The Civil Society Guide to Regional Economic Communities in Africa

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3. The Economic Community of West African States

**Abbreviations and acronyms**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>AEC</td>
<td>African Economic Community</td>
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<tr>
<td>APSA</td>
<td>Peace and Security Architecture</td>
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<tr>
<td>AU</td>
<td>African Union's</td>
</tr>
<tr>
<td>CDD</td>
<td>Centre for Democracy and Development</td>
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<tr>
<td>CEAO</td>
<td>Communauté Economique des Etats de l'Afrique de l'Ouest</td>
</tr>
<tr>
<td>CET</td>
<td>Common External Tariff</td>
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<tr>
<td>EBID</td>
<td>ECOWAS Bank for Investment and Development</td>
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<tr>
<td>ECCJ</td>
<td>ECOWAS Community Court of Justice</td>
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<tr>
<td>ECHP</td>
<td>ECOWAS Common Humanitarian Policy</td>
</tr>
<tr>
<td>ECONEC</td>
<td>ECOWAS Network of Electoral Commissions</td>
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<tr>
<td>ECOWARN</td>
<td>ECOWAS–WANEP collaborative framework</td>
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<tr>
<td>ECOWAS</td>
<td>Economic Community of West African States</td>
</tr>
<tr>
<td>ECPF</td>
<td>ECOWAS Conflict Prevention Framework</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>EUR</td>
<td>euro</td>
</tr>
<tr>
<td>FARE</td>
<td>Forum of Associations Recognised by ECOWAS</td>
</tr>
<tr>
<td>FCFA</td>
<td>West African CFA franc</td>
</tr>
<tr>
<td>GIABA</td>
<td>Intergovernmental Action Group against Money Laundering in West Africa</td>
</tr>
<tr>
<td>MFWA</td>
<td>Media Foundation for West Africa</td>
</tr>
<tr>
<td>MoU</td>
<td>memorandum of understanding</td>
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<tr>
<td>MSC</td>
<td>Mediation and Security Council</td>
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<tr>
<td>OSIWA</td>
<td>Open Society Initiative for West Africa</td>
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<tr>
<td>SERAP</td>
<td>Socio-Economic Rights and Accountability Project</td>
</tr>
<tr>
<td>UEMOA</td>
<td>Union Monétaire et Economique Ouest Africaine (West African Economic and Monetary Union)</td>
</tr>
<tr>
<td>WABA</td>
<td>West African Bar Association</td>
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<tr>
<td>WACSOF</td>
<td>West African Civil Society Forum</td>
</tr>
<tr>
<td>WAHO</td>
<td>West African Health Organisation</td>
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<tr>
<td>WANEP</td>
<td>West African Network for Peace-building</td>
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</tbody>
</table>
3.1 Historical background and legal framework

3.1.1 Historical background of ECOWAS

The Economic Community of West African States (ECOWAS) sits on the Gulf of Benin between the Sahara Desert and the Gulf of Guinea and occupies an area of about 5.1 million km² (17% of the total area of Africa) with a population of approximately 300 million. The subregion is bounded on the north by Algeria, Libya and Chad, on the west by Mauritania, on the south by the Gulf of Guinea and on the east by Cameroon. With an annual budget of USD 600 million, ECOWAS is arguably the most prominent integration scheme in the West African region. After the failure of initial attempts at integration immediately following independence, cooperation arrangements based on colonial groupings began with limited success. This trend was especially evident in francophone West Africa as states previously colonised by France achieved a measure of success in their bid to integrate socio-economically.

Although ECOWAS is a post-colonial initiative, some commentators trace military and socio-economic cooperation between the peoples of the West African region back to the 19th century. During the colonial period itself, the seeds of integration in West Africa were further nurtured, especially in the parts of the region that came under French colonial rule. The most obvious evidence of this was the creation of French West Africa by French colonial authorities in 1895. Ghana and Guinea created the Union of West African States in November 1958 in Accra, while in 1961, Cote d’Ivoire, Haute-Volta, Dahomey and Niger created the Conseil de l’Entente.

The more recent history of collective integration in West Africa dates back to the early 1960s. By popular account, the foundation for the establishment of modern-day ECOWAS was laid by President William Tubman of Liberia. The actualisation of President Tubman’s idea of a free trade area in West Africa took the form of an agreement between Cote d’Ivoire, Guinea, Liberia and Sierra Leone that was signed in February 1965. However, not much came out of that agreement, as its envisaged outcome, the “Organisation for West African Cooperation” did not materialise, as a result of the unpreparedness of the countries involved. Notwithstanding the demise of President Tubman’s initiative, efforts at integration continued in the region, mostly along colonial–linguistic lines.

In the Francophone zone, the Union Douanière de l’Afrique de l’Ouest,¹ created in June 1959 in Paris to promote free movement of goods and a single tariff for imported goods, was replaced in January 1966 by the Union Douanière des Etats de l’Afrique de l’Ouest,² a more structured institution³ aimed at introducing a common external tariff scheme for original products of the region. In June 1972, a treaty establishing the Communauté Économique des Etats de l’Afrique de l’Ouest (CEAO) was signed in Bamako, Mali, by the same countries to “promote harmonised and balanced development of member states’ economies in order to improve the living standards of their citizens”.⁴ In 1994, CEAO was transformed into the Union Monétaire et Economique Ouest Africaine (West African Economic and Monetary Union) (UEMOA).

In the anglophone area, Sierra Leone and Liberia formed in 1974 the Mano River Union and were joined by Guinea some years later.

In April 1972, General Yakubu Gowon, the military head of state of Nigeria, and General Gnassingbé Eyadéma, the military head of state of Togo, jointly revived the idea of regional integration, and began consultations in that regard. These two military leaders prompted the drafting of the framework for a new regional organisation and began to solicit the support of other heads of state in the region. By December 1973, Generals Gowon and Eyadéma were able to bring together stakeholders to consider a first framework document in Lomé, Togo. This was closely followed in early 1974 by a meeting of experts and jurists in Accra, Ghana, and a meeting of ministers in Monrovia, Liberia, in January 1975.

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¹ It included Cote d’Ivoire, Dahomey (Benin), Upper Volta (Burkina Faso), Mauritania, Niger and the Federation of Mali (Mali and Senegal).
² The membership included Cote d’Ivoire, Upper Volta (Burkina Faso), Mali, Mauritania, Niger and Senegal.
³ With a Secretary General, a Committee of Experts and a Council of Ministers.
⁴ See Article 3 of the Treaty establishing ECOWAS.
The 1975 Treaty

On 28 May 1975, representatives of 15 countries converged on Lagos, Nigeria, to sign the ECOWAS Treaty, which also became known as the Treaty of Lagos. The 15 countries that signed the 1975 ECOWAS Treaty were: Benin, Burkina Faso (then known as Upper Volta), Cote d’Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo. Most of these states ratified the 1975 ECOWAS Treaty between June and July 1975. Guinea-Bissau and Mauritania ratified the instrument in March 1976. In 1977, Cape Verde became the 16th member of ECOWAS when it ratified and acceded to the 1975 ECOWAS Treaty. There is insufficient material to analyse civil society involvement and input in the evolution of ECOWAS at this stage.

Since its establishment was prompted by the need to forge a collective response to post-independence economic challenges, ECOWAS was founded as a vehicle for economic integration. The organisation was expected to provide a platform for member states to pursue the “accelerated and sustained economic development of their states” that would lead to the unity of the countries of West Africa. Accordingly, the objectives of ECOWAS were to promote cooperation and development in all fields of economic activity for the purpose of raising the standard of living of West African peoples, increase and maintain economic stability, foster closer relations among member states and contribute to the progress and development of the African continent. In addition to these economic objectives, it was understood by the founding fathers that ECOWAS was also supposed to provide a platform “to give the member states a stronger voice in African affairs and in international affairs”.

The 1993 Revised Treaty

By the late 1980s, the popular conclusion was that the lofty objectives of ECOWAS were not being realised. A series of unfortunate events, notable among which were the internal conflicts in Sierra Leone and Liberia, ensured that ECOWAS got sucked into the internal politics and security of its member states. The most extreme form of its intervention was the deployment of ECOWAS-sponsored military forces in conflict-ridden member states either for peacekeeping or to monitor ECOWAS-initiated or -supported ceasefire agreements. These military interventions took place despite the fact that the 1975 ECOWAS Treaty did not envisage any political or security role for the organisation. The consciousness that the Community was moving beyond its strict economic mandate led the ECOWAS Heads of State and Government to set up a high-profile Committee of Eminent Persons to re-examine the foundations of ECOWAS, bearing in mind the dynamics of a changing society. The report of the Committee of Eminent Persons provided the immediate impetus for the revision of the 1975 ECOWAS Treaty. The result was the drafting and subsequent adoption of a revised ECOWAS Treaty by the Heads of State and Government of member states. The ECOWAS Revised Treaty was signed in Cotonou, Benin, on 24 July 1993.

Between July 1993 and August 1997, 14 states ratified the revised Treaty, resulting in its entry into force on 23 August 1995. As at December 2011, Guinea-Bissau was the only state that had not ratified the revised ECOWAS Treaty, even though it continues to participate actively in the processes and activities of the Community. Six years after the signing of the revised Treaty, membership of ECOWAS was again reduced to 15 with the withdrawal of Mauritania in December 1999. The current member states are: Benin, Burkina Faso, Cape Verde, Cote d’Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

In view of the difficulties experienced under the 1975 Treaty, the revision process targeted critical improvements in the ECOWAS Treaty framework. The highlights of the 1993 revision include the expansion of the ECOWAS objectives to provide for the establishment of an economic union, as well as a monetary union, and the expansion of areas of ECOWAS competence. The level of civil society involvement in the process, if any, was barely documented and is therefore difficult to gauge. However, the impact that these socio-economic activities have on the daily lives of the people of West Africa requires greater involvement of civil society in the shaping of ECOWAS policies in these areas.
For the first time, the revised Treaty outlined fundamental principles to guide the integration agenda and processes. The principles in the revised Treaty include:

- Non-aggression among ECOWAS states;
- Maintenance of regional peace, stability and security;
- Peaceful settlement of disputes;
- Recognition, promotion and protection of human rights in accordance with the African Charter on Human and Peoples’ Rights; and
- Promotion and consolidation of a democratic system of governance in member states.

It is noteworthy that the question of peace, security and stability of member states, which was not included in the 1975 Treaty, features prominently in the 1993 revised Treaty. The expanded fundamental principles created greater room for civil society involvement in ECOWAS business.

Other improvements in the revised Treaty included the expansion of the General Undertakings to include an obligation on the part of member states to “honour … obligations under this Treaty and to abide by the decisions and regulations of the Community”, and to take action in accordance with their national constitutions to give internal legal force to the implementation of Community laws. The revised Treaty also introduced additional Community institutions:

- Community Parliament;
- Economic and Social Council;
- Community Court of Justice (a transformation from Tribunal under the earlier Treaty); and
- Fund for Cooperation, Compensation and Development.

The creation of additional institutions that are closer to the ordinary citizen was intended to be a catalyst for enhanced civil society engagement with the Community.

The revised Treaty further added areas of cooperation that exceeded the narrow economic focus of the 1975 Treaty. Thus, for instance, Chapter X of the 1993 revised Treaty provides for “Cooperation in Political, Judicial and Legal Affairs, Regional Security and Immigration”. Chapter X also includes Article 56, which contains an agreement to cooperate on political matters, including cooperation for the purpose of realising the objectives of instruments such as the African Charter on Human and Peoples’ Rights (African Charter). Significantly, in Article 58, ECOWAS states undertake to cooperate to maintain peace, stability and security within the region and to establish and strengthen appropriate mechanisms for timely prevention and resolution of conflicts in the region.

The revised Treaty also created an opportunity for the African Union’s (AU) African Economic Community (AEC) and other AU instruments to be taken into account in the ECOWAS Treaty framework. This provided a basis for ECOWAS to be recognised as a pillar of the AEC, thereby establishing a link between the AU and ECOWAS, despite the fact that ECOWAS retains an independent existence. The 1993 Treaty also created a legal foundation for ECOWAS institutions to apply the African Charter as the benchmark of human rights for citizens under the Community framework. This fact is significant in the sense that the AU arguably constitutes an influence zone through which civil society can lobby ECOWAS organs and institutions.

Overall, the revision of the 1975 ECOWAS Treaty has expanded the focus of the Community from the narrow field of economic integration to a wider range of economic, social, security and political issues. Hence, the ECOWAS Commission announced that “ECOWAS is an organisation for political and economic integration, quite distinct from what is referred to as ‘regional economic communities,’ which have restricted their scope of intervention to the common market.” Civil society can therefore validly pursue and support non-economic agendas within the ECOWAS framework.
3.1.2 Institutional reform in the ECOWAS framework

The 1993 Treaty revision resulted in the first major reform of the ECOWAS institutional framework. However, the revised Treaty retained the normative framework that existed under the 1975 Treaty. Thus, the Community remained an intergovernmental organisation depending on treaties for its governance. Under this regime, the ECOWAS Secretariat was essentially established to service the secretarial needs of the decision-making institutions. The focus of influence at this point remained with the member states. This changed in 2006 when major institutional and normative reforms took place in the Community.

In 2003, an ad hoc Ministerial Committee on the Harmonisation of Community Legislative Texts was set up to “endow the Community with modern legal instruments”. By late 2005, a decision was taken to transform the Executive Secretariat into a Commission. This led to a large-scale amendment of the 1993 revised Treaty. Perhaps the most important institutional reform introduced by Supplementary Protocol A/SP.1/06/06 is the establishment of the ECOWAS Commission to replace the former Executive Secretariat. The new Article 17 provided for the offices of a President, a Vice-President and seven Commissioners for the ECOWAS Commission (see 3.2 Organs and institutions of ECOWAS and Table 3.2 for more detail).

**ECOWAS Community Court of Justice**

The 2006 institutional reforms also saw the adoption of a Supplementary Protocol on the Community of Justice. This Supplementary Protocol introduced major institutional reforms in the ECOWAS Community Court of Justice (ECCJ). Under the 1991 Protocol establishing the ECCJ, judges of the court are required to be persons with “high moral character and ... the qualification required in their respective countries for appointment to the highest judicial offices” or to be “jurisconsult of recognised competence in international law”. Supplementary Protocol A/SP.2/06/66 adds that a candidate for appointment to the ECCJ should be competent in “areas of Community Law or Regional Law” and should have “a total of no less than 20 years professional experience”. Supplementary Protocol A/SP.2/06/66 also reduces the term of office of the President and Vice-President of the ECCJ from three to two years.

Another innovation introduced in 2006 relates to the process of appointing of judges. Under the 1991 Protocol, judges were appointed by the Authority from a list of persons nominated by member states. Nominees were listed alphabetically by the Executive Secretary and forwarded to the Council. Appointment was made from a shortlist of 14 persons proposed by Council. By contrast, under the 2006 Supplementary Protocol, the Authority allocates vacant judicial positions to member states, and a Judicial Council made up of the Chief Justices of states other than those to which the offices have been allocated make the initial selection. The Judicial Council selects three candidates from each of the eligible member states, interviews the candidates and proposes their appointments to the Authority. Effectively, judicial independence is strengthened by the reduction of political involvement in the appointment process. Up till now, there is no clear evidence of civil society involvement in this process, even though civil society gets involved in equivalent processes at national levels. In view of the role now given to the Chief Justices, civil society, especially bar associations, can play a greater role in the process.

