integration in the region the creation of an appropriate enabling environment for private sector environment development; the development of infrastructure programs in support of economic growth and regional integration; the development of strong public sector institutions and good governance; the reduction of social exclusion and the development of an inclusive civil society; the building of environment programs at the region level and the strengthening of the regions interaction with other regions of the world (Langenhore & Lombaerde, 2007).

Table 1. Features of Regional Integration

| Types of Arrangement | Free trade Among Members | Common Trade Policy | Free Factor Mobility | Common Monetary and Fiscal Policies | One Government |
|-------------------------|--------------------------------|---------------------------|----------------------------|---|----------------|
| Preferential Trade Area | No | No | No | No | No |
| Free Trade Area | Yes | No | No | No | No |
| Custom Union | Yes | Yes | No | No | No |
| Common Market | Yes | Yes | Yes | No | No |
| Economic Union | Yes | Yes | Yes | Yes | No |
| Political Union | Yes | Yes | Yes | Yes | Yes |

Source: ECA, 2004 in Robert, (2004).

4. Results and Discussions

ECOWAS Treatise and Protocols: As stated earlier, the treaty that established ECOWAS in 1975, which had twice been updated (Griffini, 2016) states unequivocally that the aim is to promote regional integration and cooperation within the West Africa sub-region. In an attempt to facilitate the achievement of this set goal, the Community had over the years formulated rules and principles (embedded in treaties and protocols) which helped to provide detailed guides on this course. For instance, the 1993 revised treaty was divided into 22 Chapters with 93 Articles containing provisions that are crucial for the integration process in the sub-region. The open sentence in Article 2(1) notes:

The high contracting parties, by this treaty, hereby re-affirm 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

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economic integration and the realization of the objectives of the African Economic Community.

This statement alone has set a tone for genuine integration within the community. Similarly, Article 7 of the treaty established the Authority which is the highest organ of the Community. Its decisions are by consensus and are binding on all member-states (See Article 7, 8 and 9), through this, more integration can be achieved. The same revised treaty also created ECOWAS Court in its Article 15, which state that: “and the *Judgments of the Court of Justice shall be binding on the Member States, the Institutions of the Community and on individuals and corporate bodies*” (ECOWAS Treaty 1993, Article 15(4)). ECOWAS also created protocols that helped in the achievement of its regional integration’s goal in West Africa. Thus from 1978 to 2012, a total of 54 protocols or conventions had been signed. Out of these, 49 had already entered into force as at 3rd October 2012 while 5 were yet to enter as at October 3, 2012 (see table 2 for details):

Table 2. Protocols and Conventions that Have Entered into Force as at 3rd October 2012

