

Economic Community of West African States (Ecowas) and State Sovereignty in West Africa

Mercy Ehidiamen Ikponmwosa ^{1*}, Stephen. M. Omodia ¹, Harriet Omokiniovo Efanodor-Obeten ¹

¹ Department of Political Science and Public Administration, Edo State University Uzairue Edo State, Nigeria

* Corresponding Author, E-mail: ikponmwosa.mercy@edouniversity.edu.ng, © Authors

Article history:

Received: July 17, 2024

Revised: August 22, 2024

Accepted: September 3, 2024

Keywords:

ECOWAS,
Integration,
State Sovereignty

Abstract

States are now recognizing the need to act to create and improve regional institutions in virtually every region of the world, including Africa, and integration even in West Africa has become fashionable over the years. ECOWAS revised treaty seeks to promote supranational tendencies giving room for state reluctance in the implementation of its policies and decision. With the Economic Community of West African States (ECOWAS) as its focal point, the study looks at the integration process in West Africa as well as how it affects state sovereignty in the subregion. Secondary data sources, namely journals and publications, are used in the study. The study finds among other things that ECOWAS uses the needs, policies and activities of state to interfere in the affairs of member states thereby limiting her sovereignty to an extent within the region. The study concludes that with national interest at heart, states knowing both the cost and benefits of integration will usually strive to accomplish their aims and objectives. It recommends that policies and initiatives should be developed to support both state autonomy and regional collaboration to aid development, stability, and economic growth among states and to also encourage both local and foreign investors, contributing to the overall development of the states in the West African Region.

Introduction

States have started to recognize the need to establish and improve regional integration because integration has become fashionable throughout the world, especially in Africa, this is due to the influence integration commands and the need to have a common voice in the international arena. As a result, various regional organizations were established, including the Organiza-

tion of American States (OAS), the North American Free Trade Agreement (NAFTA), the European Union (EU), the African Union (AU), the Association of Southeast Asian Nations (ASEAN), and others. Practically speaking, every state participates in some form of regional cooperation organization, but not every state participates in regional integration, nor do all regional cooperation organizations evolve into regional integration.

According to Ernst Haas (1968), integration is the process through which individuals from various national contexts are convinced to change their political behavior, allegiances, and aspirations in favor of a new center, whose institutions either currently control or seek to control the national governments that currently exist.

An old political community is replaced with a new one as a result of political integration. According to the aforementioned, regional integration places restrictions on the powers exercise by member state thereby limiting its sovereignty. Sovereignty within the ECOWAS has been intergovernmental for about thirty years since its establishment but the body seek supranationality since its revised treaty as amended in the 2006 supplementary protocol (Ladan, 2016).

Okom (2016) and Ladan (2016) perceived that since the inception of the ECOWAS, there has been a note of reluctance from member states to surrender some of their rights to meet up with the tenets of the body and this has become glaring with its revised treaty. These researchers advocate that for ECOWAS to do well and function effectively, states within the region needs to upheld the revised treaty and this treaty is perceived by states as an invasion into their sovereignty due to its supranational tendencies. Idris (2022) also claimed that member nations have concerns with the amended ECOWAS treaty's move toward becoming a supranational organization. With the above concerns, this study seeks to expose how integration has infringe on state sovereignty in West African's regional body (ECOWAS) by providing answers to the following research questions:

1.How has regional integration evolved in West Africa?

2.How does integration affect state sovereignty in the West African region?

This paper seeks to provide resounding answers to the above by examining the integration

structures in West Africa using Economic Community of West African States (ECOWAS) as a focus point. The rest of the paper is divided into: Section two: literature review; Section three on Research Method; Section four on the Analysis of Research Questions; followed by the findings, recommendations and conclusion.

Literature Review

The concept of integration

The creation and expansion of regional international organizations are referred to as "regional integration". Regional international organizations should have four fundamental and necessary characteristics: state participation, organizational strength, multilateralism, and closeness. Theorists made a distinction between integration and (simple) international organization or cooperation in the early phases of regional integration theory. For example, the term "integration" was used to distinguish supranational regional organizations like the European Coal and Steel Community (ECSC) from intergovernmental organizations like the Organization for European Economic Cooperation (OEEC) or to characterize the formation of a "sense of community" among member states (Deutsch, 1957). Ernst Haas (1968) gave a better and more precise definition of integration, describing it as the process through which people in different national contexts are convinced to alter their political actions, expectations, and allegiances in favor of a new center whose institutions demand or have jurisdiction over pre-existing national states. An old political community is replaced with a new one as a result of political integration.