The 2006 Supplementary Protocol also established a Bureau for the ECCJ, comprising the President, the Vice-President, the oldest judge and the longest-serving judge. The term of office of judges was also reduced to five years by Supplementary Protocol A/SP.2/06/66. A final point to be noted is that the disciplining of judges and the determination of inability to perform the functions of judicial office has also been shifted to the Judicial Council. However, the ultimate power to dismiss a judge of the ECCJ still resides in the Authority, though it can only be exercised on the recommendation of the Judicial Council.

**Community Parliament**

In relation to the Community Parliament, Supplementary Protocol A/SP.3/06/66 repeals parts of the 1994 Protocol Establishing the ECOWAS Community Parliament and formally designates the legislative body as the ECOWAS Parliament. Articles 4 and 7 in Supplementary Protocol A/
respectively establish a four-year life span for the Parliament and stipulates that parliamentarians shall hold office for four years from the day they are sworn in. Further, the Supplementary Protocol entrenches the political and administrative aspects of the management of Parliament. While political management is shared among the Plenary, the Bureau of the Parliament (Speaker of Parliament and the First, Second, Third and Fourth Deputy Speakers) and the Conference of Bureaux (the Speaker, the Chairmen or Deputy Chairmen and the Rapporteur of each of the Parliament’s Standing Committees), administration is generally in the hands of the Bureau with the assistance of the administrative head of Parliament.

Technical Commissions
The amendment to Article 22 of the revised Treaty transforms the Technical Commissions into Technical Committees and establishes nine of those Committees along thematic lines:

- Administration and Finance;
- Agriculture, Environment and Water Resources;
- Human and Gender Development;
- Infrastructure;
- Macro-economic Policies;
- Political Affairs, Peace and Security;
- Trade, Customs, Free Movement of Persons;
- Legal and Judicial Affairs; and
- Information and Communications Technology.

National Units
Although it was not affected by the 2006 reforms, another ECOWAS institution that has undergone transformation over the years is the National Unit in member states. Based on a need to create structures in member states to ensure “the implementation and follow-up of acts and decisions of Community decision-making bodies”, in 1983 the Authority approved a 1982 recommendation of Council that member states establish “National Units”. The Authority also approved the establishment of a unit in the ECOWAS Secretariat to monitor the implementation of Community Acts and Decisions and collect information on the organisation of national structures set up by member states. In 1990, a decision was made to upgrade the status of these national structures to ECOWAS National Units in member states. This was followed by the 2005 Council Regulation C/REG.4/06/05 spelling out the mission, role and functions of the ECOWAS National Units. With the adoption of the vision to turn ECOWAS from an ECOWAS of states to an ECOWAS of peoples, in 2010 the ECOWAS Council came up with new regulations to provide guiding principles for the operation of ECOWAS National Units. Although they currently appear to be underutilised, National Units are important entry points for civil society organisations (CSOs) seeking to engage ECOWAS from the national level.

3.1.3 The ECOWAS legal framework
The first legal regime for ECOWAS adopted in 1993 was replaced by the 2006 regime. Of course, the legacy of the first regime remains. On the one hand, under the 1993 revised Treaty regime, the highest forms of Community obligations were contained in the Treaty, the Protocols and the Conventions adopted by the Authority. Thus, that category of ECOWAS instruments only come into force when the required number of ratifications has been reached and the ratification instruments have been deposited with the ECOWAS Commission. In that regime, CSOs can play a significant role in lobbying member states to ratify the instruments they have not yet ratified.

ECOWAS Protocols and Conventions are supplemented by Decisions of the Heads of States and Governments as well as Regulations and Decisions of the Council of Ministers. A number of
Protocols and Conventions currently exist as a major part of the ECOWAS legal regime and are useful instruments for the implementation of the Treaty. Some of these Protocols and Conventions have been ratified by the required number of states and have therefore entered into force. According to the ECOWAS Commission’s own records, as at December 2011, no less than 38 Protocols and Conventions had entered into force. Some others have only entered into force provisionally upon signature – by a special practice of ECOWAS, certain instruments enter into force provisionally (temporarily) as soon as they are signed, pending ratification. As at December 2012 there were 12 protocols that are only in force provisionally. Others have not entered into force at all as a result of an insufficient number of signatures and/or ratifications.

Under the current legal regime, legislative instruments of the Authority are rechristened Supplementary Acts and stipulated to be annexures to the Treaty. The Council of Ministers is empowered to enact Regulations and issue Directives and Decisions. Supplementary Acts, Regulations, Directives and Decisions of ECOWAS therefore replace Protocols and Conventions as Community legislative instruments. Accordingly, Supplementary Acts are binding on Community institutions and member states, while Regulations are binding and directly applicable in member states. Directives are binding on member states in terms of the objectives intended, but member states retain the freedom to decide on the best strategies for the realisation of objectives laid out in Directives. Decisions are binding on all those designated in the instrument.

The current legal regime is intended to transform the Community into a supranational organisation with organs or institutions binding member states directly without the need for ratification of treaties, protocols or conventions. The ECOWAS Commission is also empowered to adopt Rules and Regulations for the purpose of executing the Acts of the Council and these have the same legal quality and consequences as the instrument to be executed. In this regard, the ECOWAS Commission also has some legislative powers. An understanding of the Community’s legal regime is necessary for CSOs, as it will not only shape decisions regarding where to mount campaigns for legislation, but also lobbying for implementation purposes.

Under the new Article 12 of the revised Treaty, legislative instruments are required to be published in the ECOWAS Official Journal within 30 days of their adoption and signing. However, in practice this provision is not respected. Member states are also required to simultaneously publish those instruments in their own official journals or gazettes, because ECOWAS Acts, Regulations and Directives enter into force on the date stated in their text in so far as they have been published. Decisions are generally communicated to the person designated in the instrument and they enter into force on the date of such communication or notification.

Table 3.1 Decision-making tools and their legal effect

<table>
<thead>
<tr>
<th>Legislating authority</th>
<th>Type of instrument</th>
<th>Legal effect</th>
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<tbody>
<tr>
<td>Authority of Heads of State</td>
<td>Supplementary Act</td>
<td>Directly binding on member states and ECOWAS institutions upon publication.</td>
</tr>
<tr>
<td></td>
<td>Directives</td>
<td>Binding on member states in terms of stated objectives but states are free to choose best approach to realise objectives (obligation of result not of conduct).</td>
</tr>
<tr>
<td>Council of Ministers</td>
<td>Regulations</td>
<td>Directly binding and applicable in member states and binding on Community institutions.</td>
</tr>
<tr>
<td></td>
<td>Directives</td>
<td>Binding on member states in terms of stated objectives but states are free to choose best approach to realise objectives (obligation of result not of conduct).</td>
</tr>
<tr>
<td></td>
<td>Decisions</td>
<td>Binding on addressee stated in the instrument.</td>
</tr>
<tr>
<td></td>
<td>Recommendations</td>
<td>Not binding but persuasive.</td>
</tr>
<tr>
<td></td>
<td>Opinions</td>
<td>Not binding but persuasive.</td>
</tr>
<tr>
<td>ECOWAS Commission</td>
<td>Regulations for execution of Acts of the Council</td>
<td>Binding in the same manner as the Acts they seek to implement.</td>
</tr>
<tr>
<td></td>
<td>Recommendations</td>
<td>Not binding.</td>
</tr>
<tr>
<td></td>
<td>Opinion</td>
<td>Not binding.</td>
</tr>
<tr>
<td>ECOWAS Parliament</td>
<td>Resolutions</td>
<td>Not binding.</td>
</tr>
</tbody>
</table>
The new legal regime also empowers the Council of Ministers and the ECOWAS Commission to formulate non-binding Recommendations and Opinions, respectively. The ECOWAS Community Parliament is empowered to adopt non-binding Resolutions in conformity with the Treaty and other legal texts of general application to institutions of the Community. The Resolutions are forwarded to decision-making bodies of the Community for appropriate and further action. Declarations, Recommendations, Opinions and Resolutions form the category of non-binding sources of law in the ECOWAS legal framework. These instruments can be seen as “soft law”.

3.2 Organs and institutions of ECOWAS

The revised Treaty creates institutions and empowers the ECOWAS Authority of Heads of State and Government to create other institutions necessary for the governance and functioning of the Community. The most important institutions and organs of the ECOWAS Community are:

- ECOWAS Authority;
- Council of Ministers;
- ECOWAS Parliament;
- ECOWAS Commission;
- ECCJ;
- ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security;
- Permanent Representatives of member states to ECOWAS;
- ECOWAS Bank for Investment and Development;
- Intergovernmental Group against Money Laundering in West Africa; and
- West African Health Organisation.

Table 3.2 lists the central ECOWAS institutions.

Table 3.2 The central ECOWAS institutions

<table>
<thead>
<tr>
<th>Institution</th>
<th>Notes</th>
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<tbody>
<tr>
<td>Conference of the Authority of Heads of State and Government</td>
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<tr>
<td>Council of Ministers</td>
<td>Consisting of the minister in charge of ECOWAS affairs, the Minister of Finance and any other minister</td>
</tr>
<tr>
<td>Community Parliament</td>
<td></td>
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<tr>
<td>ECOWAS Community Court of Justice (ECCJ)</td>
<td></td>
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<tr>
<td>ECOWAS Commission</td>
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<tr>
<td>Specialised Committees</td>
<td></td>
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<tr>
<td>Specialised institutions</td>
<td>ECOWAS Bank for Investment and Development</td>
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<td></td>
<td>West African Health Organisation</td>
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<td></td>
<td>West African Monetary Institute</td>
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<td></td>
<td>West African Monetary Agency</td>
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<tr>
<td>Semi-independent specialised agencies</td>
<td>Water Resources Unit (based in Ouagadougou)</td>
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<td></td>
<td>Youth and Sports Centre (based in Ouagadougou)</td>
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<td></td>
<td>ECOWAS Gender Development Centre (based in Dakar)</td>
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<td>National Unit in each member state</td>
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</table>
3.2.1 The ECOWAS Authority

Article 7(1) of the revised Treaty establishes the Authority as the supreme institution of the Community. The Authority is the most powerful and important institution in the hierarchy of ECOWAS governance. The Authority is composed of heads of state and government of the ECOWAS member states. Since ECOWAS began to implement the Supplementary Protocol on Democracy and Governance, military leaders and civilian leaders who are considered to have taken power unconstitutionally are no longer accepted as members of the Authority. This is a major departure from the early days when military dictators were the driving force of the organisation.

The Authority is a political institution and is the highest decision-making body in the Community, responsible for the general direction and control of the Community. The main powers and functions of the Authority are set out in the 1993 revised Treaty but more elaborate powers and functions are contained in the Protocols, Conventions, Supplementary Acts and other important documents. According to these instruments, the powers and functions of the Authority include:

- Determination of the general policy direction and major guidelines of the Community;
- Overseeing and supervising the functioning of other ECOWAS institutions;
- Following up the implementation of Community objectives;
- Creating other institutions for the ECOWAS Community;
- Taking all decisions in matters of conflict prevention, management and resolution, peacekeeping and security, humanitarian assistance, peace consolidation, trans-border crime control, small arms and light weapons proliferation, as well as other issues covered by the Protocol relating to the Mechanism for Conflict Prevention, Resolution, Peacekeeping and Security; and
- Appointing the President of the ECOWAS Commission and other senior statutory officers such as the judges of the ECCJ.

In addition to the powers and functions set out in Article 7, other significant functions performed by the Authority include granting observer status to relevant CSOs/non-governmental organisations (NGOs).

Apart from the dedication that they show by attending sessions, in their capacity as the Authority, heads of state have acted decisively in enforcing certain aspects of the Community agenda such as peace and security and the building of a democratic culture in the region. The Authority has acted firmly in authorising and funding military interventions to preserve peace and stability in the region. Even more significant is the readiness with which the Authority has acted in cases of unconstitutional changes of government in West Africa. The cases of Togo, Niger and Cote d’Ivoire are all indicative of this trend.

Chairperson of the ECOWAS Authority

Article 8 of the revised Treaty (as amended by Supplementary Protocol SP.1/06/06) creates the office of the Chairperson of the Authority, which is held on a rotational basis, by alphabetical order of states, by a head of state or government who is “elected” for a renewable term of one year. Generally, ascension to the office of Chairperson is almost automatic. The only situations where a head of state who is due to assume office would not be elected are:

- When the eligible head of state opts to forgo his/her chance – in which case s/he needs to give notice of at least three months; or
- When there has been a coup d’état or any other unconstitutional change or retention of power in the eligible member state.

As the formal head of the ECOWAS, the Chairperson of the Authority is a first among equals and presides over the summits and sessions of the Authority. The Chairperson is empowered to invite any person to address the opening ceremony of sessions. This is space that CSOs can exploit to
put pressing issues on the agenda of ECOWAS summits and sessions. For instance, in March 2011, CSOs in the region organised a “One Thousand Women March” during the opening ceremony of the 39th Ordinary Session of the ECOWAS Authority to demand, among other things, the cessation of human rights abuses against peaceful political protesters in Côte d’Ivoire.

The Chairperson acts on behalf of the Authority and exercises some of the powers of the Authority between sessions. A significant aspect of the power of the Chairperson is to convene extraordinary sessions of the Authority whenever the need arises. The Chairperson of the Authority executes instruments on behalf of the Authority in cases where it is not necessary to capture the signatures of all heads of state and government. Decisions of the Authority for instance are only signed by the Chairperson. The minister in charge of ECOWAS affairs in the member state elected as Chair of the Authority automatically becomes the Chairperson of the ECOWAS Council of Ministers. During the incumbency of a member state as Chairperson of the Authority, that state's representative chairs and presides over all the statutory meetings of ECOWAS for that year. A grant of 0.5% of the Community levy due from the member state that is Chair of the Authority is retained by that state for use by the Chairperson for the performance of his or her duties. The power of the Chairperson to convene emergency sessions is one that CSOs can exploit in situations where very pressing issues emerge, since only one head of state needs to be lobbied.

### The Malian crisis

At the height of the Malian crisis in early 2012, the ECOWAS Authority imposed diplomatic, economic and financial sanctions on the leaders of the Malian coup. The imposition of sanctions was followed by the appointment of one head of state as the ECOWAS Mediator in the Malian crisis. Following wide consultations with different sectors of Malian society, including civil society, the Mediator reported an improvement of the situation in Mali. Consequently, the 2012 Chairperson of the ECOWAS Authority announced that he had the consent to lift all the sanctions imposed. This is an example of how the Chairperson of the ECOWAS Authority functions with indirect input from civil society. The Chairperson is therefore a power point of influence that CSOs should target for lobbying purposes.

### 3.2.2 The Council of Ministers

The Council of Ministers is established by Article 10 of the revised Treaty (as amended by Supplementary Protocol SP.1/06/06). Originally, it comprised two ministers from each member state (including the minister in charge of ECOWAS affairs where such an office existed). Since the 2006 reforms, member states can be represented by a maximum of three ministers – the minister in charge of ECOWAS affairs, the minister of finance and any other minister of the member state. The Council plays a major role in the management of ECOWAS. The Treaty gives the Council responsibility to see to the functioning and development of ECOWAS. The main powers and functions of the Council as contained in Article 10(3) of the 1993 revised ECOWAS Treaty (as amended) are:

- Making recommendations to the Authority on action aimed at attaining the objectives of ECOWAS;
- Appointing certain categories of statutory appointee of ECOWAS;
- Supervising the functioning of ECOWAS institutions;
- Recommending external auditors to the Authority for appointment; and
- Scrutinising and approving the work programmes and budgets of ECOWAS and its institutions.