| S/N | Protocol or Convention | Venue and Date of Signature | Date of Entry into Force |
|-----|---|-----------------------------|--------------------------|
| 1. | General Convention on Privileges and Immunities of ECOWAS. | Lagos, 22 April 1978 | 5 June 1980 |
| 2. | Protocol on Non-Aggression. | Lagos, 22 April 1978 | 4 August 1982 |
| 3. | Protocol A/P1/5/79 relating to free movement of persons, residence and establishment. | Dakar, 29 May 1979 | 8 April 1980 |
| 4. | Supplementary Protocol A/SP1/5/79 amending the French text of the Protocol relating to the definition of the concept of products originating from Member States (Article 1). | Dakar, 29 May 1979 | 6 April 1982 |
| 5. | Supplementary Protocol A/SP2/5/79 amending the Protocol relating to the definition of the concept of Products originating from Member States (Article 2). | Dakar, 29 May 1979 | 30 July 1984 |
| 6. | Supplementary Protocol A/SP3/5/80 amending Article 8 of the French text of the Protocol relating to the definition of concept of originating products from Member States (Treatment of Mixtures). | Lome, 28 May, 1980 | 29 June 1985 |
| 7. | Supplementary Protocol A/SP1/5/81 amending Article 2 of the Protocol relating to the definition of the concept of originating products of the Member States of ECOWAS. | Freetown, 29 May 1981 | 18 June 1986 |
| 8. | Additional Protocol A/SP2/5/81 amending Article 4 of the ECOWAS Treaty relating to the Institutions of the Community. | Freetown, 29 May 1981 | 24 June 1985 |
| 9. | Protocol A/SP3/5/81 relating to Mutual Assistance on Defense. | Freetown, 19 May 1981 | 30 September 1986 |
| 10. | Protocol A/P1/5/82 on the establishment of an ECOWAS Brown Card relating to Motor Vehicle Third Party Liability Insurance. | Cotonou, 29 May 1982 | 10 July 1984 |
| 11. | Convention A/P2/5/82 regulating Inter-State road transportation between ECOWAS Member States. | Cotonou, 29 May 1982 | 17 July 1984 |
| 12. | Protocol A/P3/5/82 relating to the definition of Community citizen. | Cotonou, 29 May 1982 | 10 July 1984 |
| 13. | Convention A/P4/5/82 relating to inter-state road transit of goods. | Cotonou, 29 May 1982 | 30 July 1984 |
| 14. | Convention A/P5/5/82 on Mutual administrative assistance in Custom matters. | Cotonou, 29 May 1982 | 2 April 1985 |
| 15. | Protocol A/P1/11/84 relating to Community enterprises | Lome, 23 November 1984 | 12 May 1989 |
| 16. | Supplementary Protocol A/SP1/11/84 amending Article 9, Paragraph 1 (c) of the ECOWAS Treaty. | Lome, 23 November 1984 | 10 July 1989 |
| 17. | Convention A/P1/7/85 relating to the temporary importation of passenger vehicles into Member States. | Lome, 6 July 1985 | 13 October 1989 |
| 18. | Supplementary Protocol A/SP2/7/85 on the code of conduct for the implementation of the Protocol on free movement of persons, the right of residence and establishment. | Lome, 6 July 1985 | 28 June 1989 |
| 19. | Supplementary Protocol A/SP1/7/86 on the second phase (right of residence) of the Protocol on free movement of persons the right of residence and establishment. | Abuja, 1 July 1986 | 12 May 1989 |
| 20. | A/P1/7/87 Cultural Framework Agreement for ECOWAS. | Abuja, 9 July 1987 | 25 April, 1990 |
| 21. | Protocol A/P2/7/87 on the establishment of a West African Health Organisation. | Abuja, 9 July 1987 | 16 August 1989 |
| 22. | Supplementary Protocol A/SP1/6/88 amending Articles | Lome, 25 June 1988 | 25 May 1990 |

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|-----|---|---------------------------|--------------------|
| | 4 and 9 of the ECOWAS Treaty relating to the Institutions of the Community and its technical and specialised Commissions respectively. | | |
| 23. | Supplementary Protocol A/SP2/6/88 amending Article 53 of the ECOWAS Treaty on the budget of the Community. | Lome, 25 June 1988 | 23 April 1990 |
| 24. | Supplementary Protocol A/SP1/6/89 amending and complementing the provisions of Article 7 of the Protocol on Free Movement right of residence and establishment. | Ouagadougou, 30 June 1989 | 19 May 1992 |
| 25. | Supplementary Convention A/SP1/5/90 establishing a Community Guarantee Mechanism for inter-state road transit of goods. | Banjul, 29 May 1990 | 19 May 1992 |
| 26. | Supplementary Protocol A/SP2/5/ 90 on the implementation of the Third Phase (Right of Establishment) of the Protocol on Free Movement of Persons, Right of Residence and Establishment. | Banjul, 29 May 1990 | 19 May 1992 |
| 27. | Protocol A/P1/7/91 on the Community Court of Justice. | Abuja, 6 July 1991 | 5 November 1996 |
| 28. | Convention A/P1/7/92 on Mutual Assistance in Criminal Matters. | Dakar, 29 July 1992 | 28 October 1998 |
| 29. | Protocol A/P1/7/93 relating to the West African Monetary Agency. | Cotonou, 24 July 1993 | 1st August, 1995 |
| 30. | Supplementary Protocol A/SP1/7/93 amending Article 1 of the Protocol Relating to contributions by Member States to the budget of the Economic Community of West African States. | Cotonou, 24 July 1993 | 6 August 1997 |
| 31. | Convention A/P1/8/94 on Extradition | Abuja, 6th August 1994 | 8th December 2005 |
| 32. | Protocol A/P2/8/94 relating to the Community Parliament. | Abuja, 6 August 1994 | 14th March 2000 |
| 33. | Protocol A/P1/7/96 on Conditions Governing the Application of the Community Levy | Abuja, 27 July 1996 | 4th January 2000 |
| 34. | Protocol A/P1/12/01 amending Articles 1, 3, 6 and 21 of the ECOWAS Revised Treaty | Dakar, 21 December 2001 | 10th August 2004 |
| 35. | Protocol A/P2/12/01 relating to the ECOWAS Bank for Investment and Development (EBID) | Dakar, 21 December 2001 | 10th August 2004 |
| 36. | Protocol A/SP1/12/01 on Democracy and Good Governance supplementary to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security. | Dakar, 21 December 2001 | 20th February 2008 |
| 37. | Protocol A/P4/01/03 on Energy | | |
| 38. | ECOWAS Convention on small arms and light weapons, their ammunition and other related materials. | Abuja, 14th June 2006 | 5 August, 2009 |