Regional integration was widely described by early theorists as a process intended to replace the nation-state with a federal polity (Haas, 1968). Current integration theory ignores both qualitative and teleological explanations beyond the bare minimum mentioned and views integration as an open-ended process. Instead of classifying various

types of regional integration organizations as distinct from other organizations, it employs terms like "supranational" and "intergovernmental."

According to the intergovernmentalism idea, national governments are the main players in regional integration. Governments employ regional integration within the framework of regional interdependence to fully accomplish their goals for the economy and national security. The results of intergovernmental negotiation reflect regional preferences and power structures. Governments give regional organizations authority to accomplish their bargaining goals, but they still have authority over these organizations and the integration process. (Ladan, 2005). The term "supranationalism" refers to a framework for regional integration that, in order for the regional integration body (such as ECOWAS) to be able to make decisions and pass laws that are immediately applicable in their respective regions, sovereign member states are encouraged to agree to transfer or cede to, share or jointly exercise part of their sovereignty with, these institutions (Ladan, 2016). An objective of integration is supranationality.

In the course of this study, integration is the formation of a regional (supranational) body which requires member state to surrender a measure of the sovereignty in order to make the body more effective and substantial.

The concept of Sovereignty

A state's sovereignty is defined as its capacity to enact laws and control its territory in a meaningful way. A "super-State or supra-national authority with corresponding powers, capable of enforcing conformity" on its constituents is described as a supra-natural entity (Gowon, 1984, p. 2).

Political theorists that were primarily uninterested in and unconcerned with the interactions between states established the idea of sovereign states (Andrew, 2012). Furthermore, in

its most recent iterations, sovereignty came to signify not just a rejection of the notion that states could be subject to any form of legislation, but also the impossibility of having numerous states coexist in a world where survival and sustainable development are dependent upon one another. In this study, the concept of sovereignty is perceived as the possession of full control over affairs within a territory or geographical area by its government and representatives. States here, control what happens inside and within their borders and do not interfere in the happenings of other states.

Research Method

The study employed a historical approach and using qualitative data.

The study makes use of secondary sources of data. As a result, the study relied on written sources such books, journals, articles, news stories, seminar papers, and working papers from institutions, think tanks, and professional organizations. Reports of the ECOWAS and other Regional groups in Africa, historical reports of news media like Aljazeera, Channels, Thisday and Voice of Africa were also useful.

In order to ensure the reliability and validity of data, evidences from informal and non-authoritative sources, were excluded from the data used in the study. The researcher used the data triangulation approach. Cross checking data from various sources helps to improve the validity of research data.

The analysis of the study's data is qualitative. Being a thematic analysis, the study uses broad concepts, ideas, and themes as analytical tools from which to make generalizations. In order to present a clear and consistent picture, the analysis will go forward by pulling themes or generalizations from the material. For a more thorough and comprehensive understanding, themes and concepts were drawn.

Regional Integration and its Evolution in West Africa

Two institutions devoted to West African regional integration are the Economic Community of West African States and the Lake Chad Basin Commission. All of the participants in the Communauté Économique d'Afrique de l'Ouest (CEAO), including Guinea, a number of smaller Anglophone nations, and the two largest traders, Nigeria and Ghana, founded ECOWAS in 1975.

With the intention of encouraging member state political and economic cooperation (Ibok & Atayero, 2022). The occasion was the first Lomé Convention, which granted the former British and French colonies equal trading access to the European Union (EU). By establishing ECOWAS, the other countries in the area attempted to bring the region together. Nigeria and Union Economique et Monétaire Ouest Africaine (UEMOA) had comparable economic objectives; however, UEMOA sensed a political "external danger" in Nigeria, whereas Nigeria did not. ECOWAS gains a security component from ECOMOG's involvement. The ECOMOG project, which aimed to intervene and restore peace in the region, was the most obvious sign of political commitment to a regional strategy. More recently, non - UEMOA members decided to pursue monetary union, initially with each other and subsequently with UEMOA. (Anadi, 2005).