The Council makes the recommendations on which the Authority acts. The collaboration between the Authority and the Council currently constitutes the de facto legislative arm of ECOWAS, as they jointly account for all legislative instruments in the ECOWAS legal framework. In reality, the Council is the driver of ECOWAS as it directly supervises the work of the Commission and other institutions and agencies. Further, the Council monitors the implementation of the policies and decisions adopted by the Authority. When necessary, the Council appoints ad hoc committees and working groups to undertake specific assignments.
The Council is also responsible for the appointment of statutory appointees (other than the President of the ECOWAS Commission and the judges of the ECCJ) and other ECOWAS staff. In relation to those statutory appointees that it does not appoint, the Council plays a major role in the selection and recommendation of candidates to the Authority, either at a formal or informal level. All Decisions and Acts of the Authority are generally based on the recommendations of the Council. Thus, the Council’s sessions precede the sessions of the Authority to allow the Council to prepare documents for consideration by the Authority. In view of the enormous powers and influence of the Council, CSOs need to place greater focus on the Council and its activities.

During sessions, the Council receives and considers reports from the President of the Commission, the meeting of the Administration and Finance Committee, the Financial Controller and the Chairman of the Audit Committee. The Council also considers reports on the status of implementation of the tasks assigned to the Community’s institutions, organs and agencies. The draft agenda for sessions is prepared by the President of the Commission and transmitted to the Council along with relevant supporting documents before the session. This means that CSOs should be able to work with the Commission to put critical matters on the agenda of the Council.

The Chairperson of the Council comes from the same member state as the Chairperson of the Authority. Usually, the minister in charge of ECOWAS affairs in the eligible state is elected as the Chairperson of the Council. The Chairperson requests the President of the Commission to convene sessions of the Council and presides over such sessions. The Chairperson of the Council opens and closes sessions, conducts deliberations, summarises debates, and rules on points of order. In between sessions, the Chairperson in consultation with the President of the Council exercises the powers of the Council. The Chairperson is also empowered to invite any person to address the opening or closing ceremonies of the Council’s sessions. This is another very powerful and important office to which CSOs ought to pay special attention.

3.2.3 The ECOWAS Parliament

The ECOWAS Parliament is currently established by Article 13 of the revised Treaty (as amended by Supplementary Protocol SP.3/06/06). However, the Parliament was only formally constituted in 1994 by Protocol as envisaged in the revised Treaty.

The Parliament considers itself to be the representative organ of the people of West Africa in the ECOWAS integration scheme. Although it is ultimately intended to be transformed into a Parliament with co-decision-making powers that will enable it to share legislative powers with the ECOWAS Council, the ECOWAS Parliament is currently a forum for dialogue, consultation and consensus and does not enjoy legislative powers. Members of the ECOWAS Parliament are drawn from the national parliaments of member states, though it is envisaged that eventually ECOWAS citizens will be able to vote for and be voted into the Parliament. Until the Parliament is constituted by people elected through direct universal suffrage, it only enjoys an advisory status. Under the existing arrangement, member states receive a request from the President of the ECOWAS Commission for nomination of their representatives to the ECOWAS Parliament. This request is usually made three months before the end of the legislative year.

Each ECOWAS Parliament cycle lasts for four years and ECOWAS parliamentarians hold office for four-year terms. The Parliament currently has 115 seats, which are allocated to member states on the basis of their population. All states are entitled to a minimum of five seats but states with larger populations are allocated additional seats based on their populations (Table 3.3).

The ECOWAS Parliament is empowered by Article 6 of Protocol A/P2/8/94 to consider issues relating to human rights and fundamental freedoms and make recommendations to the institutions and organs of the Community. The Parliament has introduced the idea of requiring representatives from member states to present a country report on a wide range of issues during its sessions. The report covers issues ranging from the state of human rights protection in the country to the state of preparedness of each member state for the envisaged economic union. For states in conflict, the report is expected to cover a situation report on the conflict. For instance, during one of the
sessions in May 2012, parliamentarians insisted on an update on the human rights situation in the Gambia, with special emphasis on press freedom. Parliamentarians put the representative from the Gambia under pressure and even proposed that human rights be made a specific heading under the country report. While this may not currently mean much, it is a tool that could be developed into a formidable pressure point for demanding better adherence to standards on human rights and governance by ECOWAS member states.

Table 3.3 Allocation of seats in the ECOWAS Parliament

<table>
<thead>
<tr>
<th>Country</th>
<th>Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benin</td>
<td>5</td>
</tr>
<tr>
<td>Burkina Faso</td>
<td>6</td>
</tr>
<tr>
<td>Cape Verde</td>
<td>5</td>
</tr>
<tr>
<td>Cote d’Ivoire</td>
<td>7</td>
</tr>
<tr>
<td>Gambia</td>
<td>5</td>
</tr>
<tr>
<td>Ghana</td>
<td>8</td>
</tr>
<tr>
<td>Guinea</td>
<td>6</td>
</tr>
<tr>
<td>Guinea Bissau</td>
<td>5</td>
</tr>
<tr>
<td>Liberia</td>
<td>5</td>
</tr>
<tr>
<td>Mali</td>
<td>6</td>
</tr>
<tr>
<td>Niger</td>
<td>6</td>
</tr>
<tr>
<td>Nigeria</td>
<td>35</td>
</tr>
<tr>
<td>Senegal</td>
<td>6</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>5</td>
</tr>
<tr>
<td>Togo</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>115</strong></td>
</tr>
</tbody>
</table>

Under the current regime, the ECOWAS Parliament may be consulted for its opinion in areas of integration, including:

- Interconnection of communication links;
- Telecommunications systems;
- Energy networks, media communications;
- Public health;
- Education, youth and sports;
- Environmental policy;
- Community citizenship; and
- Respect for human rights and fundamental freedoms.

Parliamentary discussion papers, which form the basis of debate, are generally circulated to members at least 24 hours before the session at which a matter is to be debated, although it is not uncommon for papers to be distributed during the session. Country reports submitted by members on the state of affairs in their respective states are sent to the Secretariat of the Parliament at least a month before resumption of Parliament. The Parliament’s Committees on Public Affairs and on Human Rights commonly deliberate on country reports before presenting their own reports to the plenary for adoption. While this is still a developing area, experiences from 2012 upwards suggest that it is becoming an important aspect of the life of the ECOWAS Parliament.

A major avenue of consultation is the current practice of parliamentarians discussing and making their opinions on ECOWAS issues known after the President of the Commission presents a Statement/Report on the State of ECOWAS to the Parliament. The Commission has also begun allowing Parliament to peruse policy documents that are to be adopted by the Council or the Authority. The Parliament is also becoming bolder, as evidenced by calls in 2012 for such policy documents to reach parliamentarians earlier to enable quality contributions. A concrete example
of such consultation was the presentation of the ECOWAS Humanitarian Policy and Plan of Action to the Parliament’s Committee on Human Rights. Although at present consultation is mostly symbolic, as already concluded documents are brought before Parliament, the signs suggest that it will gradually take control of the practice and demand a greater role in the affairs of ECOWAS.

Another emerging practice of the ECOWAS Parliament is the adoption of Parliamentary Resolutions targeted at different stakeholders. For instance, at the height of the Malian crisis, the Parliament adopted a Resolution calling on the Authority to apprehend and sanction persons responsible for disrupting the transition programme in that country. In recent times, the Parliament has also begun to host and co-host seminars and workshops on issues of interest to ECOWAS. For instance, in June 2012, it collaborated with the International Parliamentary Union and other stakeholders to organise a seminar on the campaign against child trafficking and child labour. Thus, although it is yet to realise its full potential as a major institution of ECOWAS, there are indications that the Parliament is growing in influence and will soon begin to play an important role in the affairs of ECOWAS. ECOWAS parliamentarians are also now included in official ECOWAS election observation and monitoring missions.

The Parliament is managed by a collaboration of the political and administrative divisions. The political division comprises the plenary (which is headed by the Speaker of the ECOWAS Parliament), the Bureau and the Conference of Committees Bureau. The administrative division is headed by the Secretary-General of the Parliament, who is assisted by a number of professional and other staff.

### The ECOWAS Parliament and civil society

The goodwill of the ECOWAS Parliament has been explored by civil society in advocacy for implementation of decisions of the ECCJ. One of the major challenges that the ECCJ has faced in the exercise of its human rights jurisdiction has been in the area of state compliance with its decisions. This has been most prominent in relation to decisions made in favour of journalists. Concerned about the risk that non-compliance with its decision poses to the ECCJ, the Media Foundation for West Africa (MFWA) – an NGO based in Accra, Ghana – decided to involve ECOWAS parliamentarians in developing strategies and launching advocacy to sensitise stakeholders on the trend.

In July 2012, the MFWA and the ECOWAS Parliament organised a forum in Abuja to discuss the enforcement of decisions of the ECCJ and their implications for human rights, democracy and good governance in West Africa. The programme brought together civil society actors, academics, judges and other officials of the ECCJ to discuss the issues at stake. At the end of that meeting, a Declaration was adopted calling on all stakeholders – including the Commission – to take steps to ensure that member states comply with the decisions of the ECCJ. Although the Parliament did not drive the initiative, it was willing to collaborate and provided its facilities for the meeting.

3.2.4 The ECOWAS Commission

What is now known as the ECOWAS Commission was established in Article 6 of the 1993 revised Treaty as the Executive Secretariat of ECOWAS. In 2006, the ECOWAS Authority amended the 1993 revised Treaty to establish the ECOWAS Commission, which would be able to collaborate more efficiently with the AU Commission. In 2013, the same Authority decided on a new structure for the Commission. The ECOWAS Commission is the executive arm of ECOWAS and is responsible for implementing the Treaty and other legislative instruments of ECOWAS. The Authority retains the power to restructure the Commission as it deems fit.

**President of the Commission**

The Treaty empowers the ECOWAS Authority to appoint the President of the ECOWAS Commission for a single term of four years. The presidency of the ECOWAS Commission is rotated amongst member states. The occupant of the office has to be a person of proven competence and integrity. A general practice has been to appoint a top-level diplomat or a person who has previously held high national office as President of the Commission.

The President of the ECOWAS Commission is the principal officer of the Community, the chief executive officer of the Commission, the legal representative of the Community and the financial authorising authority of the Community.
According to Article 19 of the revised ECOWAS Treaty (as amended by Supplementary Protocol SP.1/06/06), the duties and function of the President of the Commission include:

- Coordinating the activities of ECOWAS Institutions;
- Managing the external relations of the Commission;
- Strategic planning and policy analysis of regional integration;
- Executing the decisions of the Authority;
- Implementing the regulations of the ECOWAS Council;
- Convening meetings of representatives of member states’ high institutions to examine sectoral issues;
- Preparing a draft budget and work programmes for submission to the Council of Ministers;
- Supervising the approved budget and work plans;
- Submitting reports on ECOWAS activities to all meetings of the Authority and the Council;
- Preparing meetings of the Authority, Council, Technical Committees and ECOWAS experts;
- With approval of Council, undertaking the recruitment of staff other than statutory staff;
- Submitting proposals and preparing studies to enhance the functioning of ECOWAS;
- Preparing draft texts for approval by the Authority or the Council;
- Conducting the Commission’s external relations, international cooperation, strategic planning and policy analysis; and
- Collaborating with National Units for the purpose of gathering useful information from national institutions to enhance the objectives of integration.

The President of the ECOWAS Commission is arguably the most powerful individual in the ECOWAS framework. As one commentator has observed, the President of the Commission “plots the course of ECOWAS”, because the office initiates or at least has influence over all policy documents and legislative instruments that get to the Council and the Authority. The fact that all other institutions and non-statutory staff report directly or indirectly to the President of the Commission further amplifies the actual and perceived importance of this office.

It is important to note that similar to the financial benefits that accrue for those holding the offices of Chair of the Authority and the Council, there is a practice of making huge budgetary allocations to the member state that produces the President of the Commission. The allocation is supposed to enable the hosting of meetings in the home country of the incumbent President. However, one report has it that the allocated sums are hardly ever used, as ECOWAS ends up footing the bills through the National Unit office in the home country of the President. In 2012/2013, this became a sore point as Nigeria opposed the continued allocation of funds to that budget line as unnecessary wastage.

The Presidency of the Commission is a useful point of call for CSOs and NGOs interested in meaningful engagement with the ECOWAS Community. A crucial role that the Office of the President of the ECOWAS Commission plays in relation to CSOs and NGOs is that it receives applications from organisations seeking observer status and transmits communications from recognised organisations to the Council and other relevant institution of ECOWAS.

The office of the President of the ECOWAS Commission is also responsible for receiving documentation from CSOs and NGOs for transmission to meetings of the Council or to meetings of any other ECOWAS institution to which a given organisation has been granted observer status.

**Vice-President of the Commission**

The Vice-President of the Commission is appointed by the ECOWAS Council of Ministers. The Vice-President is appointed for a single four-year term upon recommendation by a Ministerial Committee
on the Selection and Evaluation of the Performance of Statutory Appointees. The Vice-President acts on behalf of the President as the need arises, but has the main responsibility of coordinating relations between ECOWAS institutions and agencies, as well as relations with ECOWAS partners.

**Commissioners**

The Commissioners of the ECOWAS Commission are also appointed by the Council of Ministers. They are appointed for a single four-year term upon recommendation by a Ministerial Committee on the Selection and Evaluation of the Performance of Statutory Appointees. A state to which an office has been allocated nominates three candidates and the Ministerial Committee picks and recommends one of the three for appointment. The Commission has 15 Commissioners and a number of general and professional staff.

**Departments**

ECOWAS has 13 Commissioners, who head the following departments:

- Agriculture, Environment and Water Resources;
- Education, Science and Culture;
- Energy and Mines;
- Finance;
- General Administration and Conferences;
- Human Resources Management;
- Industry and Private Sector Promotion;
- Infrastructure;
- Macro-Economic Policy and Economic Research;
- Political Affairs, Peace and Security;
- Social Affairs and Gender;
- Telecommunication and Information Technology; and
- Trade, Custom and Free Movement.

The Financial Controller of an ECOWAS department has the rank of a Commissioner.

While all the departments of the Commission hold some promise for positive engagement depending on the thematic interest of a given CSO or NGO, the following departments are particularly important offices with which CSOs and NGOs should familiarise themselves:

- Political Affairs, Peace and Security;
- Human Development and Gender;
- Administration and Finance; and
- Trade, Customs, Industry and Free Movement.

*The Department of Political Affairs, Peace and Security* is responsible for addressing issues of governance and democracy in the ECOWAS framework. It also designs and sets the agenda for the peace and security architecture of ECOWAS. This makes it an essential department for CSOs involved in human rights and humanitarian intervention, election monitoring, and building of a democratic culture.

*The Department of Human Development and Gender* addresses issues relating to human development and gender in the ECOWAS framework. Accordingly, it coordinates the work of the WAHO, the ECOWAS Gender Development Centre and the Youth and Sports Centre. Most importantly, it is also the office that coordinates with both local and international CSOs, NGOs and intergovernmental
organisations through the CSO desk. This office acts as the official liaison between the Commission and CSOs. However, the experience of organisations such as the West African Civil Society Forum (WACSOF) shows that CSOs can also directly contact and deal with the agencies and thematic committees of ECOWAS. In fact, it is recommended that thematic issues be brought directly before the relevant department, directorate, specialised agency or unit even though issues can also be taken up at the level of the Presidency.

*The Department of Trade, Customs, Industry and Free Movement* is responsible for monitoring the implementation of the Free Movement Protocols. Since these Protocols are among the ECOWAS instruments that touch on the daily lives of ordinary West Africans, CSO engagement in this area needs to be improved.