39. Protocol A/P1/12/99 signed in Lomé on 10th December 1999, relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security entered into force temporarily upon signature on 10 December 1999, pending ratification.

40. Protocol A/P1/12/00 signed in Bamako on 16th December 2000, amending Articles 12 and 13 of the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security.

41. Protocol A/P.1/01/03 signed in Dakar on 31st January 2003, relating to the Definition of the Concept of Products Originating from Member States of the Economic Community of West African States (ECOWAS) entered into force temporarily upon signature on 31st January 2003, pending ratification.

42. Protocol A/P.2/01/03 signed in Dakar on 31st January 2003, Relating to the Application of Compensation Procedures for Loss of Revenue Incurred by ECOWAS Member States As A Result of the Trade Liberalisation Scheme entered into force temporarily upon signature on 31st January 2003, pending ratification.

43. ECOWAS Protocol A/P3/1/03 on Education and Training entered into force temporarily upon signature on 31st January 2003, pending ratification.

44. General Convention A/C.1/01.03 on the recognition and equivalence of Degrees, Diplomas, Certificates and other Qualification in ECOWAS Member States entered into force temporarily on 31st January 2003, pending ratification.

45. Supplementary Protocol A/SP.1/01/05 amending the preamble and Article 1, 2, 9, 22 and 30 of Protocol A/P.1/7/91 relating to the Community Court of Justice and Article 4 Paragraph 1 of the [15]English version of the said Protocol entered into force temporarily upon signature on 19 January 2005, pending ratification.

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46. Supplementary Protocol A/SP.1/01/06 amending Articles VI-C, VI-L, IX-8, XI-2 and XII of Protocol A/P2/7/87 on the Establishment of the West African Health Organization (WAHO)

47. Supplementary Protocol A/SP.1/06/06 amending the Revised ECOWAS Treaty entered into force temporarily upon signature on 14th June 2006

48. Supplementary Protocol A/SP.2/06/06 amending Article 3 Paragraphs 1, 2 and 4, Article 4 Paragraphs 1, 3 and 7 and Article 7, Paragraph 3 of the Protocol on the Community Court of Justice entered into force temporarily upon signature on 14th June 2006

49. Supplementary Protocol A/SP.3/06/06 amending Protocol A/P2/8/94 relating to the Community Parliament entered into force temporarily upon signature on 14th June 2006.

Source: ECOWAS Annual Report, Annex (2012:12-14).

Table 3. Protocols & conventions yet to inter into force as at 3rd October, 2012

| PROTOCOL OR CONVENTION | VENUE AND DATE OF SIGNATURE |
|--|-----------------------------|
| 1. A/P2/7/96 Protocol establishing Value Added Tax in ECOWAS Member States. | Abuja, 27th July, 1996 |
| 2. Protocol A/P3/12/01 on the Fight Against Corruption. | Dakar, 21st December 2001 |
| 3. Supplementary Protocol A/SP.2/12/01 amending the Protocol on the establishment of an ECOWAS Brown Card relating to motor vehicle third party liability insurance. | Dakar, 21st December 2001 |
| 4. Agreement on Cooperation in Criminal Matters Between the Police of Member States of ECOWAS | |
| 5. Protocol A/P.1/01/06 Establishing an ECOWAS Criminal Intelligence And Investigation Bureau. | Niamey, 12th January 2006 |