Within 15 years, ECOWAS hoped to have free trade among its member nations and a single external tariff, followed by unfettered capital and labor mobility (Idris, 2022). Every function of ECOWAS, including the appointment of the Executive Secretary, has been effectively carried out by the "Authority of Heads of Government," which is in control of the organization. Under it, the Secretariat and the specialized institutions are under the direction of the Council of Ministers, which is composed of ministers with ECOWAS-specificity instead of ministers with functional

expertise. Despite the fact that its rulings are immediately enforceable within ECOWAS and have been in effect since 1992, there is presently no clear implementation or enforcement mechanism to support this. Strong security measures are in place at the most resilient and successful regional organizations to protect against attacks from both the inside and the outside. When ECOWAS was established in 1975, its primary objectives were economic integration. Over time, the role of political and security problems on the ECOWAS agenda has increased.

The objective of ECOWAS is to promote sustainable development and collaboration among its member states across all economic domains, with the aim of improving the quality of life for the diverse populations within the region. The organization launched an economic integration program with the goal of eliminating all barriers to the free flow of capital, goods, and people throughout the region in order to promote rapid and sustainable economic progress. This is accomplished by a planned regional policy of trade liberalization and the removal of immigration restrictions. Its primary goal is to guarantee regional stability and economic expansion. However, as the ECOWAS internal market initiative is still mostly unrealized, the welfare advantages that should result from liberalization are significantly diminished (Anadi, 2005, p.112).

Through removing all barriers to the free movement of labor and other production-related inputs, as well as by harmonizing member states' national economic and budgetary policies, ECOWAS aimed to achieve economic integration. As stated in Article 41 of its Revised Treaty, the main goal of ECOWAS was to establish a free trade area by gradually eliminating all quantitative and quota restrictions, as well as other administrative barriers to trade between member states within the sub-region, as well as custom duties and other fees that had a comparable impact on

imports and exports between member states. Second, ECOWAS sought to preserve a common external tariff system in its trade with non-member countries while progressively moving toward a customs union that will eventually become a common market. All obstacles had to be taken down to enable the unfettered flow of industrial components between member nations.

By coordinating the development of infrastructure, energy, transportation and communication, industrial, and agricultural sectors, as well as by establishing shared economic and monetary policies among member nations, the organization (ECOWAS) ultimately sought to build a full economic union. This was mentioned in the ECOWAS Revised Treaty's Article 54 and the preamble of Chapter 9 (Adejuwon, 2011).

There is no gainsaying that the changing circumstances in world politics at the time had an impact on West African leaders, in addition to the fact that ECOWAS is an expression of Pan-Africanism. This occurred at a period when regional trading blocs were gaining popularity in the political sphere of the international community as a means of fostering greater economic growth and independence. As a result, there emerged several economies of member states (Adejuwon, 2011). Furthermore, the absence of a regionally coordinated investment policy only serves to exacerbate the differences in economic development among the member states, since market size and the availability of natural resources continue to affect decisions about foreign direct investment within the region. Due to member states' lackluster commitment and ineffective compliance with regional decisions, the ECOWAS internal market initiative is still mostly unfinished. Despite providing a list of rational conjoint utilities and benefits that member states would otherwise be unable to attain on their own, the regional trade liberalization policy's poor implementation makes it clear that these benefits and utilities do not align with

the rational preferences of member state actors (Anadi, 2005).

At inception, the 1975 ECOWAS treaty gave the sub-regional organization no security function, but has over time assumed security roles through the ECOWAS Standby Force, formerly Economic Community of West African States Monitoring Groups (ECOMOG), The Mediation and Security Council (MSC) and Early Warning and Response Network (ECOWARN) (Bala & Tar, 2021). Over the years, various factors have contributed to the integration effort of West Africa, as such the next sessions will examine transnational migration and insecurity.

Similarly, the Lake Chad Basin Commission has fostered regional integration in West Africa. (Abu & Ahmed, 2021). The administration of Lake Chad and its shared water resources, ecosystem preservation, and the promotion of regional integration, peace, security, and development in the Lake Chad Region are some of the commission's duties. Despite having few members from outside of West Africa, the majority of its members are from the continent. One of its operations has been to combat cross - border terrorism in the Lake Chad Basin with the Multi-national Joint Task Force (MNJTF), which is composed of Cameroon, Nigeria, Chad, and Niger (Bala & Tar, 2021; Abu, & Ahmed, 2021).