### The West African Network for Peace-building

The ECOWAS Commission is the nerve centre of activities in ECOWAS. Accordingly, there is always space for CSO/NGO interaction with the Commission. This can occur when:

- The Commission puts out a call for proposals to allow CSOs and NGOs to bid for projects;
- CSOs/NGOs sign documents with the Commission for collaborative work; or
- A particular organisation takes an advocacy campaign to the ECOWAS Commission.

A few organisations have had such experiences with the Commission.

The West African Network for Peace-building (WANEP) was established in 1998 as a coordinating structure for collaborative peace-building in West Africa. After the adoption of the 1999 ECOWAS Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, the ECOWAS Commission (then Executive Secretariat) commissioned WANEP to conduct an assessment of ECOWAS conflict prevention capacity and to identify the training needs of ECOWAS in the area, with a view to enhancing the implementation of the Mechanism established by the Protocol.

In February 2004, WANEP signed a memorandum of understanding (MoU) with the Commission that committed WANEP to providing training, technical assistance and on-site technical support to ensure that appropriate structures were in place to establish and strengthen linkages between CSO networks and ECOWAS. A significant feature of the MoU was that it enjoined and committed the ECOWAS office responsible for peace and security to assist in getting access to relevant documents and key personnel for CSOs. It also sought to ensure ECOWAS political support to facilitate civil society participation in the programme.

The collaboration was carried further in 2005 when a follow-up project was commissioned between July 2005 and June 2007 to allow WANEP to assist ECOWAS in building a community-level early warning system in the member states. The MoU between the ECOWAS Commission and WANEP allows the CSO to sponsor a liaison officer position at the ECOWAS Commission to provide civil society input to ECOWAS peace and security issues.

Recognising the critical role that CSOs have in the functioning of the ECOWAS early warning system, the ECOWAS Conflict Prevention Framework (ECPF) adopted in 2008 stipulates that CSOs have a major role to play along with states. Thus, ECOWAS sees its role as one of merely facilitating “creative conflict transformation interventions by states and CSOs”. Accordingly, the ECPF envisages that “Zonal Bureaux for Early Warning shall adopt a participatory regional approach in data gathering by building and strengthening cooperation with member states and civil society, including but not limited to NGOs, traditional groups, diverse interest groups, women and youth organisations.” In this regard, CSOs are increasingly being involved in the official ECOWAS election monitoring teams.

### Media Response in Ghana

In 2008, Ghana-based Media Response successfully bid for a donor-sponsored project at the ECOWAS Commission. The project was initiated to strengthen the capacity of non-state actors to enable them to play a more effective and relevant role in the ECOWAS integration process. This project allowed Media Response to carry out interventions aimed at strengthening media capacity and creating awareness on the regional integration process among the Ghanaian populace. Since 2010, Media Response has worked with the ECOWAS Commission to play a leading role in the formation, inauguration and maintenance of the Regional Integration Network of Non-State Actors.
Freedom of expression and access to information

The Media Foundation for West Africa (MFWA) is an independent NGO founded in 1997. MFWA is based in Ghana and focuses on the defence and promotion of the rights and freedom of the media. In 2009, MFWA began collaborating with the Communication Department of the ECOWAS Commission to enable it to develop a regulatory framework for freedom of expression and access to information in West Africa. MFWA’s draft was reviewed by an ECOWAS meeting of technical experts on communication before it was forwarded to a meeting of ECOWAS Ministers of Information. The draft will pass through a few other stages and if it is finally adopted, it will be a Supplementary Act binding on all ECOWAS member states.

3.2.5 The ECOWAS Community Court of Justice

Although it was originally conceived as a tribunal under the 1975 Treaty, in 1991 the ECOWAS Authority concluded a protocol to constitute what is now known as the ECOWAS Community Court of Justice (ECCJ). Under the revised Treaty, the ECCJ is established by Articles 6 and 15 as the principal legal organ of ECOWAS. Under the 1991 Protocol of the ECCJ, it was only open to state parties and Community institutions. However, the 1991 Protocol has been amended a number of times since then, resulting in the opening of access to the ECCJ for individuals and legal persons such as CSOs and NGOs in matters alleging a violation of human rights. The most important of those amendments occurred in 2005 when Supplementary Protocol A/SP.1/01/05 was adopted to expand the jurisdiction of the ECCJ. Since then, the ECCJ has heard over a hundred cases, most of which relate to allegations of violation of human rights within the territories of ECOWAS member states.

Composition

The ECCJ is composed of seven independent judges appointed by the ECOWAS Authority from nationals of member states. The judges elect a President and a Vice-President from among themselves to manage the affairs of the ECCJ. The President and Vice-President of the ECCJ are elected for renewable terms of two years. The Bureau for the ECCJ, comprising the President, the Vice-President, the oldest judge and the longest-serving judge, is its highest decision-making body.

Under the 2006 Supplementary Protocol, the Authority allocates vacant judicial positions to member states, and a Judicial Council made up of the Chief Justices of states other than those to which the offices have been allocated make the initial selection. The Judicial Council selects three candidates from each of the eligible member states, interviews the candidates and proposes their appointments to the Authority. Effectively, judicial independence is strengthened by the reduction of political involvement in the appointment process. The ultimate power to dismiss a judge of the ECCJ resides in the Authority, though it can only be exercised on the recommendation of the Judicial Council.

Although there are ongoing efforts to create an appellate division at the suggestion of certain member states, the ECCJ is currently a single-division institution. At its interaction with Permanent Representatives of ECOWAS member states and ECOWAS National Units in March 2013, the ECCJ got these latter two bodies to accept a recommendation to create the appellate division, create sub-registries in member states and commence a fund for legal aid.

Jurisdiction

Despite the fact that it considers itself to be in an “integrated relationship with national courts”, the ECCJ is an international court and has the power to review allegations of violations of ECOWAS Community obligations. It is authorised to apply ECOWAS Community law in particular and international law generally. The ECCJ may either be accessed directly (in cases of alleged violations of human rights) or through referral by national courts applying the preliminary ruling

5 Judicial statistics of the ECCJ as at 6 March 2013 indicates that 147 cases were filed before the Court and that 88 rulings made by the Court. See T. Amene-Maidoh, “The role of the ECOWAS Court of Justice in the Regional integration process”, paper presented at the ECOWAS Day celebration in Addis Ababa, Ethiopia, 29 May 2014.
option. Unlike most international courts, there is no requirement to exhaust local remedies before a prospective litigant can access the ECCJ in cases alleging violations of human rights in a member state. However, complaints submitted to the ECCJ must not be anonymous and must not have been submitted before another international court.

The decisions of the ECCJ are final and binding on all parties before it. Decisions of the ECCJ that involve monetary awards are to be implemented according to the civil procedure rules applicable in the state where the decision is to be executed. In the short period of its existence, the ECCJ has enjoyed a high rate of total or partial compliance with its decisions, even though the Gambia has failed to implement two judgments delivered against it. However, the Gambia has not declared that it will not comply, but has rather sought to supply reasons why it considers the decisions difficult to implement.

As recently as 2012, the ECOWAS Authority adopted a Supplementary Protocol on Sanctions against member states that fail to comply with their obligations under Community law. Judgments and decisions of the ECCJ are listed as ECOWAS Community obligations that will attract sanctions when they are not complied with. Article 77 of the 1993 revised ECOWAS Treaty authorises the imposition of incremental sanctions for failure of a member state to comply with ECOWAS Community obligations.

Since 2005, the ECCJ has been granted judicial competence over the following subjects:

- The interpretation and application of the Treaty, Conventions and Protocols of ECOWAS;
- The interpretation and application of the regulations, directives, decisions and other subsidiary legal instruments adopted by ECOWAS;
- The legality of regulations, directives, decisions and other legal instruments adopted by ECOWAS;
- The failure by member states to honour their obligations under the Treaty, Conventions, Protocols, Regulations, Directives or Decisions of ECOWAS;
- The provisions of the Treaty, Conventions, Protocols, Regulations, Directives or Decisions of ECOWAS;
- An action for damages against an ECOWAS institution or an official for any action or omission in the exercise of official functions; and
- Actions by individuals alleging the violations of human rights within the territory of an ECOWAS member state.

Access to the ECCJ is open to a corporate body that alleges that an act or inaction of an ECOWAS institution is in violation of the right of that corporate body. However, the practice of the ECCJ has been to allow CSOs and NGOs access to bring human rights actions on behalf of victims who would otherwise not have been able to access the court. Since the ECCJ attaches a victim requirement to individual access, the only situation where public interest litigation \((\textit{actio popularis})\) is accepted (and even encouraged) is where collective third-generation rights (as against individual rights) are involved. Recent decisions of the ECCJ seem to suggest that there is an ongoing debate among the judges regarding the question of whether access should be extended to CSOs and NGOs in appropriate cases where individual rights involving several victims are in question. CSOs have a major role to play in helping to push for the implementation of decisions of the ECCJ by ECOWAS member states.
3. The Economic Community of West African States

### ECCJ interaction with NGOs and CSOs

As a court of law, the ECCJ’s interaction with NGOs and CSOs is somewhat restricted. However, the ECCJ has allowed CSOs and NGOs to be directly involved in shaping aspects of its work. For instance, when the court made a decision in 2004 that under the legal regime of the 1991 Protocol individuals did not have access to bring matters before it, CSOs and NGOs actively campaigned for the amendment of the 1991 Protocol.

In 2009, following what the Gambia considered to be an unfavourable decision against it in the case of *Ebrimah vs. The Gambia*, a proposal was put forward by the Gambia to amend the 2005 Protocol of the ECCJ by introducing a condition that local remedies should be exhausted by prospective applicants before human rights cases are brought to the ECCJ. A number of CSOs and NGOs – including the Open Society Initiative for West Africa (OSIWA), the West African Bar Association (WABA) and the MFWA – mounted a sustained advocacy campaign that targeted both ECOWAS structures and selected member states to ensure that the proposal by the Gambia was defeated.

The ECCJ has also involved CSOs and NGOs in its sensitisation visits to member states. In October 2012, the ECCJ organised an international conference in Accra, Ghana, on the theme “Human Rights, Democracy and Good Governance: Role of the ECOWAS Court of Justice”. Organisations such as the Centre for Human Rights, the University of Pretoria, WABA and MFWA participated at the invitation of the ECCJ. At the Accra meeting, a proposal was made for a CSO coalition to ensure an effective ECCJ. This proposal was included as part of the joint declaration adopted by participants at the end of the meeting. Work is currently ongoing to set up the coalition.

### The ECCJ and public interest litigation

The experiences of the Nigeria-based Socio-Economic Rights and Accountability Project (SERAP) represent an important case study on public interest litigation before the ECCJ. In 2008, SERAP brought an action against Nigeria before the ECCJ, claiming that the state had violated the right of the Nigerian people to education, dignity, wealth, natural resources and economic and social development. One of the main objections raised by the Nigerian state was that SERAP was not a victim of any of the violations it alleged. Therefore, the state contended that SERAP lacked the legal standing (*locus standi*) to bring the action. In its ruling in 2009, the ECCJ accepted SERAP’s argument that it was in the interest of human rights for the scope of public interest litigation (*actio popularis*) to be expanded to enable NGOs to bring action for the protection of human rights even when the NGO does not claim victim status. The ECCJ agreed with this position and ruled that allowing public interest litigation was necessary to “satisfy the aspirations of citizens of the sub-region in their quest for a pervasive human rights regime”.

In contrast to its decision in the SERAP case, in the case of *Mrakpor vs. 5 Others*, the ECCJ ruled in 2011 that Godswill Mrakpor, a Nigerian citizen who had approached the ECCJ to prevent the ECOWAS Authority from taking military action against former President Laurent Gbagbo of Cote d’Ivoire, did not have the legal standing to bring that action. The ECCJ stressed that there was a victim requirement attached to its human rights jurisdiction.

In 2012, the ECCJ again addressed the question of *locus standi* in another case brought by SERAP alleging a violation of the right of the people of the Niger Delta to a satisfactory environment. Again, this action was brought against Nigeria and once again, Nigeria challenged the legal standing of SERAP. In this case too, the ECCJ ruled that SERAP could bring the action on the basis of a public interest to protect collective rights.

While the inconsistency lies in the fact that some of the rights invoked by SERAP in the first case such as the right to education are clearly not collective rights, it may well be that SERAP succeeded because it lumped that right together with other clear collective rights. In summary, it is safe to state that public interest litigation is allowed in cases involving allegations of violation of collective rights.

### 3.2.6 The ECOWAS Conflict Management Protocol

In 1990, while still under the legal regime of the 1975 Treaty, the ECOWAS Authority authorised military intervention in Liberia as a broad measure to maintain regional peace and stability by preventing the spillover of the war in that country into neighbouring states. That intervention in Liberia was to be the first in a line of other interventions that increasingly received the endorsement and approval of both the AU and the United Nations (UN). The intervention in Liberia also formed part of the trigger for the amendment of the founding ECOWAS Treaty.
After the adoption of the revised Treaty in 1993, ECOWAS was again forced to intervene militarily in Sierra Leone in 1997. In 1998, in the midst of the ECOWAS military intervention in Sierra Leone, the Authority adopted a Decision to give some legal basis to the ECOWAS military action. However, it was clear that ECOWAS military operations in member states could not be founded on a mere Decision. Accordingly, in 1999 the ECOWAS member states adopted Protocol A/P1/12/99 relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (Conflict Management Protocol) to establish the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (the Mechanism).

As stated in its preamble, the Conflict Management Protocol (and by extension, the Mechanism) was partly motivated by the concern that “The proliferation of conflicts that constitute a threat to peace and security … undermines … efforts to improve the living standards of our people.” The Authority expressed conviction that “There is a need to alleviate the suffering of the civil population and restore normalcy after conflicts or natural disasters.” Effectively, the Conflict Management Protocol is the means by which ECOWAS develops its acknowledgement of the link between peace and security on the one hand and regional integration on the other. The Mechanism provides ample opportunity for CSO engagement in the work of ECOWAS.

According to Article 3 of the Conflict Management Protocol, the main objectives of the Mechanism are to:

- Prevent, manage and resolve internal and interstate conflicts;
- Implement Article 58 of the revised Treaty;
- Implement relevant Protocols;
- Strengthen cooperation in the areas of conflict prevention, early warning, peacekeeping operations, control of cross-border crime, international terrorism and proliferation of small arms;
- Maintain and consolidate peace, security and stability within ECOWAS;
- Establish institutions and formulate policies that allow for organisation and coordination of humanitarian relief missions;
- Promote close cooperation on preventive diplomacy; and
- Constitute ECOWAS civilian and military intervention forces.

In order to achieve its objectives, the Conflict Management Protocol stipulates that the Mechanism will be funded by allocations from the Community fund and contributions and donations from the UN, other international organisations and interested states. The Mechanism operates through four main organs:

- The Authority;
- The Mediation and Security Council (MSC);
- The ECOWAS Commission; and
- The Council of the Wise.

Apart from these main organs, the Mechanism is supported by other important organs including the ECOWAS Early Warning System. Although the Authority is the highest decision-making organ of the Mechanism, the Authority has mandated the MSC to act on its behalf.

The MSC is made up of nine member states. Seven states are elected by the Authority to serve for a term of two years. The remaining two members are the current and immediate past Chair of the Authority, both of whom are automatic members of the MSC. The MSC takes decisions on behalf of the Authority on all matters relating to peace and security in the West African region. Other functions of the MSC include:
- Formulating and implementing policies for conflict prevention, management, resolution, peacekeeping and security;
- Authorising and making policy decisions on all political and military interventions; and
- Approving and reviewing the mandate of ECOWAS missions to conflict zones.