Source: ECOWAS Annual Report, Annex (2012:15)

4.1. The Protocol on Free Movement of Persons, Residence and Establishment

The Protocol on Free Movement of Persons, Residence and Establishment, was established first under Protocol/P.1/5/79 Relating to Free Movement of Persons, Residence and Establishment by the Heads of state and Governments of ECOWAS in Dakar, Senegal on 29th day of May 1979 in a bid to promote regional integration in West Africa through unrestricted access to peoples, goods and services within the region, the protocol is the most practical way of ensuring genuine integration among the ECOWAS member countries. Accordingly, Article 2(1&2) of the Protocol states that the community citizens from ECOWAS member states have right to enter, reside and establish in the territory of member states. There shall be a transitional period of 15 years from the date of entry within which all barriers to free movement of persons and the right of residence and establishment would be abolished. In section three of the Article 2, the right of entry, residence and establishment which shall be established in the course of the transitional period shall be accomplished in three phases as follows:

Phase 1: Right of Entry and Abolition of Visa

Phase 2: Right of Residence

Phase 3: Right of Establishment.

Other provisions contained in the protocol include entry permit to private and commercial vehicles originating from member countries provided the drivers of the vehicles possess a valid driving licenses, matriculation certificate(ownership card) or Log Book, insurance policy recognized by member states, international customs carnet recognized within the community. The maximum period of time allows to stay in the territory of member states without Visas is 90days for citizens and private vehicles while 15 days for commercial vehicles.

Table 4. Implementation of Protocol on Free Movement by ECOWAS Member States

| S/No. | Country | Abolition of Visa And Entry Permit | Introduction of ECOWAS Travel Certificates | Introduction of Harmonized immigration /Emigration Forms | Introduction of ECOWAS Brown Card Scheme |
|-------|---------------|------------------------------------|--|--|--|
| A | B | C | D | E | F |
| 1 | Benin | Yes | No | Yes | No |
| 2 | Burkina Faso | Yes | Yes | Yes | Yes |
| 3 | Cape Verde | Yes | No | No | Yes |
| 4 | Cote d'Ivoire | Yes | No | No | Yes |
| 5 | Gambia | Yes | Yes | No | No |
| 6 | Ghana | Yes | Yes | Yes | Yes |
| 7 | Guinea | Yes | yes | Yes | Yes |
| 8 | Guinea Bissau | Yes | No | No | Yes |
| 9 | Liberia | Yes | No | No | No |
| 10 | Mali | Yes | No | Yes | Yes |
| 11 | Niger | Yes | Yes | Yes | Yes |
| 12 | Nigeria | Yes | Yes | Yes | Yes |
| 13 | Senegal | Yes | No | Yes | Yes |
| 14 | Sierra Leone | Yes | Yes | Yes | Yes |
| 15 | Togo | Yes | No | No | Yes |
| | | 100% | 47% | 66.7% | 86% |

Source: ECOWAS Silver Jubilee Anniversary Achievements and Prospects 1975 – 2000

4.2. Protocol on ECOWAS Parliament

The ECOWAS Parliament was established under The Protocol A/P.2/8/94 of 1994 and was inaugurated in 2000. In 2006 there was a supplementary Protocol A/SP.3/06/06 *Amending the Protocol A/P.2/8/94 relating to the Community Parliament*. The essence of the parliament is to serve as a forum of consultation, dialogue and having consensus among the representatives of the peoples of West Africa for achieving economic integration and cooperation (Sani, 2015). Article 3 of the 2006 revised Protocol states that the House of Representatives of member countries of ECOWAS shall be designated as ECOWAS Parliament. The areas where the opinion of the Parliament may be sought include: interconnection of the communication links between member states so as to make free movement of persons and goods effective; interconnection of telecommunication systems to form an effective community network with the maximum possible number of extensions to the rural areas to make them more accessible; interconnections of energy networks; increased cooperation in the area of radio, television and other media links within the community and beyond. Other areas are treaty review, community citizenship, respect for human rights and fundamental freedom in their plenitude (Article 4(3)).