Integration and State Sovereignty in West Africa sub region

Either a supranational or an intergovernmental method can be used to seek regional integration. The foundation treaty of the Economic Community of West African States (ECOWAS) was signed in 1975 with the goal of fostering economic cooperation among member states. The ECOWAS Treaty was established with an intergovernmental approach to the governance of the integration process, preserving the sovereignties of all member states. As a result, the Treaty merely

contained the general commitment that all member states would use their best judgment when formulating and implementing national policies in order to foster the accomplishment of common goals.

To speed up the integration process and effectively contribute to regional growth, the Community launched a reform agenda in response to ECOWAS's failure to meet its declared aims and objectives. The passage of the Revised ECOWAS Treaty in 1993, which signaled a shift away from the intergovernmental method of 1975 and toward supranationality, was the result of this reform program. These two principles govern the applicability and binding effect of supranationalism, ensuring that laws passed at the regional level take precedence over national laws and national interests for the benefit of the community's overall interests in those areas where the regional organization has been granted competence or power.

This assertion is supported by Articles 2 and 3 of the treaty, which define ECOWAS as a supranational organization. In accordance with Article 3 of the Revised Treaty, the Community will oversee the following in stages: the coordination of national policies; the development of joint ventures; the unification of economic, financial, social, and cultural policies; the establishment of a monetarist system; and the unification of integration projects, programs, and activities. Additionally, the Member States foster an environment that is conducive to the achievement of the Community's aims and objectives by appropriately coordinating their plans and policies and abstaining from actions that could jeopardize the integrating body. This is a clear indication of the desire of the regional body to swallow up the internal activities within the states.

According to Archik, (2015) regional organizations like the ECOWAS, EU, SADC, and

others leverage on what states desire to strip member states of their autonomy. States look for a variety of things, including political, economic, and commercial developments as well as the lowering of trade barriers and other customs. These integrating entities subsume state sovereignty using all of the aforementioned methods and more. However, some neorealist experts think that rather than at the global or regional level, the limit of sovereignty will be located at the state level. Some of the limitations of supranationality to states within West African states include loss of sovereignty, independence, and national identity; loss of national power in favor of an even larger government; increased competition leading to job losses in certain domestic industries; loss of border control increasing smuggling; uniform laws not taking cultural differences into account; and trade diversion.

This was also illustrated by neorealist theories of integration, which attempted to explain European integration from the viewpoints of global and regional systems but ran into problems following the end of the Cold War. The liberal intergovernmentalist model, which has consistently shown its significance and influence on the integration process, also takes the domestic level into account (Moravcsik, 1999). Although both the global and regional levels contribute to regional integration, the fact that integration is growing as a result of state activity is one reason sensible nations might decide to give up some of their sovereignty in favor of a supranational body. The following are the outcomes that states hope to obtain as a result of integration.

First, regional integration agreements can aid West African nations in overcoming limitations brought on by their small domestic markets and state sizes, enabling them to cooperate in international negotiations and benefit from scale economies. Regional integration agreements also make it possible to pursue appealing options like

increased domestic and foreign investment and fiercer competition (Ladan, 2016). Such advantages can boost productivity, diversify production and exports, and strengthen nations' bargaining and visibility positions.

Second, regional integration and collaboration can be advantageous given the shared and distinctive characteristics of West African nations. Rivers, borders, natural resources, agricultural products, and issues including security concerns, HIV/AIDS, and low productivity are shared by many African nations. However, they also show significant variances, especially in terms of their endowments. Some countries, in spite of their lack of resources, have powerful academic institutions, highly qualified personnel, substantial oil reserves, water resources suitable for hydroelectric generation, and the capacity to enhance research and development. Combined with their comparative advantages, integrated nations can pool resources to find common solutions and optimize utilization (Ladan, 2016).

Finally, regional integration can deepen and make changes less reversible in many West African nations, which can aid in conflict prevention and resolution. Regional integration agreements can strengthen economic ties to help guarantee adherence, offer a structure for coordinating laws and policies, and act as a collective restraint mechanism by establishing and upholding standards for resolving disputes. Despite these advantages, ECOWAS's supranational tendencies have led to its intervention in internal affairs, breaching member states' sovereignty.