The most comprehensive and most significant policy document that the MSC has adopted so far is the 2012 ECOWAS Common Humanitarian Policy (ECHP). The document “seeks to standardise the practice of humanitarian action in ECOWAS member states by fostering a balanced linkage between humanitarian action, human security and human development throughout the ECOWAS space based on the principle of regional solidarity.” The ECHP formally documents the crucial paradigm shift in ECOWAS that has seen its focus move from exclusive concern about state security to a robust concern about human security. The ECHP also demonstrates the realisation in official quarters that CSOs can and do play an important role in sustainable peace-building and consolidation. Decisions of the MSC are taken at three main levels:

- Meetings at the level of heads of state and government;
- Meetings at the level of ministers involving national Ministers of Foreign Affairs, Defence and Internal Affairs; and
- Meetings at the level of ambassadors accredited as Permanent Representatives to ECOWAS.

The significance from a CSO perspective is that advocacy and other interventions need not be at the highest level but can occur at the level that is most accessible to any given organisation. At least one organisation – WACSOF – confirms that intervention at any of these levels of MSC decision-making can be very effective.

The MSC is supported by other organs such as the Defence and Security Commission and the Council of the Wise. The work of the MSC is further aided by the ECOWAS Early Warning System, which operates an Observation and Monitoring Centre within the ECOWAS Commission, and four Observation and Monitoring Zones located in four different ECOWAS member states.

Article 41 of the Conflict Management Protocol reflects recognition of the importance of CSO/NGO involvement in the ECOWAS peace and security architecture. It authorises ECOWAS to collaborate with civil society in implementing the Mechanism. It is at the community-level Observation and Monitoring Zone that CSOs such as WANEP have created opportunities for CSO input by appointing personnel to work with the ECOWAS national officials. There is insufficient material to assess the value of the ECOWAS–WANEP collaboration. However, some assessment of the overall success of the Mechanism is possible.

From the perspective of political will and ability to fully implement the Mechanism, there is some basis to conclude that the reaction of ECOWAS member states has been generally positive. By its own self-assessment, ECOWAS concludes that its conflict missions have been successful “as a result of effective involvement of decision-making bodies of ECOWAS”.

By linking funding of the Mechanism to the Community Levy that is the main source of revenue, the Conflict Management Protocol reduces the risk of foot-dragging by member states that could have arisen had funding been left to ad hoc voluntary contributions by states. Although experience shows that the success of ECOWAS missions and operations under the Mechanism still depends to a large extent on voluntary contributions from states and funding from external forces, the core fund for mobilising these operations is within the immediate reach of the ECOWAS institutions. In 2011, ECOWAS had to await French support and intervention to engage in Cote d’Ivoire against Laurent Gbagbo even though the Chair of the ECOWAS Authority had already threatened to use “legitimate force” (i.e. take military action) if necessary. One consequence of this partial dependence on foreign financial contribution is that the possibility of ECOWAS intervention becomes tied to the interests of the donor states. Linked to this is the fact that the operation is partly controlled by those donors and there is a demand for accountability to the donors. While this demand for accountability is not necessarily negative, it could either create or reinforce the perception that the ECOWAS operations serve foreign interests, thereby undermining the legitimacy of such
operations. There is also the further risk of inconclusive operations when the donor states give in
to their own taxpayers’ demands to withdraw support. Generally, donor funding has declined due
to the economic downturn in the West and donor fatigue and this has further impacted on the
size of the purse available to ECOWAS to fund the operations of the Mechanism. Another angle
to the dependence on external funding is that CSOs that are able to lobby donor countries can
successfully place pressing issues on the agenda by convincing donor states to tie such issues to
the funding.

It is generally agreed that the ECOWAS Peace and Security Mechanism is the most advanced
subregional mechanism of its kind. Arguably, the ECOWAS interventions in Sierra Leone, Liberia,
Guinea and Cote d’Ivoire are examples of successful interventions by a regional organisation.
In comparative terms, ECOWAS interventions stand out in most areas, including preventive
diplomacy, military intervention and peacekeeping, as well as post-conflict reconstruction. Civil
society involvement in some of these interventions has also been successful to some extent. For
instance, organisations such as the Mano River Women’s Peace Network (comprising women from
Sierra Leone, Liberia and Guinea) are known to have played important roles in influencing action
by ECOWAS during the civil wars in Sierra Leone.

In overall terms, the preventive diplomacy of the ECOWAS Mechanism has not been too effective
– as the recent outbreak of internal conflicts in the region indicates. Although the Early Warning
System may have been effective to the extent that some of these conflicts were anticipated and
efforts were made to nip them in the bud, full-scale conflicts still broke out in Guinea Bissau
and Mali. However, the ECOWAS preventive diplomacy in Guinea was arguably effective as then
Burkinabé President Blaise Campaore’s involvement in that country’s presidential standoff averted
a degeneration of the situation into open conflict.

It is important to note that civil society plays an important role in the Early Warning System, as
civil society coalitions such as WANEP are actively involved in the ECOWAS warning system. It is
noteworthy that within the framework of the ECOWAS–WANEP collaborative framework (ECOWARN),
CSOs such as the Centre for Democracy and Development (CDD) and WACSO have worked to build
the capacity of CSOs and NGOs in the region to contribute to ECOWARN. Both organisations were
also actively involved in the process leading up to the adoption of the ECOWAS Conflict Prevention
Framework (ECPF). Clearly, greater commitment of CSOs can help to improve the system.

An important issue of concern is that the deterrent value of the system is still not fully developed,
since national actors disrupt the democratic process in some member states despite the threat
of ECOWAS punitive action. This limited deterrent value could be because ECOWAS lacks both the
tool of effective sanctions (the freezing of bank accounts, denial of foreign aids, international
travel bans, etc.) and the compelling threat of immediate military action. Notwithstanding all of
these, ECOWAS is able to mobilise for military action by attracting the goodwill of other actors.
This is why the ECOWAS Mechanism remains comparatively the most effective and most successful
of its kind. The advanced collaboration between the ECOWAS MSC and the AU’s Peace and Security
Council is further testimony of the comparative effectiveness of the ECOWAS mechanism.

The Democracy Protocol

An important instrument that emanated from the Conflict Management Protocol but which enjoys
an independent existence is the Protocol on Democracy and Good Governance Supplementary to the
Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping
and Security (Democracy Protocol). Adopted in 2001, it entered into force provisionally upon
signature while the necessary number of ratifications was being awaited. It is generally considered
as providing the constitutional convergence for integration in West Africa. It addresses the
human security needs of the peoples of ECOWAS. This instrument is important evidence of the
recognition by ECOWAS of the link between democracy and good governance, peace, security,
stability and integration. The Democracy Protocol is the legal foundation for election observation
and monitoring activities of the Community. It is also through its provisions that the jurisdiction
of the ECCJ was expanded to cover human rights issues.\textsuperscript{6} It also encourages ECOWAS member states to establish national human rights commissions where none currently exists.

Based on the principles of constitutional convergence collectively adopted in the Democracy Protocol, ECOWAS has indicated a desire to “turn our countries into examples of vibrant democracies within which the fundamental human rights and freedoms of our citizens are sacred, respected and protected.”

ECOWAS can be said to have done relatively well in implementing the Democracy Protocol:

- ECOWAS has successfully maintained its involvement in observing and monitoring elections in member states. While at times the argument has been made that ECOWAS election missions could be perceived as mere rubber stamps to give legitimacy to the ruling parties in the respective states, the refusal of ECOWAS to legitimise presidential elections in the Gambia in 2011 is an indication that such fears may not be totally justified.

- The promptness with which ECOWAS sanctions unconstitutional change of government or retention of powers in its member state far exceeds the experience in other parts of the world. ECOWAS sanctions in this regard have been imposed on political leaders in Togo, Niger, Guinea and Cote d’Ivoire.

Thus, the Democracy Protocol is a platform for CSOs and NGOs to build advocacy and other interventions aimed at building democracy and good governance in ECOWAS. As with the Conflict Management Protocol, the implementation of the Democracy Protocol is supervised by the Department of Political Affairs, Peace and Security.

Election monitoring, however, may be a touchy issue in the relationship between the Community and civil society. The tension that arose between the ECOWAS authorities and WACSO over the 2005 political crisis in Togo is indicative of this point. In its Monitoring Report on the 2005 presidential elections, WACSO reported that its officials were denied accreditation to observe the elections despite the active involvement of ECOWAS in the polls. The report says that whereas WACSO saw the passing of former long-term President Gnassingbé Eyadéma as an opportunity to entrench real democracy in Togo, there was a feeling that ECOWAS was more willing to overlook flaws in the build-up to the elections in order to ensure that peace was maintained.

Notwithstanding incidents such as the Togo affair, CSO involvement in ECOWAS election observer missions is becoming increasingly robust as the Election Unit in the Department of Political Affairs, Peace and Security has made it a practice to invite CSOs and NGOs with an established focus on democracy-building and election monitoring to be part of such ECOWAS election observer teams. ECOWAS has also created a platform in the form of an ECOWAS Network of Electoral Commissions (ECONEC) to meet and share ideas and best practices. This creates an avenue for CSOs to interact directly with the electoral bodies themselves during ECOWAS election observer missions. Organisations such as OSIWA have been active in facilitating the activities of ECONEC and by extension, the ECOWAS efforts at building a culture of democracy in the region. For instance, OSIWA sponsors a programme officer to work in the ECONEC Secretariat in Sierra Leone, thereby providing an avenue for CSOs to get access to ECONEC.

3.2.7 Permanent Representatives

Until 2010, the role of ambassadors in the ECOWAS framework was essentially limited to participation in the functioning of the MSC. In 2010, the ECOWAS Authority validated the recognition of accredited ambassadors as Permanent Representatives to the ECOWAS Commission and approved the allocation of more concrete responsibilities to them. Accordingly, since 2010, in addition to the role they play in the MSC, Permanent Representatives are incorporated into the Technical Committee on Political Affairs, Peace and Security. Permanent Representatives are consequently recognised as vital links between the ECOWAS Commission and ECOWAS member states. They are

\textsuperscript{6} See Article 39 of the Protocol A/SP1/12/01 on Democracy and Good Governance.
expected to promote relationships between their respective states and ECOWAS institutions, just as they are expected to participate in the activities of the ECOWAS institutions to which they have been invited.

Significantly, Permanent Representatives are given responsibility for providing regular and up-to-date information on the implementation of ECOWAS obligations by their respective states. They are also expected to participate in ECOWAS sensitisation and advocacy programmes, and to advise their states on coordination between Ministries and Departments responsible for integration at the national level. Since 2010, to enhance their involvement in the ECOWAS framework, member states have also been encouraged to include their Permanent Representatives to ECOWAS in their national delegations to annual statutory ECOWAS meetings.

Some organisations, notably WACSOF, have some experience of engaging with the Permanent Representatives of individual states “when issues of specific relevance to the member state are involved”. However, even WACSOF takes the view that at times engaging the National Platforms in the member state can be equally if not more effective. Notwithstanding these observations, the Permanent Representatives may be allies that CSOs find useful.

3.2.8 ECOWAS Bank for Investment and Development

The ECOWAS Bank for Investment and Development (EBID) and its subsidiaries – the ECOWAS Regional Investment Bank and the ECOWAS Regional Development Fund – were created by the amended Article 21 of the revised ECOWAS Treaty. Originally, the 1975 ECOWAS Treaty created an ECOWAS Fund for Cooperation, Compensation and Development as a financial instrument; it became operational in 1979. However, in a bid to “enhance the financial resources of the Fund through the opening of its capital to non-regional partners”, the ECOWAS Authority in December 1999 transformed the ECOWAS Fund into the regional holding company EBID. EBID and its two specialised subsidiaries became operational in 2003 and are based in Lomé, Togo. EBID is supervised by a board of governors and run by a board of directors.

The objectives of EBID are to:

- Grant loans and guarantees for financing investment projects and programmes for the economic and social development of member states;
- Mobilise resources within and outside ECOWAS for the financing of its investment projects and programmes;
- Provide the technical assistance necessary for the study, preparation, financing and execution of development projects and programmes within ECOWAS;
- Receive and manage the portion of ECOWAS Levy resources meant for the financing of ECOWAS development activities;
- Manage ECOWAS special funds relevant to its corporate objective; and
- Carry out any commercial, industrial or agricultural activity, in as much as such an activity is secondary to its objective or necessary for the recovery of its debts.

EBID’s cooperation activities take place within the framework of its corporate objectives. Thus, EBID cooperates with both national and subregional development organisations that operate within ECOWAS. EBID also cooperates with other international organisations with similar aims and other institutions involved in the development of the Community. Generally, the operational activities of EBID include project identification (in both public and private sectors), project appraisal and supervision, signing of loan agreements, and the disbursement and management of funds. There is, however, not enough material to engage in an assessment of its effectiveness.
### Two EBID projects

In December 2012, EBID signed a part-financing loan agreement with the Société d’Exploitation Hôtelière du Togo, a Togolese public liability company. The agreement is for the sum of FCFA 5 billion and is to be used for the construction of a 162-room, 4-star hotel complex in Lomé, Togo. The official position of EBID is that the “project mainly seeks to provide the Togolese capital with an international-class hotel establishment”. The total cost of the project is put at FCFA 23.621 billion and it is to be financed “to the tune of 34% with own funds and 66% with bank loans”. EBID explains that it “decided to provide funding support to [this project] as part of its private sector financing objectives, in accordance with the orientation of its 2010–2014 Strategic Plan”.

Also in December 2012, EBID signed a loan agreement with Les Grands Moulins du Ténéré, a Nigerian limited liability company, for FCFA 1.550 billion for the acquisition of a flour mill, Les Moulins du Sahel in Niamey, Niger, through an assets acquisition mechanism, as well as renovating and upgrading the factory. This agreement was also part of EBID’s private sector financing objectives, in accordance with the orientations of its 2010–2014 Strategic Plan.

### 3.2.9 Intergovernmental Action Group against Money Laundering in West Africa

The Intergovernmental Action Group against Money Laundering in West Africa (GIABA) was established in 1999. GIABA is the ECOWAS institution with a mandate that is closest to an anti-corruption body. However, GIABA’s main responsibility is to facilitate the adoption and implementation of mechanisms to prevent money laundering and financing of terrorism in West Africa. GIABA operates from Dakar, Senegal, but has information offices in major capitals such as Lagos, Nigeria. GIABA is also responsible for strengthening the capacity of member states to prevent and control money laundering and terrorist financing in the region. It assists member states with establishing financial intelligence units and strengthening the capacity of existing units.

In addition to member states, GIABA grants observer status to African and non-African states, as well as intergovernmental organisations that support its objectives and actions and which have applied for observer status.

GIABA operates through four main organs:

- The GIABA Ministerial Committee, consisting of the three ministers responsible for Finance, Justice and Interior/Security from each member state;
- The Secretariat, which is located in Dakar, Senegal;
- The Technical Commission, which consists of experts drawn from the abovementioned ministries of member states; and
- A network of National Correspondents. Each member state is required to appoint one National Correspondent.

In 2010, an independent evaluation of the GIABA 2007–2009 Strategic Plan was conducted and one of the main findings was that there was a general lack of awareness about GIABA in the region. Accordingly, it was recommended that the agency develop a functional communication strategy. This has since been done and perhaps accounts for the increasing visibility of GIABA. CSOs are part of the listed target groups for the strategy and this indicates recognition that CSOs have an important role to play in the work of GIABA.