The parliament was originally composed of 120 seats with each member state having a minimum of 5 seats while the remaining 40 seats are to be shared based on population. The withdrawal of Mauritania affected this initial sharing formula. For further details on this please see the table 5 below:

Table 5. ECOWAS Parliament seats allocations Protocol A/SP.3/5/81 Relating to Mutual Defence Assistance

| S/No | Member States | Seats |
|------|---------------|-------|
| 1 | Benin | 5 |
| 2 | Burkina Faso | 6 |
| 3 | Cape Verde | 5 |
| 4 | Cote D'Ivoire | 7 |
| 5 | The Gambia | 5 |
| 6 | Ghana | 8 |
| 7 | Guinea | 6 |
| 8 | Guinea Bissau | 5 |
| 9 | Liberia | 5 |
| 10 | Mali | 6 |

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| | | |
|----|--------------|----|
| 11 | Niger | 6 |
| 12 | Nigeria | 35 |
| 13 | Senegal | 6 |
| 14 | Sierra Leone | 5 |
| 15 | Togo | 5 |

Source: Sani (2015:120)

This protocol was adopted on the 29th day of May, 1981 in Freetown, Sierra Leone by the Authority of ECOWAS. The major provisions of the protocol are found in Articles 7 and 13. Article 7(1) for instance makes calls for the establishment of a Defence Council of the Community, and that its composition shall include all Ministers of Defence and Foreign Affairs of member states. Article 13 (1, 2 & 3) talks about the creation of Special Units to be earmarked from the existing National Armed Forces in case of any armed intervention. These Units referred to as Allied Armed Forces Community (AAFC) will from period interval organize a Joint military exercise among them.

4.3. Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security

The above protocol was signed on the December 21, 2001 in Dakar, Senegal. The rationale behind its signing was that if change of governments in member countries are based on constitutional means rather than violence people of the region will enjoy the dividends of integration as wars will be reduced. Aside from this the protocol makes provision for things that will enhance cooperation and integration among member countries. Accordingly, Article 30 (1 & 2) provides for regular exchange of students and academic between member states and that Community institutions shall be establish to provide trainings for students from the sub-region. It also states that the members of the Community shall cooperate with each other in order to share experiences and if need be render technical assistance to each other so as to produce voters lists that are reliable. In Article 25 members of ECOWAS “agree that poverty alleviation and promotion of social dialogue are important factors for peace.” Other provisions include ECOWAS cooperation through monitoring of the conduct of elections in member states; ECOWAS fact finding mission etc. With regards to the last point, as soon elections approaches in member states ECOWAS shall dispatch a term on fact finding mission. The aims according to Article 13 (1 & 2) of the protocol are to collect all texts governing the election concerned; gathering all information on the conditions under which the elections shall be conducted; collecting all pertinent information relating to the contesting candidates or political parties; meeting all candidates, political party leaders, government authorities, other competent bodies, assessing the status of preparation for the election; gathering any other useful information that may provide a clear picture of the situation. At the end lessons are learnt, experiences are shared and more cooperation and integration are enhanced.

5. Impacy of ECOWAS treatise and Protocols on Regional Integration in West Arfica

Some of the major impacts of ECOWAS treatise and protocols on regional integration in West Africa are:

5.1. Freedom of movement within the Community

ECOWAS protocols on free movement of persons have recorded significant impact on the integration process in the sub- region. Many people now enjoy crossing of borders without producing a visa mainly of the implementation of the ECOWAs protocol on the free movement of persons which abolished visa requirement among member states (Asante, 2011:11).

5.2. ECOWAS Parliament

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The community parliament has contributed immensely towards regional integration in West Africa. According to the strategic plans of the parliament, 3rd Legislature (2011-2015), the Parliament is to promote West African Citizens through democratic representation, cooperation and integration. From the achievements of economic union, raising standards of living, economic stability, fostering relationship among member-states and contributing towards the success of development in the sub-region, Sani (2015:121) notes that, ECOWAS Parliament was established to enhance and strengthen the community institutional activities and also create other institutions that will give opportunity for the peoples of the sub-region to participate through dialogue, consultation and consensus. Seeing from this light, he maintains that, the community parliament is crucial to regional integration representing the best hopes and yearnings of the West African peoples.