Some instances that has trigger interference in state activities within the region by ECOWAS include military coup in Burkina Faso in which the president Roch Kabore was deposed after six years in power by military leader Paul Henri Damiba as a result of deteriorating security situation and failure to unite the country. With the new military leader the situation in the state had

worsened and led to even more coups within the state (Al Jazeera, 2022). Another example is the coup in Mali in 2020, which was sparked by demonstrators' anger with the government's handling of the continuous insurgency, allegations of corruption, the COVID-19 pandemic, and poor economic management. After then - president Ibrahim Boubacar Keita was forced to resign and disband the government, General Assimi Goita proclaimed himself the new leader (Dion & Sany, 2021). In a more recent example in West Africa, the Economic Community of West African States (ECOWAS) intervened in Niger's domestic affairs after the coup on July 26, 2023, during which President Mohammed Bazoum was detained by the presidential guard and General Abdourahamane Tchiani proclaimed himself the leader of the newly established military junta. The rising insecurity and lack of economic growth in the state are some of the reasons that fuel the need for the coup. The treaty among ECOWAS member states includes several sanction options for these situations, these sanctions include restriction on the freedom of movement by closing borders and canceling of flight; blocking of accounts and monetary flow in the CFA currency area; a harsher sanction is the suspension of membership from the union (Channels, 2023).

In the case of Niger, the ECOWAS summit concluded with far reaching resolutions compelling the new military leader to hand over power to President Mohammed Bazoum peacefully or forcefully. This resolution raises doubts about the legitimacy of using force without going against the UN charter's article 2(7) tenet of non-interference in domestic matters. This principle forbids members of international institutions from meddling unduly in domestic affairs and essentially defines interstate relations at the sub regional, regional, and global levels (Thisday, 2023). The case of the Community Court of Justice

of the ECOWAS (ECOWAS Court) in the Gambia criminal law is another example of ECOWAS meddling in a member state. The community court ruled that the Gambia's penal code's offenses of sedition, spreading false information, and criminal defamation breached the country's right to freedom of expression under international law. It also mandated that The Gambia alter its laws to comply with these rights. (Community court of Justice, 2018; Shuaib, 2021).

However, the degree of state sovereignty is still very high in West Africa, as the decisions of ECOWAS are not automatically binding and in some cases to the benefit of member states. Also, the regional body lack the ability to enforce resolutions and decisions on member states, as observed in the military coup de tat in Mali, Burkina Faso and Niger republic.

Findings

I. The Economic Community of West African States (ECOWAS) and the Lake Chad Basin Commission have played crucial roles in the integration of the West African region.

II.State sovereignty still exist in West Africa to a very large extent, as the decisions of ECOWAS are not automatically binding on member states. Also, the regional body lack the ability to enforce resolutions and decisions on member states.

III.ECOWAS uses the needs, policies and activities of state to interfere in the affairs of member states thereby limiting her sovereignty to an extent within the region.

IV.Not all ECOWAS activities infringe on state sovereignty as some are peace keeping missions.

Conclusion

States engage in integration knowing all of its benefits and drawbacks, but with the interest of the nation at heart. States will usually strive to

accomplish their aims and objectives. One tool for helping African nations progress is regional integration. The type of integration arrangement being pursued will determine the nature and extent of benefits; member states must exhibit a strong, ongoing commitment to benefiting from regional integration; regional integration arrangements may result in winners and losers; therefore, it is crucial that members assess the potential costs and benefits of regional integration in order to minimize costs and maximize gains; and regional integration must be integrated into the overall development strategy in order to be effective.

Policies should be developed to support both state autonomy and regional collaboration. Regional integration has aided development, stability, and economic growth among states and has also encouraged both local and foreign investors, contributing to the overall development of the states involved in regional integration. This is true even if integration tries to limit state sovereignty.