Among recent innovations in GIABA is the introduction of the Open House Forum in ECOWAS member states. GIABA also holds briefing sessions/meetings for ambassadors, partners and other stakeholders, as well as thematic workshops on issues ranging from money laundering to trafficking in persons. It is important to note that GIABA publishes its annual report online (even though not every year is covered currently). Although GIABA has been in operation for more than ten years, there is not enough material available to make an informed assessment of its effectiveness. It is hoped that this will change in the near future.
3.2.10 The West African Health Organisation

The West African Health Organisation (WAHO) was established by a Protocol in 1987 as a specialised agency. It is a merger of the francophone Organisation de Coordination et de Coopération pour la Lutte contre les Grandes Endémies and the anglophone West African Health Community, which had operated independently of each other in West Africa. Its objectives are the attainment of the highest possible standards and protection of the health of the people of the region, through the harmonisation of policies, pooling of resources and cooperation for a collective and strategic approach to the health problems of the region.

The main functions of WAHO are to:

- Study and promote research on the major endemic diseases of the sub-region and undertake activities aimed at eradicating or controlling them;
- Promote the training of postgraduate health professionals and where necessary sponsor the training of undergraduates;
- Advise member states on the health aspects of all development projects if requested;
- Collaborate with international, regional and subregional organisations with a view to solving health problems; and
- Propose conventions, agreements and regulations and make recommendations with respect to regional health matters.

Although WAHO is subject to the general supervision of the ECOWAS Authority and the Council of Ministers, it enjoys administrative and financial autonomy. The ECOWAS Assembly of Health Ministers has the specific mandate of shaping the general policy direction of WAHO.

3.2.11 ECOWAS National Units

Article 2 of Regulation C/REG.24/11/10 empowers each member state to create a National Unit to be responsible for coordinating and monitoring ECOWAS activities in that state. A typical National Unit should have seven staff members and be headed by a National Head of Unit with the rank of a Director. The National Unit is expected to be the focal point between the ECOWAS Commission and the member states and serves as the intermediary between ECOWAS and its sectoral departments on the one hand and national stakeholders on the other.

Responsibilities of National Units include:

- Facilitating the organisation of ECOWAS meetings and functions in member states; and
- Mobilising, organising and facilitating the participation of national actors in ECOWAS activities.

The regulation also creates a National Consultative Committee made up of National Units, Sectoral Focal Points, the private sector, civil society and other actors involved in the integration process. The National Consultative Committee is a forum for the exchange of information and the assessment of implementing of ECOWAS programmes. The Committee is supposed to meet once every three months under the chairmanship of the minister in charge of ECOWAS affairs in the state of his/her representative.

Member states are allowed to retain 4.5% of their Community Levy to fund the National Unit but the use of funds by the Unit is supervised by the ECOWAS Commission through the bi-annual report that Units are required to make to the Commission. CSOs have a right to participate at this level.
3.3 The decision-making process in ECOWAS

3.3.1 Meetings of the ECOWAS Authority

The most important meetings in the ECOWAS framework from a policy-shaping perspective are the Summits of the ECOWAS Authority. By Treaty, ordinary sessions of the Authority’s Summit take place twice a year. One of the two sessions of the Summit is held at the headquarters of the ECOWAS Commission in Abuja, Nigeria. The second ordinary session of the Authority’s Summit is hosted by member states on a rotational and alphabetical basis. As a rule, a member state is ineligible to host meetings of ECOWAS if the state is either under sanction by the Community or is currently under military or other unconstitutional rule. Although there is no fixed time frame within which sessions take place, ordinary sessions commonly take place between January and March and between June and August.

Extraordinary meetings of the Authority can be called as many times and at any time they are required. For instance, in the build-up to the ECOWAS intervention in Mali, several extraordinary meetings were held by the Authority. Extraordinary meetings can either be called by the Chairperson of the Authority or at the request of a member state. A request by a member state has to be supported by a simple majority of the ECOWAS member states. There is no fixed venue for extraordinary meetings but they commonly take place at the headquarters of the ECOWAS Commission. The quorum for meetings of the Authority is eight member states.

Although their opening and closing ceremonies are open to the public, all meetings of the Authority are closed sessions. However, when the need arises, heads of state and government may be accompanied by a minister or other expert to a meeting of the Authority, unless the majority of heads of state oppose this. It is also important to note that the Rules of Procedure for meetings of the Authority allow for any individual or organisation to be invited to address the meeting when the Authority considers it necessary.

The meetings of the Authority are normally preceded by meetings of the ECOWAS Council of Ministers, which also has the responsibility for drawing up the provisional agenda of the ordinary sessions of the ECOWAS Authority. Matters on the agenda of the Summit usually include proposals by member states. Decisions of the Authority are expected to be taken unanimously or by consensus. When it is impossible to reach a consensus on any matter, the Authority takes decisions by a two-thirds majority of members present and eligible to vote. By Rule 27 of the 2010 Rules of Procedure of the Authority, each member state has a single vote; however, member states under sanction are prevented from exercising the right to vote.

Arguably, CSO interventions targeted at Summits of the Authority are best routed through individual heads of state.

3.3.2 Meetings of the Council of Ministers

The ECOWAS Council of Ministers meets in ordinary sessions twice a year, on a date set by the Chairman of the Council after consultation with the President of the ECOWAS Commission and member states. Usually, as mentioned above, these meetings precede the Summits of the Authority. Extraordinary meetings of the Council can take places as many times as necessary. Such extraordinary meetings are convened either by the Chairman of the Council, at the request of a member state supported by a simple majority of other member states, or upon the proposal of the President of the ECOWAS Commission. Out of the two ordinary sessions of the ECOWAS Council, one is hosted at the ECOWAS Commission, while the other is hosted by eligible member states on a rotational and alphabetical basis. As with Summits of the Authority, a member state is ineligible to host Council sessions if it is under sanction or is currently under military or other unconstitutional rule.

Sessions of the Council are open to three accredited ministers from member states, including the ministers responsible for ECOWAS affairs and for finance. Ministers may be accompanied by a maximum of two experts. A minister may be represented by any other high-ranking officer designated by him or her. However, every delegation must include at least one minister.
The agenda for Council sessions is drawn up by the President of the ECOWAS Commission after consultation with the Chairperson of the Council. A provisional agenda and all documents relevant to the meeting are sent to member states at least 15 days before the opening of ordinary sessions. No time frame is fixed for sending the provisional agenda and relevant documents for extraordinary meetings but this is expected to be done in good time to enable states to study the documents before the meetings. Member states may also produce and submit draft Acts of Council, which may be transmitted to the Council through the President of the Commission. The provisional agenda usually includes items proposed by member states and usually comprises a section on items submitted for information only and another section on items for discussion and debate.

Council sessions have both opening and closing ceremonies at which public speeches are made. The Rules of Procedure allow for the Council to invite any person to address these ceremonies. Apart from the opening and closing ceremonies, the meetings of Council are held in closed sessions. Ministers may, however, be accompanied by their experts if there is no objection from the Council. The Council Rules also require that at least eight member states be represented before a quorum is formed. The President of the ECOWAS Commission is required to verify the accreditation and powers of accredited ministers before they can attend the meetings. Council decisions are expected to be unanimous or by consensus. However, if neither is possible, major decisions are taken by a two-thirds majority of member states present and eligible to vote. Each member state is entitled to one vote, whereas states under sanction are not eligible to vote.

CSOs can access the Council Summits through individual state delegations but also through the ECOWAS Commission; moreover, WACSOF has a statutory right to attend meetings of the Council of Ministers.

3.3.3 Meetings of the ECOWAS Commission

Meetings of the ECOWAS Commission are held at a departmental level on a bi-monthly basis or as circumstances may dictate. Meetings are held in closed sessions and deliberations are confidential. In what are considered exceptional cases, departmental meetings of the ECOWAS Commission may be addressed by persons who are not members or staff of the Commission. This is an avenue for CSOs who specialise in thematic areas to table pressing issues on the agenda of the Commission.

Draft policies and legislation generally emanate from either member states or the ECOWAS Commission. Drafts must necessarily pass through the Commission to specialised technical committees. Experts assembled by the Commission are usually invited to put finishing touches to draft instruments before they are sent for validation by a meeting of member-state ministers responsible for the issue area. It is after the validation and final vetting that the Commission submits drafts to the Council either for adoption (where applicable) or recommendation to the Authority for necessary action.

While there is insufficient material to sustain informed analysis on this point, there is a suggestion that the Authority has too little time to spend on policies and instruments beyond the general direction. As such, the most practical stages of decision-making to focus on are the Council, the Commission (Presidency of specific department or unit) and the Committees. At the member-state level, the National Units are considered to be the best points of contact.

3.3.4 Other meetings

Other important meetings of ECOWAS include the sessions of the ECOWAS Parliament. Only the parliamentarians, Members of Council, the Secretary-General of Parliament and staff of ECOWAS are admitted into the meeting rooms of the ECOWAS Parliament. People outside of this list cannot be admitted unless they have a badge issued to that effect.

The ECOWAS legal regime also makes provision for a meeting of a Committee of Legal Experts that is required to meet at least once a year. The Committee of Experts is expected to consider all proposals before such proposals are submitted either to the ECOWAS Ministers of Justice or the Council of Ministers. Meetings of the Committee of Experts can be convened by the ECOWAS
Commission on its own initiative or on the directives of the Authority or Council of Ministers, or even at the request of a member state.

The ECOWAS Commission also hosts meetings of the MSC of ECOWAS.

3.3.5 Influence zones in ECOWAS

The question of influence in the ECOWAS framework can be looked at from both external and internal perspectives. Internal influence can be disaggregated so as to properly understand member-state influence as distinct from institutional influences.

In terms of internal influence zones from the member-state perspective, population and financial muscle seem to count significantly in the ECOWAS framework. For instance, the allocation of seats in the Parliament is essentially a function of the size of a state’s population (see Table 3.3). The financial contributions made by states also appear to influence the allocation of certain statutory offices in the Commission. One good example of influence that can be attributed to population size and strength of financial contribution is the decision to allocate a permanent seat to Nigeria as a representative of ECOWAS on the AU’s Peace and Security Council out of the four seats allocated to the West African region.

Applying the size, population and financial muscle criteria, Nigeria, Ghana and Cote d’Ivoire traditionally stood out as the most influential member states. With the recent civil war in Cote d’Ivoire, Senegal has begun to emerge as the new leader of the francophone countries in ECOWAS. Burkina Faso has also been influential. Senegal’s growing importance is resulting in a new alliance with Nigeria. Widely seen as the regional powerhouse, Nigeria plays a “Big Brother” role in the region – it provides approximately 70% of the entire funds of the Community and hosts all the major institutions of the Community.

The headquarters of the ECOWAS Commission and the ECCJ are located in Abuja, Nigeria. In addition to providing suitable accommodation and relevant logistical support for the offices, Nigeria also provides appropriately furnished and equipped residential accommodation for the heads of these institutions in accordance with the regulations guiding hosting of ECOWAS institutions. Nigeria is also generally the biggest contributor in terms of finances and personnel to the peacekeeping activities of the ECOWAS Community, often also providing field leadership.

In recognition of its contributions and as demonstrative of its influence, Nigeria is the only member state that is required to be represented permanently in the Commission even though it cannot claim any particular position permanently. However, Nigeria has never headed the Commission (in either of its incarnations); this, as well as the claim that the Nigerian quota for employment is always left unfilled, has generated some media reports that Nigeria is being short-changed. While this may appear unimportant, it could result in domestic pressure on the Nigerian government to reduce its funding of ECOWAS, which would present a huge challenge to the Community, as donors are not likely to be able or willing to fund the administrative costs of such a huge organisation.

Related to this prospect of Nigeria reducing its contribution by choice, there is also the question of the risk that faces ECOWAS in the event that internal political instability or security concerns force Nigeria to look inwards. This latter challenge is exacerbated by the fact that other member states are too small both individually and collectively to intervene effectively in a full-blown crisis in Nigeria. The recent spill-over effect of the Nigerian military onslaught against the militant Islamist movement Boko Haram in northern Nigeria, which forced people to flee to neighbouring states like Niger, demonstrates the danger that a destabilised Nigeria poses for the entire region.

While it appears that Nigeria wields huge influence in the Community, this influence is tempered by other factors. The most significant is the colonial–linguistic divide. Out of the 15 ECOWAS member states, eight are former French colonies with French as their official language – Benin, Burkina Faso, Cote d’Ivoire, Guinea, Niger, Mali, Senegal and Togo – while two are former Portuguese colonies with Portuguese as the official language (Cape Verde and Guinea Bissau). This leaves five English-speaking states – the Gambia, Ghana, Liberia, Nigeria and Sierra Leone – of which four were former British colonies. The tendency to date has been for the eight francophone countries
to stick together on major issues, sometimes even wooing the lusophone votes. Hence, against the background that each member state has only a single vote, Nigeria and its English-speaking allies are outvoted. Part of the reason for this is that the eight francophone states are all also members of UEMOA and are thus able to take a common position on matters of interest. In this regard, Cote d’Ivoire, which has traditionally taken the leadership position among the francophone states, has acted as a major counterbalance to Nigerian influence. This ensures that unless Nigeria has a strong-willed leader who is able to throw his/her weight around by threatening to or actually withholding financial support for projects, it is unable to sway the direction of policy by the democratic process, since it will be outvoted.

An example of this bloc-voting is the fact that in the early stages of ECOWAS military interventions, the francophone countries have generally refrained from participating in the contribution of personnel and resources. The tension that can result from this colonial–linguistic divide is exemplified by the recent confrontation between the Nigerian Minister of Foreign Affairs and the President of the ECOWAS Commission. News reports suggest that first, Nigeria challenged the need to allocate funds in the budget to the home state of the President (who in this case is Ivorian) for the hosting of meetings, when the Community eventually pays for such meetings through the National Units. The standoff is said to have pitted the francophone states against the anglophone states, led by Nigeria. Second, Nigeria challenged the authority of the President to recruit staff into his office without the prior approval of the Council, resulting in extra expenses that the Council had not approved. Again, the matter was believed to have degenerated into a dispute along colonial–linguistic divides.

From the institutional influence perspective, the two most influential institutions in ECOWAS, apart from the Authority, are arguably the Council of Ministers and the Presidency of the Commission, in that order.

The bulk of decisions concerning the running of the Community emanate from the Council. This is because in addition to retaining the power of approval of the Community budget, the Council directly or indirectly supervises the work of all ECOWAS institutions and agencies excluding the Authority. The power of appointment, coupled with the requirement for institutions and agencies to submit reports to the Council, ensures that the Council has the loyalty of the heads of these institutions and agencies.

The Presidency of the Commission is also extremely important and influential, as the actual day-to-day running of the Community is its responsibility. As the authorising officer for all financial transactions by all institutions and agencies other than the Authority and the Council, the President of the Commission is able to exert direct and indirect pressure on the institutions and agencies of the Community. As the official representative of the Community, with responsibility for external relations, the President is the face of ECOWAS and is able to steer the course of the Community. A case in point is the open confrontation between the President of the ECOWAS Commission and South Africa over the ECOWAS intervention against Laurent Gbagbo in Cote d’Ivoire.

The powers of the President to put matters on the agenda of the Council (and by extension, the Authority), coupled with the supervisory power over the staff who draft documents and instruments, also mean that the Presidency can greatly influence the course of action at early stages of policy formulation. The legal experts and the Committee of Experts also have a big influence on policy formulation.