5.3. Trade Liberalization

According to Article 35 of the ECOWAS Treaty, unprocessed agricultural produce as well as traditional handicrafts originating from member-countries are not to be taxed. In compliance, Brown (1982: 10) notes this first stage of the liberalization of majorly agricultural produce excluding petroleum with zero duty, is in effect already. This has also helped in integrating the region as people can sell the goods free of duty in another member-country. However, there are concerns that some member-states could be used as dumping ground for goods by others.

5.4. Conflict Prevention and Management

According to Ajomale, (2000) the objectives of ECOAWS protocol on conflict prevention and management include preservation, management and resolution of intra and inter-states conflicts and implementations of relevant provision of the protocols on non-aggression and Mutual Assistance in Defence (PMAD). So far the implementation of the protocol has brought fame to ECOWAS, promoted peace in the region and enhanced cooperation and integration. ECOWAS member states had at different times contributed troops to keep peace in member countries, including Liberia, Sierra Leone, Mali just to mention a few. As peace has gradually returned to these troubled countries more people moved in businesses picked up and integration enhanced.

5.5. The ECOWAS Court.

This was established under Article 15 of the ECOWAS revised treaty in 1993 and became operational in 1996. It is regarded as the supreme legal institution of the Community and its core function is “to ensure the observance of the law and the principles of equity in the interpretation of the provision of the treaty” (Butu, 2013: 56). According to Okoro (2010: 8) the importance of this court “lies in resolving issues arising from the ECOWAS legal and policy instrument as they affect member-states and their nationals thereby eliminating obstacles to the integration process.”

5.6. Transportation

ECOWAS has promoted integration through its policies on transportation covering the railways, the Air and the marine transportations. For instance, the two major Trans-West Africa highways proposed in the ‘70s have been completed (Butu, 2013: 52). Though there still barriers as physical assaults and road blocks are still common features of these highways, quick elimination of these obstacles will go a long way to promote genuine integration with the Sub-region. With regards to the Airtransport, ECOWAS started implementing the Lome (2003) action plan which aimed at building capacity and restructuring of the aviation sector. To this end, Butu (2013) states that “ECOAWS has floated a private airline and that ArikAir and Virgin Nigeria have been flying between Freetown and Dakar; Accra and Banjul (Butu, 2013: 52). Other areas where ECOWAS treaties

and Protocols have impacted the region in terms of integration are democracy and governance, ECOWAS brown Card, the concept of Community citizens etc.

6. Conclusion and Recommendations

The creation of ECOWAS by the member-states on 28th May, 1975, was to promote cooperation and integration among members especially as it relates to the economic affairs of the sub-region. The community has through its various treaties and protocols ensured that this objective is attained as a result the sub-region is more integrated than it was before the creation of the Community though not without challenges. More efforts are needed to sustain this feat and achieve more results in days coming. This can be done if the following recommendations as seen below are given attention.

All member states of ECOWAS must demonstrate total commitment if the mission is to achieve its goal of regional integration with the West African sub-region. This could start with the ratification of protocols that promote integration within the Community. A situation where member countries pay lip service to the Community protocols is not encouraging. Out of 51 protocols and conventions only Burkina Faso had succeeded in ratifying all the protocols as of 2015 while Guinea Bissau had never ratified any single ECOWAS treaty. The number of road blocks on the sub-region's highways should be reduced to give citizens access to travel within the Community with ease.

There should be stiffer sanctions on member nations that violate the protocols and treaties of ECOWAS to deter unsuspected members from doing same. The existence of other organizations with similar objectives as ECOWAS within the sub-region is a bane to ECOWAS rapid fulfilment of its goal of integration in West Africa. This should be checked. Member states should pay more attention on how to develop the Sub-region than aligning with their erstwhile colonial masters as is the case with the Francophone member states. Genuine integration should start first within each member-state and then extend to the entire Sub-region. All legal instruments of the Community must be considered sacrosanct by member-states in order to ensure the attainment of regional integration in West Africa.

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