Each state within a regional or sub regional body should yield a certain amount of authority for the body to function, which is necessary for the body to fulfill its role in the region, in order for the body to achieve a remarkable level of success. When it comes to the demand for state authority, ECOWAS is not exempt. This authority can only come from the supranational organization's constituent parts. The notion of functional cooperation was embraced and promoted by ECOWAS as a strategy for the development of Africa. According to the functionalism ideology, a supranational authority is required to take the role of the numerous rival nation-states. States should only delegate administrative authority for specific purposes, not their formal sovereignty, when forming such a body. When compared to the United States of Africa, which Ghanaian politician Kwame Nkrumah had suggested, the

functional approach merely required delegated, conditional, and limited authority, but the proposal called for the loss of formal sovereignty. There is a limiting element on the state for any form of authority granted to a supranational organization; therefore, executive authority should be granted to the organization, providing it acting power (power to act), leaving the state exposed in some crucial areas.

References

- Abu, S. W., & Ahmed, A. O. (2021). Cooperation between the countries around Lake Chad Basin: An assessment. *Asian Social Science*, 17(12), 1-11.
- Adejuwon, K. D. (2011). Regional integration in Africa: The case of ECOWAS. *Continental Journal of Sustainable Development*, 2(2), 6-13.
- Al Jazeera. (2022). Burkina Faso's coup and political situation: All you need to know. *Al Jazeera*. <https://www.aljazeera.com/amp/news/2022/10/5>
- Anadi, S. K. M. (2005). Regional integration in Africa: The case of ECOWAS. (Unpublished doctoral dissertation). Faculty of Arts, University of Zurich.
- Andrew, C. (2012). *Brierly's law of nations* (7th ed.). Oxford University Press.
- Archick, K. (2015). The European Union: Questions and answers. *Congressional Research Service* (CRS) Report.
- Bala, B., & Tar, U. A. (2021). Regional cooperation in West Africa: Counter-terrorism and counter-insurgency. *African Security*, 14(2), 186-207. <https://doi.org/10.1080/19392206.2021.1929747>
- Channels Television. (2023). Niger coup: ECOWAS vows to hold Russia responsible if Wagner violates human rights. *Channels Television*. <https://www.channelstv.com/2023/08/11>
- Community Court of Justice. (2018). Federation of African journalists (FAJ) and others v. The Gambia. *Global Freedom of Expression*. March 2018.
- Deutsch, K. W. (1957). *Political community and the North Atlantic area: International organization in the light of historical experience*. Princeton University Press.
- Dion, E., & Sany, J. (2021). After two coups, Mali needs regional support to bolster democracy. *United States Institute of Peace*. <https://www.usip.org/publication/2021/12>
- Gowon, Y. (1984). The Economic Community of West African States: A study in political and economic integration. (Unpublished doctoral dissertation). Faculty of Political Science, University of Warwick, London.
- Haas, E. (1968). *The uniting of Europe*. Stanford University Press.
- Ibok, S., & Atayero, A. (2022). ECOWAS and the challenges to regional integration in West Africa. In Folarin, S., Akinlabi, E., & Atayero, A. (Eds.), *The United Nations and sustainable development goals* (pp. 1-18). Palgrave Macmillan. https://doi.org/10.1007/978-3-030-95971-5_10
- Idris, A. (2022). Permeable borders and insecurity: The ECOWAS protocol on free movement and trans-border banditry on the Nigeria-Niger republic frontier. *Zamfara Journal of Politics and Development*, 3(1), 1-18.
- Ladan, M. T. (2005). Harmonization of trade and investment laws in Africa: Issues, challenges and opportunities. In *Proceedings of a regional seminar on OHADA* (pp. 71-87). Agence Intergouvernementale de la Francophonie.
- Ladan, M. T. (2016). The legal aspect of regional integration in West Africa and the role of the ECOWAS Court of Justice. *Tuma Law Review*, 4(1), 37-65.

Moravcsik, A. (1999). Is something rotten in the state of Denmark? Constructivism and European integration? *Journal of European Public Policy*, 6(6), 669-681.

Okom, M. P. (2016). Sovereignty versus supranationality: The ECOWAS conundrum. *European Scientific Journal*, 12(23), 289-297.

Shuaib, O. (2021). Analysis of the jurisdiction of ECOWAS court of justice on human rights violation in Nigeria. *Journal of Commercial and Property Law*, 8(1), 114-124.

Thisday. (2023). The dilemma of ECOWAS on Niger coup. *Thisday*. <https://www.thisday-live.com/index.php/2023/08/06>