From the external influence perspective, international development partners play important roles in shaping decision-making in the ECOWAS Community as well. The influence of international partners is particularly marked in the build-up to the adoption of policy documents that ECOWAS has adopted in areas such as gender and migration, drug trafficking and human trafficking, as well as labour issues. It has to be recognised that by far the most influential external actor in ECOWAS affairs is the European Union (EU). The EU stands out as the region’s main trading partner and it provides a major part of the foreign financial contributions to ECOWAS. In recognition of these facts, ministerial-level meetings frequently take place between ECOWAS and the EU. For instance, at the 19th ECOWAS–EU Political Dialogue, the EU raised important issues in areas such as peace
and security, the fight against terrorism, and building and consolidating democratic governance in the West African region. Clearly, at these meetings, actors such as the EU contribute to shaping the direction that ECOWAS takes.

3.4 ECOWAS finances

In its early days, ECOWAS relied on contributions from member states and donations from development partners for income to fund its programmes. Since 2003, the contribution system has been replaced by an ECOWAS Community Levy that requires member states to deduct and pay 0.5% of all import value from the national level to the ECOWAS Community Fund. The change of revenue regime has also resulted in a significant increase in the revenue base. With the new regime (which shifts the focus from contributions to taxation), there are four main sources of ECOWAS income:

- Arrears from member states;
- ECOWAS Community levy at 0.5% of import value of member states;
- Donors'/development partners’ contributions; and
- Special contributions by member states.

Under the prevailing regime, the level of dependency of ECOWAS has also been brought down significantly. ECOWAS 2014 budget was largely financed by its own resources, as about 95% of the budget was financed with funds from the Community levy, arrears and miscellaneous income, and only 5% funded by Development partners. The major contributions from the rank of development partners were from the EU, the African Development Bank, the World Bank and some bilateral partners.

Although the ECOWAS budgetary process is not generally open to external scrutiny and involves little, if any, external participation (creating an actual or perceived lack of transparency), it is possible to point out that the budget separates administrative and programme budgetary heads. Available documents suggest that, for instance, for 2013, ECOWAS budget planners had clear instructions to follow a strict ratio of 37:63 in favour of programmes in the preparation of the budget.

ECOWAS has put in place a comprehensive system of financial control. All departments contribute to the creation of the annual budget, but the final responsibility for its preparation lies with the Department of Administration and Finance. The ECOWAS budget generally comprises the following:

- A consolidated statement of income and expenditure;
- Separate budgets for each institution; and
- Separate sections subdivided into statements of income and expenditure for each budget.

Under Article 13 of the 2009 Financial Regulations of ECOWAS, the draft budget is forwarded to the Administration and Financial Committee for consideration and onward transmission to the Council for approval. The ECOWAS budgetary year runs from January to December. The President of the ECOWAS Commission is obliged to ensure that a draft budget is ready for consideration two months before the end of the financial year (i.e. October). In the event that a draft budget is not approved by the Council before 31 December of any year, the Council gives approval to the President of the ECOWAS Commission to continue to execute income and expenditure based on the budget from the preceding year.

The ECOWAS Financial Regulations provide for separate functions in the implementation and monitoring of budget implementation. According to Article 17 of the Financial Regulations, the offices and functions of the Authorising Officer, the Accounting Officer, the Imprest Holder and the Financial Controller are distinct, separate and mutually exclusive. The Principal Authorising Officer of the ECOWAS budget is the President of the Commission, although s/he may delegate his/her powers. The Authorising Officer is responsible for the sound and correct implementation of the budget and bears personal financial liability for intentional or grossly negligent actions that result in financial loss.
Each ECOWAS institution has an Accounting Officer, usually the head of that institution, who is responsible for the institution’s funds. The Accounting Officer reports to the Authorising Officer. The Accounting Officer bears financial liability and is subject to disciplinary action for loss of moneys, assets and documents. The Imprest Holder – usually the Accounting Officer in each institution – bears financial liability in addition to being subject to disciplinary action.

Monitoring of the ECOWAS budget is the responsibility of the Financial Controller and the Audit Committee. The Financial Controller is an independent officer who reports directly to the Council, while the Audit Committee is a body appointed to assist the Council to ensure adherence to corporate governance in the ECOWAS Community. The Chief Internal Auditor of ECOWAS reports to the Council through the Audit Committee. The Financial Controller and the Audit team work independently of each other to ensure that the ECOWAS budget is properly implemented.

There are a few interesting points to note about the ECOWAS budget. Article 1 of Supplementary Act A/SA.1/06/07 Amending Decision A/DEC.28/01/06 Fixing Amounts to be used to Support the Activities of the Current Chairman of ECOWAS stipulates that an amount equivalent to 0.5% of the proceeds of the Community Levy payable by a member state holding the chairmanship of the Authority is given to the President of that member state as a grant to finance the activities related to that office and its assignments. Article 1 of ECOWAS Regulation C/REG.6/06/07 Granting Financial Support to the Member State Organising a Session of the Authority of Heads of State and Government grants financial support of 66,600 units of account to a member state that is hosting a session of the Authority. According to Article 2, even when the session is hosted by the member state that holds the Chair, the state is still entitled to both the Hosting Grant and the Chairmanship Grant.

By some estimates, about 60% of levies are paid by Nigeria, which also contributes up to 85% of total ECOWAS funds. This creates a feeling that Nigeria should have a major say in the allocation and use of ECOWAS funds. Other major contributors are Ghana and Cote d’Ivoire, in that order. For instance, for 2010, it was reported that Nigeria made a total contribution of USD 40.8 million, Ghana USD 14 million and Cote d’Ivoire USD 6 million. Development partners and some donor bodies have initiated a Pooled Fund to support ECOWAS institutions in a coordinated manner by setting up a programme-funding facility that the institutions themselves manage.

From a civil society perspective, the promise of ECOWAS funding for CSO engagement through support for WACSOF is an interesting initiative. However, little, if any information is currently available on the subject.

### 3.5 CSO and NGO work in the ECOWAS framework

With the adoption of its Vision 2020, ECOWAS resolved to increase the visibility and involvement of its citizens in the integration process. One of the main goals of Vision 2020 is to transform the organisation from an ECOWAS of states into an ECOWAS of people by 2020. This vision has brought about an increase in the actual room for participation of CSOs and NGOs in ECOWAS activities. Perhaps the most visible increase in actual participation is the growing involvement of WACSOF, as well as the increasing number of ECOWAS programmes aimed at creating greater awareness and involvement of civil society in Community affairs.

#### 3.5.1 Forum of Associations Recognised by ECOWAS

Although the revised ECOWAS Treaty provides for the establishment of an ECOWAS Economic and Security Council to create space for active statutory CSO/NGO involvement in the ECOWAS framework, no such Council exists. Instead, in 1996, the Authority approved the establishment of an official coalition of NGOs and CSOs recognised by the ECOWAS institutional framework. The Forum of Associations Recognised by ECOWAS (FARE) is, in theory, the body established with the approval of the ECOWAS Authority to provide a platform for official CSO/NGO participation in the ECOWAS framework, with the following functions:

- Acting as a link between recognised associations;
• Providing a framework for regular exchange of viewpoints and experiences relating to the problems of integration; and
• Providing a focal point for the formulation of collective recommendations and points of view on prospective action for submission to the Council of Ministers through the Commission.

An indication of FARE’s official status is that ECOWAS prescribes the modalities for the functioning of the body. FARE is expected to meet at least twice a year. Similar to other statutory meetings, FARE meetings are rotated between the ECOWAS Commission and the member states. Significantly, it is the Commission that has the responsibility to provide logistics support for FARE meetings. However, FARE activities are supposed to be coordinated by a bureau elected for a specific term of office by members of the forum.

Participation in FARE and its activities constitutes one form of CSO/NGO engagement with the ECOWAS institutional structure. However, there is little evidence that FARE is actually operative beyond the 2008 meeting that was held in Cotonou, Benin. In fact, there is a claim that FARE does not exist, even though no official confirmation of this claim was available from ECOWAS.

3.5.2 WACSOF

WACSOF appears to be the platform for actual CSO engagement with the ECOWAS institutions. After a first meeting of CSOs in May 2003 to address regional issues under the ECOWAS framework, two other meetings were held between CSOs, ECOWAS and development partners leading to the official formation and recognition of WACSOF as the platform for CSO engagement. By December 2003, WACSOF became established as an independent and autonomous body. Following the recommendation of a consultant, WACSOF was fused with the CSO Liaison Office within the ECOWAS Commission so that it emerged as the link between CSOs and ECOWAS. A 2005 Summit of the Authority held in Accra, Ghana, endorsed the idea of a more elaborate link with and involvement of CSOs in the ECOWAS framework. Accordingly, the Authority gave approval for the ECOWAS Commission to improve its support for WACSOF. The official support from the ECOWAS Commission basically came in the form of office space within the Commission. With such official endorsement, WACSOF enjoyed a healthy relationship with the ECOWAS Commission and was able to successfully make interventions at statutory meetings as well as ECOWAS meetings with development partners. WACSOF also receives financial support from the ECOWAS Commission every six years.

After a lull in its activities between 2007 and 2009 following internal problems, WACSOF resumed engagement with ECOWAS in 2010. The first major engagement after the lull was a meeting convened at the instance of the ECOWAS Department for Human Development and Gender to appraise the relevance and contribution of WACSOF to the ECOWAS project. This meeting was followed by other meetings, ultimately resulting in the conclusion of an agreement by which ECOWAS was to provide funding for the reorganisation of WACSOF as a forum and platform for CSO engagement with ECOWAS. Effectively, WACSOF may have replaced FARE, even though it is not an official ECOWAS institution.

Since its relaunch, WACSOF has been active in monitoring elections and monitoring the peace and security situation in the region. For instance, WACSOF provided a platform for a coalition of CSOs to follow the presidential elections in Togo. WACSOF has also been involved in other election observer missions (either as part of or independent from the official ECOWAS mission). WACSOF has also made statements on different conflicts in the region.

In recognition of its position as the platform for CSO engagement, WACSOF receives official invitations from ECOWAS through the CSO desk in the Department for Human Development and Gender to “make inputs in the work of ECOWAS on behalf of civil society in West Africa”. WACSOF participation takes different forms, including participation at high level meetings such as the Development Partners Meetings, Council of Ministers Meetings, ECOWAS Parliamentary Sessions and Head of States and Government Summits. At such meetings, WACSOF is able to make statements on behalf of civil society. Other ways in which WACSOF presents the civil society position to ECOWAS are through the release of press statements and position statements/papers, advocacy letters and communiqués.
WACSOF’s recommendations and other interventions are considered by the Council and a summary of those interventions is presented to the Authority for consideration. WACSOF attends all Ordinary Summits of the Community. For example, in the build-up to the adoption of the ECOWAS Reference Manual on the Culture of Peace, Human Rights, Citizenship and Regional Integration in 2012, WACSOF was invited to represent the civil society position. It also contributed to the ECOWAS Conflict Prevention Framework document. WACSOF also contributes to policy-making on ECOWAS military interventions through its involvement in military exercises.

3.5.3 Acquiring observer status

One of the main ways in which a CSO or NGO becomes recognised within the ECOWAS institutional framework is by acquiring observer status with the Community. Although the ECOWAS Authority had been granting observer status to organisations prior to 1994, the formal procedure for granting observer status was codified in 1994. The Decision codifying the procedure acknowledges that NGOs provide a channel for grassroots participation in the work of the Community and also reflect important elements of public opinion.

Generally, organisations with observer status enjoy certain rights and have certain obligations in relation to the ECOWAS framework. However, they do not have the same rights of participation that member states or ECOWAS specialised agencies enjoy. It must be noted that no organisation can be accredited with observer status with the ECOWAS Authority.

When applying for observer status, the applying organisation needs to show that:

- It is concerned with matters falling within the competence of ECOWAS;
- It has a constitution whose aims and objectives are in conformity with the ideals of ECOWAS;
- Its constitution provides for the determination of policy and for the election of a policy-making body;
- It is non-governmental and not under the control of any government;
- It is not a profit-making body;
- It represents a majority of the organised persons within the particular field of interest in which it operates;
- It has established headquarters with an executive officer;
- Its headquarters are situated in Africa;
- It has branches in at least two other African states;
- Its leadership must comprise nationals of African states; and
- Its basic resources are derived from contributions of its members, national affiliates or other recognised institutions.

The organisation is also expected to submit a certified report to the ECOWAS Commission every year stating the amount received and the names of donors of any voluntary contributions and financial contributions from any government.

Another important condition is that separate applications may not be made by organisations with common objectives and interest. This condition encourages the formation of coalitions by organisations working in the same or similar fields of interest. Where a number of organisations seeking observer status share common objectives or interests in a given field, they are advised by the President of the ECOWAS Commission to form a joint committee or other body authorised to carry out consultations with ECOWAS institutions. It is the joint committee that will be permitted to make a joint application on behalf of its members. Where such a joint committee has been granted observer status, no single member of the committee can separately seek such status.
The Economic Community of West African States

So far, the records show that the types of coalitions that have been granted observer status are mostly professional bodies such as the African Business Roundtable rather than regular NGOs.

A major point to be noted is that national NGOs – NGOs that are registered to operate within the territory of a state – cannot be granted observer status with ECOWAS or any of its institutions. Instead, such national NGOs are encouraged to present their concerns through recognised regional NGOs to which they belong.

An organisation seeking observer status with ECOWAS or any of its institutions is expected to submit 40 copies of its application in each of the working languages of the Community through the Commission. The ECOWAS Authority may on the recommendation of Council withdraw observer status from any organisation if it gave false information in its application or if its activities are deemed to be counter to the aims and objectives of ECOWAS, or if there are other causes deemed by Council to be sufficient for the withdrawal of such status.

Organisations that are successful in their application for observer status with ECOWAS are classified as either Category A or Category B. An organisation is classified in Category A if it can show that:

- It has a basic interest in the activities of ECOWAS;
- It is closely linked with the social and economic life of the area it represents; and
- It has made sustained contributions towards the attainment of the aims and objectives of ECOWAS.

An organisation is classified in Category B if it is considered to have only a general interest in the activities of ECOWAS. However, there is room for review of an organisation’s categorisation. In 2000, the African Business Round Table and the PANOS Institute West Africa were granted Category A observer status by the ECOWAS Authority.

A significant advantage of classification as a Category A organisation is that an organisation can be accredited to the ECOWAS Council of Ministers. Accordingly, such an organisation:

- Is permitted to send observers to all public meetings of the Council;
- May be invited by the Council to make an oral presentation;
- May through the President of the Commission circulate documentation to members of the Council;
- May be invited to collaborate with any committee as may be established by the Council;
- May (through the President of the ECOWAS Commission) submit questions or views for insertion in the provisional agenda of the Council and of any other institutions apart from the Authority; and
- May consult with the President of the ECOWAS Commission on matters of mutual concern.

Category B organisations:

- Can be accredited to institutions other than the Council;
- May send observers to all public meetings of the institutions to which they are accredited;
- May circulate information, data or other documentation to the institutions to which they are accredited. Such documentation and communication can be placed on a list by the President of the ECOWAS Commission and be distributed to members of the Council upon the recommendation of the institution or at the request of Council;
- May be invited to consult with an ad hoc standing committee of the institution if the institution so desires or the organisation requests such consultation;
- May also submit questions or views for insertion in the provisional agenda of the meetings of the institution to which they are accredited; and
• May consult with the President of the ECOWAS Commission on matters of mutual concern.

Requests, documents and proposals submitted by NGOs to the ECOWAS Council of Ministers are considered by specialised technical commissions before decisions on them are taken by the Council.

The Regulations give the President of the Commission a major role in relation to the participation of recognised organisation in the ECOWAS framework. For instance, the President of the Commission has the responsibility to consider applications and request those with similar objectives and interests to form a joint committee. The President also has to consider requests from recognised organisations for changes in categorisation and consider reports and activities of the recognised organisations. In relation to Category A organisations, the President is empowered to consider requests from organisations for inclusion of an item in the provisional agenda of the Council. To do this, the President has to take into account:

• The adequacy of documentation submitted;
• The extent to which it is considered that the item lends itself to early and constructive action by Council; and
• The possibility that an item may be more appropriately dealt with elsewhere than by Council.

The President may:

• Distribute a list of documentation and communication from Category B organisations to members of the Council in appropriate cases;
• Hold regular consultations with recognised organisations; and
• Forward to member states all proposals relating to the granting or withdrawal of observer status before a meeting of the Council of Ministers.

A number of regional organisations currently have observer status with the ECOWAS Community and its institutions:

• West African Journalists Association;
• Federation of West African Associations for the Advancement of Handicapped Persons;
• West African Women’s Association;
• West African Archaeologists Association;
• Pan African Federation of Film Producers;
• West African Sports Confederation for the Disabled;
• West African Enterprises Network;
• West African Union of Road Transporters;
• West African Youth Union;
• Federation of West African Manufacturers Associations;
• West African Subregional Committee for the Integration of Women in Development; and
• Association of African Jurists.

Despite the elaborate provisions on obtaining observer status with ECOWAS, organisations that have been engaging with ECOWAS do not necessarily have any official observer status with either the Commission or any other ECOWAS institution or agency. For instance, organisations such as CDD and OSIWA have successfully engaged with ECOWAS organs and institutions even though neither of these organisations enjoys observer status. Organisations that have participated in activities with ECOWAS institutions also confirm that they were able to do so without any official observer status. In each case, these organisations initiated contact with the relevant department...
and sustained engagement. This would then mean that whatever benefits there may be in it, a failure to acquire official observer status does not deprive CSOs of any possibility of engaging with ECOWAS institutions. Further, it has to be noted that although there is a procedure for acquiring membership of WACSO, a non-member organisation is still able to contribute to civil society positions that WACSO adopts on regional issues.

It appears that CSO/NGO involvement is more in the area of implementation than in the area of policy formulation. For example, in 2009, the Council adopted a Regulation authorising the President of the Commission to convene tripartite meetings involving representatives of ECOWAS member states, employers' associations and trade union organisations to address issues relating to the realisation of the ECOWAS Labour and Employment Policy and Plan of Action. The Regulation allows for representatives of CSOs and “relevant NGOs” and intergovernmental organisations to attend such meetings. The Regulation has been adopted as a Supplementary Protocol. The ECOWAS Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa seeks to establish and maintain a supportive environment for victims of trafficking and commits to restore such victims to physical, social and economic well-being through sustainable assistance programmes. It specifically provides for the involvement of CSOs and NGOs in different phases of repatriation and resettlement.

3.6 ECOWAS and the African Union

The relationship between ECOWAS and the AU was formalised by the AU’s 2008 Protocol on cooperation between the AU and RECs, which is informed by the recognition that the AEC and indeed the AU ultimately depend on the success of RECs, which are recognised as the building blocks of the AU and the AEC. Hence, in both the Constitutive Act of the AU and the 2008 Protocol, the intention is to strengthen the RECs. However, there is some uncertainty regarding the exact nature of the relationship and the RECs continue to maintain their independent existence. Nevertheless, ECOWAS and the AU have agreed to:

- Cooperate and coordinate their policies and programmes;
- Exchange information and experiences on their programmes and activities;
- Promote interregional projects;
- Support each other in their integration processes; and
- Attend and participate effectively in each and all of their respective activities.

For its part, ECOWAS has specifically committed to:

- Deepening its ties with the AU;
- Aligning its programmes, policies and strategies with those of the AU; and
- Integrating with other RECs in accordance with the relevant provisions of AU treaties.

As the legal representative of ECOWAS, the President of the Commission is in charge of all relations between ECOWAS and the UN, the AU and other RECs. ECOWAS and the EU have established liaison offices in each other’s headquarters. This followed the signing of an MoU on Cooperation in the Field of Peace and Security between the AU and RECs that encourages the RECs to open liaison offices at the AU Commission. The ECOWAS office at the AU Commission has been in operation since 2008, even though the AU is yet to create a similar office within the ECOWAS Commission. Currently, the ECOWAS Liaison Office to the AU in Addis Ababa, Ethiopia, has severely limited staff strength and the ECOWAS Liaison Officer to the AU is believed to be experiencing challenges in the coordination and harmonisation of activities. The ECOWAS Liaison Officer attends all official meetings of the AU as an observer. She also attends the meetings of the AU ambassadors of the West African region. The Liaison Officer is also responsible for facilitating access for West African civil society to information on the relationship between ECOWAS and the AU, and more generally on the activities of the AU that are relevant to their fields of action. As a result of the limitations
and challenges experienced by the office, limited activity currently takes place. Another reason may be the relative lack of information on the existence of the office such that CSOs and NGOs make few demands on it.

One area of active cooperation between ECOWAS and the AU is peace and security. As set out in Article 4(d) of the Constitutive Act of the AU, the responsibility for the establishment of a common defence policy for the African continent lies with the AU. However, in recognition of the fact that regional bodies such as ECOWAS have acquired structures for and experience in the area of peace and security, the MoU on Peace and Security between the AU, the RECs and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa was adopted to ensure close coordination of activities.

Thus, RECs such as ECOWAS are expected to:

- Contribute to the full functioning of the AU’s Peace and Security Architecture (APSA);
- Ensure regular exchange of information with APSA; and
- Develop and implement joint programmes and ensure consistency of REC activities with the objectives of the AU.

To ensure this, ECOWAS participates in meetings of APSA on behalf of its 15 member states. The ECOWAS MSC collaborates closely with the AU’s Peace and Security Council, and ECOWAS-supported military forces constitute the West African brigade of the AU’s African Standby Force. ECOWAS and the AU have collaborated in military missions in Cote d’Ivoire and Mali, among other places.

The lack of regular meetings between the organs and institutions of the AU and ECOWAS means CSOs working in the field of peace and security can enhance the level of coordination by targeting both organisations in their advocacy and lobbying work. CSOs are also more likely to be credible sources of initial information for officials of both organisations. The AU headquarters hosts an ECOWAS Day Celebration in Addis Ababa every May, which is an opportunity for dissemination of information on ECOWAS activities and interaction with AU organs and institutions based in Ethiopia.

### 3.7 ECOWAS’s relationship with member states

ECOWAS relates with its member states at different levels. The President of the ECOWAS Commission is responsible for coordinating relations with governments and political authorities of member states through the intermediation of their Permanent Representatives.

ECOWAS National Units are the focal points between the Commission and member states and they:

- Facilitate the organisation of meetings at the national level;
- Coordinate the mobilisation of actors involved in the integration process;
- Promote the participation of the private sector, civil society and other stakeholders; and
- Ensure that member states honour their obligations to ECOWAS.

The National Units enhance ECOWAS visibility and strengthen the countries’ participation in the implementation of integration programmes to ensure effective ownership. The Units are designed to function as relays between the Commission and the ministries concerned. However, the national political level seems to be the weakest link in the decision-making and implementation chain of ECOWAS. When it comes to personnel and material these units are poorly equipped and their allocation to specific ministries is rather arbitrary. In Senegal, for example, the ECOWAS unit is situated in the Ministry for NEPAD, African Economic Integration and Good Governance. Nigeria’s unit is now part of the Ministry for Foreign Affairs; it had previously been in the Ministry of Integration, which has now been dissolved after receiving the lowest budget of all the country’s departments for many years. The authority which harbours the unit in Burkina Faso is the Ministry for Economic Affairs and Development, which demonstrates the importance the country ascribes to ECOWAS.
3.8 Current debates in ECOWAS

Since its inception in 1975, ECOWAS has achieved measurable successes on all of its main mandates. In its nearly 40 years of existence, ECOWAS has put in place a series of regulations and institutions aimed at consolidating democracy and human rights, stabilising the peace and security environment, and harmonising trade regulations in West Africa. Despite these tangible achievements, huge challenges remain and these challenges must be fully resolved before the region can truly become an area in which democracy flourishes and where goods and people can move freely.

3.8.1 Peace, security and stability

Ensuring peace, security and stability in the region is one of the pressing challenges currently facing ECOWAS.

Despite creating the Conflict Prevention/Resolution Management mechanism, the ECPF and the Early Warning mechanism, ECOWAS has failed to prevent conflicts and crises in the region – as recent developments in countries like Mali, Guinea Bissau, Guinea and Cote d’Ivoire have shown. In all these cases, ECOWAS was not only unable to prevent conflicts, but has also been ineffectual in playing a primary role in their actual resolutions. If it were not for interventions from international actors (France, the UN and, rarely, the AU), some of the recent crises (Mali, Cote d’Ivoire) would probably persist. In the absence of efficient preventive diplomacy or an effective West African Standby Force, ECOWAS’s ability to manage and resolve conflicts in the region is greatly undermined.

Terrorism, transnational and trans-border crime, drug trafficking, piracy, illicit financial flows, money laundering, corruption and human trafficking are also security-related issues of much concern for ECOWAS. Additional measures have been adopted by ECOWAS in an effort to address these issues – through such initiatives as the Counter-Terrorism Strategy and Implementation Plan in February 2013, GIABA and the West African Police Information System launched in January 2014 – but these have yet to prove effective.

3.8.2 Democracy and good governance

Another pressing challenge currently faced by ECOWAS is how to deepen democracy and good governance in the region.

In 2011, ECOWAS adopted its supplementary Protocol on Democracy and Good Governance, which established mandatory constitutional principles, including separation of powers, free and fair multi-party elections, and “zero tolerance for power obtained or maintained by unconstitutional means”. Despite the democratic gains in the region, and ECOWAS interventions to ensure good governance in the region (election support and monitoring, the zero tolerance principle, preventative diplomacy and mediation interventions, etc.), ECOWAS still needs to take concrete and effective measures to deepen democracy in the region. This is especially true in terms of reinforcing the rule of law by strengthening the capacity of regional human rights institutions and by promoting participatory and internal democracy in member states. Democracies, good governance, access to justice and basic human rights need to be entrenched.

Considering the key role played by elections in consolidating democracies and ensuring accountability of governing elites and development, ECOWAS has been directing its efforts towards electoral processes. These efforts, however, should be complemented by contributions from civil society, and...
should cover the entire electoral cycle in each member state. ECOWAS should also increase its efforts to prevent electoral violence and ensure credible, transparent and fair electoral processes.

3.8.3 Protocol on Free Movement, Residence and Establishment
Another area of major concern is the effective implementation of the Protocol on Free Movement, Residence and Establishment. The realities faced by citizens in moving around the region sharply contrast with the promises contained in this Protocol. Its main objective is to improve the living standards of citizens through effective economic development.

Despite the positive impact seen in the past few years, challenges such as inappropriate border checks, rampant corruption, violence against and abuse of citizens by border officials, and the expulsion of nationals from other ECOWAS member states, must be addressed. To achieve this, ECOWAS has decided to:

- Introduce a biometric identification card as a travel document within the Community for ECOWAS citizens and a replacement to the Residence Permit issued by Member States;
- Revise the Protocol on Free Movement, Right of Residence and Establishment; and
- Redefine the concept of ECOWAS citizen.

Considering the instability in some member states, the protection and reintegration of displaced and refugee community citizens should also be a priority.

3.8.4 Economic growth, trade and the fight against corruption
Effective economic growth, development and the fight against corruption are also serious challenges for ECOWAS.

Considerable steps have been made by ECOWAS towards the harmonisation of its trade regulatory framework, but unfortunately these have not solved the majority of problems. The Common External Tariff (CET) adopted by ECOWAS was set up to standardise taxation on all imported goods in order to protect local producers and encourage local consumption. With the high level of informal trade and the relatively small economies in the region, the CET should guarantee the effective protection of national economies from other regions such as the EU. Another key consideration for ECOWAS is the disparity between economies within the region, which means it is essential that small economies such as Benin, Cape Verde or Togo are safeguarded to ensure they are not overpowered by “giants” like Nigeria or Ghana. Corruption also remains ubiquitous among institutions and citizens. ECOWAS will have to develop more innovative mechanisms to fight corruption in the region.

ECOWAS and the EU signed a comprehensive EPA in February 2014. However, the negotiation process was seen to be dominated by the regional ECOWAS Commission without space for national-level participation. Cape Verde suspended its participation in the EPA negotiations under the umbrella of the West African region and opted to negotiate a separate Association Agreement with the EU. Two ECOWAS member states, Cote d’Ivoire and Ghana, initialled bilateral Interim EPAs with the EU at the end of 2007/2008. Analyses of the interim EPAs reveal that they are bereft of development content and threaten West African regional integration.

It is feared that efforts towards an ECOWAS CET would be frustrated if the EPA is not negotiated. Countries were concerned that several analyses have shown that EPAs will have negative effects on their economies, including a stifling loss of critical tariff revenues, deepened de-industrialisation and suffocation of small and medium-scale enterprises, the collapse of the agricultural sector, exacerbated unemployment, increased poverty levels, and regional disintegration.

3.8.5 Institutional framework
Last, but certainly not least, the weaknesses of ECOWAS's Internal Institutional framework are major challenges to be overcome.
The current ECOWAS institutional framework is designed in such a way that the Commission largely dominates all the other institutions – organs such as the ECCJ and the Parliament. These institutions need to be strengthened and synergies across all ECOWAS institutions must be developed. For the Parliament to be more effective, it needs legislative powers, which would take it beyond its current advisory and consultative role. More generally, it is worthwhile looking into enhancing the Parliament’s powers through direct election of its members and how to provide oversight of the Commission’s policies, decisions and actions. The ECCJ’s powers also need to be enhanced – especially in terms of implementing a mechanism that guarantees the follow-up of its decisions and their implementation by member states. At the Commission level, the decision to have a 15-member Commission, with one commissioner for each member state, does not have a political basis. ECOWAS should be budget-conscious and avoid overlaps.

The financial autonomy and sustainability of ECOWAS are also major challenges and member states should contribute more to the ECOWAS budget to reduce its dependency on external donors such as the UN, the EU and others, as evidenced in the bloc’s limited capacity to deploy its armed forces in Mali. All member states should contribute to the three main sources of ECOWAS income – arrears from member states, Community levy at 0.5% of the value of imports of member states, and special contributions by member states – in order to reduce donor/development partners’ contributions. As ECOWAS contributions seem to be dominated by the richest countries (Nigeria, Ghana and Cote d’Ivoire), the other member states should try to increase their contributions to avoid the feeling that the biggest contributors’ opinions hold greater sway over the others.

ECOWAS should also seek to have more of an institutional presence in its member states. This would make it more effective in ensuring implementation of policies. ECOWAS should also think about how member states can be sanctioned when they violate the institution’s protocols and directives.

ECOWAS must further improve how it works with CSOs at both the regional and national levels, so it can develop closer, more effective and efficient partnerships.

### 3.8.6 ECOWAS 2020 vision

Achieving these objectives are top priorities for ECOWAS to reach its 2020 vision of building a democratic and prosperous community. For the institution to become “an ECOWAS of peoples”, there must be a shift in its current strategy and policies. Its decisions and actions must become citizen-driven. If radical changes are not made in favour of a “people-centred” policy – its institutional vision to “create a borderless, peaceful, prosperous and cohesive region, built on good governance and where people have the capacity to access and harness its enormous resources through the creation of opportunities for sustainable development and environmental preservation” by 2020 may prove little more than a pipe dream.

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